



中华人民共和国水污染防治法

**Law of the People's Republic of China on Prevention
and Control of Water Pollution (Revision)
(Unofficial Translation)**

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

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Chapter I General Provisions

Article 1 This Law is formulated for the purposes of preventing and controlling water pollution, protecting and improving the environment, safeguarding drinking water and promoting overall, balanced and sustainable development of the economy and society.

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

The prevention and control of marine pollution shall be governed by the Marine Environmental Protection Law of the People's Republic of China.

Article 3 In preventing and controlling water pollution, we shall follow the principles of giving priority to: prevention and a combination of preventive and control measures together with an integrated approach for pollution treatment; protecting drinking water sources, exercising strict control over industrial and domestic pollution, preventing and controlling agricultural non-point pollution; applying and building ecological restoration projects, and preventing, controlling and reducing water pollution and ecological damage.

Article 4 People's governments at or above county level shall incorporate protection of the water environment into national plans for social and economic development.

Local people's governments at or above county level shall take measures and actions to prevent water pollution and shall be responsible for water environment quality in their respective regions of administration.

Article 5 The state shall implement a target-oriented system of responsibility and performance evaluation for protecting the water environment and treat accomplishment of this goal as a part of performance evaluation of local people's governments as well as persons in charge.

Article 6 The state shall encourage and support scientific studies and technical research for preventing and controlling water pollution, applying and extending advanced technologies as well as publicity and education.

Article 7 The state shall, by means of financial transfer payments or other means, establish a compensation mechanism for protecting the water environment and ecology in protective areas of drinking water sources and the upper reaches of rivers, lakes and reservoirs.

Article 8 The administrative departments of environmental protection under the people's governments at or above county level shall exercise unified supervision and administration over water pollution prevention and control.

Maritime authorities under the administrative department of transport shall supervise and administer prevention of pollution of water bodies and control of water pollution from vessels.

The departments in charge of water administration, national land and resources, health, construction, agriculture and fisheries under the people's governments at or above county level as well as river basin commissions in charge of water resources protection for major rivers and lakes shall, in accordance with their responsibilities and duties, supervise and administer water pollution prevention and control.

Article 9 Discharge of water pollutants shall not exceed the indicators and

control indices of total major pollutants discharge stipulated in national standards or local regulations.

Article 10 All entities and individuals are obliged to protect the water environment and have the right to report any entity or individual who pollutes or damages the water environment.

People's governments at or above county level and the relevant administrative departments shall commend and award entities or individuals who have made remarkable achievements in preventing and controlling water pollution.

Chapter II Standards and Planning for Water Pollution Prevention and Control

Article 11 The administrative department of environmental protection under the State Council shall draft and promulgate national standards for the quality of the water environment. The people's government of any province, autonomous region or municipality directly under the Central Government shall draft and promulgate local rules and regulations regarding items not covered by national standards and report to the administrative department of environmental protection under the State Council for record.

Article 12 The administrative department of environmental protection under the State Council may, together with the competent department of water administration under the State Council and the people's governments of relevant provinces, autonomous regions or municipalities, directly under the Central Government, in accordance with utilization functions of water bodies of major rivers and lakes as determined by the state as well as local economic and technical conditions, work out

standards for the quality of the water environment that are applicable to water bodies of major rivers and lakes located at provincial boundaries, and implement such standards following approval of the State Council.

Article 13 The administrative department of environmental protection under the State Council shall draft and promulgate national standards for the discharge of water pollutants in accordance national standards for water environment quality as well as national economic and technical conditions.

The people's government of provinces, autonomous regions or municipalities directly under the Central Government may draft and promulgate local standards for the discharge of water pollutants regarding items not stipulated in national standards; they may also draft and promulgate local standards that contain stricter provisions regarding those stipulated by national standards. Such local standards must be reported to the administrative department of environmental protection under the State Council for record.

If pollutants are discharged into water bodies governed by local standards, these local standards shall have force.

Article 14 The administrative department of environmental protection under the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with the requirements of water pollution prevention and control as well as national or local economic and technological conditions, amend or revise standards for water environment quality and standards for the discharge of water pollutants in a timely manner.

Article 15 Integrated planning of a river basin or a region shall be applied for water pollution prevention and control. Plans for preventing and controlling water pollution of major rivers or lakes determined by the state must be prepared by the administrative department of environmental protection together with departments of macroeconomic control and water administration under the State Council, as well as the people's government of the relevant province, autonomous region or municipality directly under the Central Government, and submitted to the State Council for approval.

Plans for water pollution prevention and control of rivers or lakes that cross boundaries of provinces, autonomous regions or municipalities directly under the Central Government, and which have not been prescribed in the preceding paragraph, shall be prepared by the administrative departments of environmental protection under the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government, together with the competent departments of water administration at the same level and the related municipal or county people's governments, in accordance with plans for preventing and controlling water pollution of major rivers and lakes defined by the central government and in light of prevailing local conditions, and submitted to the State Council for approval, after the inspection and approval of the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government.

The plans for water pollution prevention and control of rivers or lakes that cross the boundaries of counties in a province, autonomous region or municipality directly under the Central Government shall be prepared

by the administrative department of environmental protection under the people's government of the province, autonomous region or municipality directly under the Central Government, together with the competent department of water administration at the same level, in accordance with the plans for water pollution prevention and control of major rivers and lakes defined by the central government, and in light of local conditions, and submitted to the people's government of the province, autonomous region or municipality directly under the Central Government for approval and reported to the State Council for record.

The approved plans for water pollution prevention and control shall be the basis for water pollution control, and amendments to such planning must be submitted to the original organ for approval.

The local people's government at or above county level shall organize the preparation of plans for water pollution prevention and control for its administrative region in accordance with the legally approved plans for water pollution prevention and control of rivers and lakes.

Article 16 The relevant departments under the State Council and the local people's governments at or above county level shall be responsible for overall planning and take all factors into consideration, maintain appropriate flows for rivers and proper water levels for lakes, reservoirs and groundwater aquifers, and sustain the ecological function of water bodies in developing, using, regulating and allocating water resources.

Chapter III Supervision and Administration for Water Pollution Prevention and Control

Article 17 Any new construction, re-construction, expansion project or other facility above water that may result in pollution being discharged

directly or indirectly shall be subject to environmental impact assessment in accordance with the law.

If a pollution discharge outlet at a river or lake is newly built, re-constructed or expanded, the constructor shall ask for permission from the competent department of water administration or river basin commission; if the construction affects navigation or fishing, the administrative department of environmental protection shall seek opinions from the competent department of transport or fisheries when the environmental impact assessment report is being appraised and approved.

Any facility for pollution prevention and control shall be designed, built and put into use simultaneously with the main works of a project. Such facilities shall be subject to checks and approval by the administrative department of environmental protection, and if approval is not granted, the project shall not be proceeded with.

Article 18 The state shall implement a system for controlling total discharge of major water pollutants.

The people's government of each province, autonomous region or municipality directly under the Central Government shall, in accordance with the provisions of the State Council, reduce and control the total discharge of major pollutants in its administrative region and have the people's government of each city or county bear corresponding responsibility for reducing and controlling total discharge of major pollutants. The people's government of each city or county shall, in accordance with the target of reducing and controlling total discharge of major pollutants, assign these tasks to the entities in whose jurisdiction

the discharge occurs. The specific methods and procedures for implementation shall be formulated by the State Council.

The people's government of a province, autonomous region or municipality directly under the Central Government may, in light of the quality of the water environment in its administrative region and the requirement of water pollution prevention and control, determine the total quantity of major water pollutants for reduction and control.

For the area where the discharge of major water pollutants exceeds the prescribed level, the administrative department of environmental protection of the related people's government shall suspend the examination and approval of the environmental impact assessment report of a new construction project where major pollutants are being discharged.

Article 19 The administrative department of environmental protection under the State Council shall publish the names of provinces, autonomous regions or municipalities directly under the Central Government that have not complied with the requirement and met the target of controlling indices of total discharge of major water pollutants. The administrative department of environmental protection of the people's government of each province, autonomous region or municipality directly under the Central Government shall publish the names of cities or counties that have not complied with the requirement and met the target of control indices of total discharge of major water pollutants.

The administrative department of environmental protection under the people's government at or above county level shall publish the names of enterprises that have violated the provisions of this Law and polluted

water environment.

Article 20 The state shall implement a license system for pollution discharge.

A license shall be obtained by the enterprise or public institution that has direct or indirect discharge of industrial and medical wastewater, as well as others who should obtain a license for pollution discharge before discharging wastewater or sewage in accordance with rules and regulations. The unit of operating concentrated treatment system for sewage from a city and township should also apply for a license to discharge pollution. Specific methods and implementation procedures for the licensing system shall be promulgated by the State Council.

All enterprises and public institutions are prohibited from discharging the above-mentioned wastewater and sewage to water bodies without a license and from any act that breaches the provisions stipulated in the license.

Article 21 All enterprises, public institutions or individuals engaged in industrial and commercial business having direct or indirect discharges of pollutants to water bodies shall, in accordance with the provisions of the administrative department of environmental protection under the State Council, apply for registration to the administrative department of environmental protection of the local people's government at or above county level, including facilities for discharging and treating water pollutants as well as the category, quantity and concentration of water pollutants discharged under normal operating conditions, and provide the relevant technical data related to preventing and controlling water pollution.

All enterprises, public institutions or individuals engaged in industrial and commercial business shall apply for registration in a timely manner if there is a major change in the category, quantity and concentration of water pollutant discharge. The normal operation of pollution treatment facilities shall be maintained; and an approval from the administrative department of environmental protection of the local people's government at or above county level shall be obtained beforehand if any pollution treatment facility is demolished or abandoned.

Article 22 All enterprises, public institutions or individuals engaged in industrial and commercial business that discharges pollutants into water bodies shall install pollution discharge outlets in accordance with laws, administrative regulations and relevant provisions stipulated by the administrative department of environmental protection under the State Council; if such outlets are installed at a river or lake, they shall also comply with the provisions of the competent department of water administration under the State Council.

Discharging water pollutants by setting up underground pipes or other illegal methods for avoiding supervision and administration is prohibited.

Article 23 Major entities discharging pollution shall install automatic monitoring systems that are connected with the monitoring system of the administrative department of environmental protection. Normal operation of the monitoring system shall be secured. Monitoring of discharged industrial wastewater shall be conducted by the enterprise responsible for the discharge, and original monitoring data shall be kept on record. The administrative department of environmental protection under the State Council shall promulgate rules and regulations for implementation.

The list of major entities discharging pollution that should install automatic monitoring shall be determined by the administrative department of environmental protection of the local people's government at or above municipal level, through consultation with relevant departments at the same level, in the light of the environmental capacity of its administrative region, indices for controlling total discharge of major pollutants, and the category, quantity and concentration of pollution discharge.

Article 24 All enterprises, public institutions or individuals to be engaged in industrial and commercial business with direct discharge of pollutants into water bodies shall pay pollution discharge fees according to the category and quantity of pollutants and charging rates.

Fees collected shall be used exclusively to prevent and control water pollution.

Article 25 The state shall establish a monitoring and supervision system for the quality of water environment and water pollution discharge. The administrative department of environmental protection under the State Council shall be in charge of promulgating rules and regulations for water environment monitoring and ensure that information relating to the national status of the water environment is issued in a uniform fashion. It shall also form a monitoring and supervision network together with the competent department of water administration under the State Council.

Article 26 Institutions nominated by the state for water resources protection of major river basins and lakes shall be in charge of monitoring the quality of the water environment in water bodies at provincial boundaries within the territory of these river basins or lakes, and deliver

the monitoring results to the administrative department of environmental protection and the competent department of water administration under the State Council in a timely manner. They shall also deliver the monitoring results to the river basin commissions established by the State Council for water resources protection where applicable.

Article 27 The administrative department of environmental protection and other departments exercising the power of supervision and administration in accordance with this Law have the right to make on-site inspections of pollution discharge entities within their jurisdictions, and those entities shall report the facts accurately and provide all necessary information. The inspection authority is obliged to respect matters of commercial confidentiality of the said entities.

Article 28 Any dispute over water pollution that involves more than one administrative region shall be settled upon negotiation by the relevant local people's government, or through coordination by the people's government at a higher level that they are subordinated to.

Chapter IV Measures for Water Pollution Prevention and Control

Section 1 General Requirements

Article 29 It is prohibited to discharge fuel or oils, acid, alkali or highly toxic waste liquids into water bodies.

It is prohibited to clean vehicles and containers that have carried or stored fuel or oils or toxic pollutants in water bodies.

Article 30 It is prohibited to discharge or dump radioactive solid wastes or wastewater containing high- and medium-level radioactive substances

into water bodies.

The discharge of wastewater containing low radioactive substances should comply with relevant national regulations or standards for preventing and controlling radioactive pollution.

Article 31 Necessary treatments shall be carried out when heated wastewater is discharged into water bodies to ensure the temperature of waters meets the standard of water environment quality.

Article 32 Wastewater containing a pathogen can only be discharged when it meets the relevant national standards.

Article 33 It is prohibited to discharge or dump industrial solid waste, urban refuse and other wastes into water bodies.

It is prohibited to discharge or dump highly toxic and soluble waste residues that contain mercury, cadmium, arsenic, chromium, lead, cyanide or yellow phosphorus into water bodies, or bury them directly underground.

Measures for waterproofing and leakage and runoff prevention shall be implemented in places where highly toxic and soluble waste residues are stored.

Article 34 It is prohibited to stockpile or store solid wastes and other pollutants in alluvial land and bank slopes below the highest water mark of a river, lake, canal, channel or reservoir.

Article 35 It is prohibited to use a seepage well, sink, fissure or dissolved cavern to discharge or dump wastewater containing toxic pollutants and polluted water containing a pathogen and other wastes.

Article 36 It is prohibited to use a ditch, canal, pit or pool that has no leakage prevention treatment, to transfer or store wastewater that contains toxic pollutants or polluted water containing a pathogen and other wastes.

Article 37 Layered exploitation shall be carried out if water quality of an aquifer differs greatly from one layer to another. It is prohibited to jointly exploit polluted shallow water and confined groundwater.

Article 38 Prevention measures shall be adopted when an underground engineering facility is built or underground exploitation and mining activities are undertaken, so as to prevent pollution of groundwater.

Article 39 Artificial recharge of groundwater shall not deteriorate the quality of ground-water.

Section 2 Prevention and Control of Industrial Water Pollution

Article 40 The relevant departments under the State Council and the local people's governments at or above county level shall properly plan for the location of industries, and urge enterprises discharging pollution to adopt appropriate technology and comprehensive prevention and control measures, in order to increase the ratio of recycled water used and to reduce discharge of wastewater and pollutants.

Article 41 The state shall implement a system of eliminating outdated technology and equipment that seriously pollutes the water environment.

The department responsible for macroeconomic regulation and control under the State Council shall, together with other relevant departments of the State Council, publish the list of prohibited highly polluted technologies within a specified time and the list of prohibited equipment

for production, sale, import and use that causes heavy pollution to the water environment.

Producers, sellers, importers or users shall, within the prescribed period, stop producing, selling, importing or using any equipment included in the aforesaid list. The user of any technology included in the aforesaid list shall stop using it within the prescribed period.

Equipment to be eliminated pursuant to the preceding two paragraphs of this Article may not be transferred to others for use.

Article 42 It is prohibited to newly construct small-scale production projects that are inconsistent with national industry policies, such as paper making, leather making, printing and dyeing, dyestuffs, coking, sulfur refining, arsenic refining, mercury refining, oil refining, electroplating, pesticides, asbestos, cement, glass, steel, thermal power or others that can seriously pollute the water environment.

Article 43 Enterprises shall employ clean technologies that are highly efficient in the use of raw materials that reduce the discharge of pollution and that reinforce management steps to reduce water pollution.

Section 3 Prevention and Control of Water Pollution in Urban Areas

Article 44 Urban sewage shall be treated by a centralized system.

The local people's government at or above county level shall raise funds through fiscal budgets and other channels, and make unified planning and overall arrangement for the construction of concentrated systems as well as counterpart pipe networks for sewage water treatment in urban areas, so as to improve the collection rate and efficiency of sewage treatment in their administrative regions.

The administrative department of construction under the State Council shall, together with the administrative department of macro economic control and the administrative department of environmental protection under the State Council, work out a national plan for building sewage treatment plants in urban areas in accordance with the urban and rural planning and water pollution prevention and control plan. The local people's government at or above county level shall organize people from governmental departments of construction, macro economic control, environmental protection and water administration to formulate plans for building sewage treatment plants in urban areas in their administrative regions. The administrative department of construction under the local people's government at or above county level shall organize cities or townships to build concentrated sewage treatment plants and associated pipe networks in accordance with the plan, and strengthen supervision and management in the operation of these centralized systems.

The entity operating the centralized system shall provide paid service to those who discharge pollution in accordance with relevant national rules and regulations, collect charges for polluted water treatment and ensure normal operation of its facilities. The entity does not need to pay pollution discharge fees if payment has been made for the treatment of polluted water after it has been discharged into the concentrated wastewater treatment system. Fees collected shall be used exclusively to build and operate concentrated water pollution treatment utilities in urban areas.

Implementation rules and regulations for governing the collection, management and use of fees for polluted water treatment by concentrated treatment system in urban areas shall be promulgated by the State Council.

Article 45 Water pollutants discharged into centralized treatment systems in urban areas shall comply with national or local standards for water pollution discharge.

Pollution discharge fees shall be exempted in accordance with provisions stipulated by the state if the quality of discharged water from the centralized treatment system in an urban area complies with national standards.

An entity operating a centralized treatment system shall be responsible for the quality of water discharged from such a facility after it is treated.

The administrative department of environmental protection shall supervise and inspect the quality and quantity of treated water discharged from such a system.

Article 46 When domestic waste landfills are built, anti-leakage measures shall be taken to prevent water pollution.

Section 4 Prevention and Control of Water Pollution in Agriculture and Rural Areas

Article 47 The use of pesticides shall comply with rules and regulations or national standards for their safe application.

Strict measures shall be taken in the transport and storage of pesticides as well as the disposal of expired pesticides in order to prevent water pollution.

Article 48 The competent department of agriculture and other related departments under the local people's government at or above county level shall provide guidance to those engaged in farming or agricultural production to use fertilizers and pesticides in a scientific and reasonable

manner and to avoid overuse of fertilizers and pesticides so as to prevent water pollution.

Article 49 The state shall provide support for livestock and poultry breeding farms or to communities to build facilities for the comprehensive use or harmless treatment of livestock and poultry excrement and wastewater.

Poultry breeding farms or communities shall ensure normal operation of such facilities and that discharged polluted water meets standards, so as to prevent pollution of the water environment.

Article 50 Those engaging in aquatic farming are required to protect the ecosystem and environment of water bodies, with appropriate breeding density and feeding and dosing control so as to prevent pollution of the water environment.

Article 51 Where industrial wastewater or urban sewage is discharged into an irrigation canal, water quality of the closest intake in the downstream for the withdrawal of irrigated water must meet the standards for irrigation.

The use of industrial wastewater or urban sewage for irrigation purposes shall prevent pollution of soil, groundwater and agricultural products.

Section 5 Prevention and Control of Water Pollution from Vessels

Article 52 Discharge oil-polluted water or domestic sewage from a vessel shall comply with the standards for pollution discharge. A vessel engaging in maritime transport shall adhere to the standards for pollution discharge in inland rivers when it is in a waterway or a port.

Residual oil and waste oil of vessels shall be collected and recycled, and it

is prohibited to discharge any of these into water bodies.

It is prohibited to dump refuse from a vessel into water bodies.

Vessels conveying oil or poisonous cargo must take anti-overflow and anti-leakage measures to prevent water being polluted through the discharge of such cargo.

Article 53 Vessels shall be equipped with instruments and apparatus for pollution control in accordance with relevant national provisions and hold lawful and valid certification and documentation attesting to their ability to prevent pollution to water bodies and the environment.

Where a vessel is associated with pollution discharge, operation procedures must be strictly followed, and relevant information shall be correctly documented in the corresponding record books.

Article 54 Ports, docks, loading and unloading destinations and dockyards must be equipped with facilities sufficient for receiving pollutants and refuse. Any entity engaged in receiving pollutants and refuse or cleaning cabins containing oil or dangerous cargo shall have sufficient operational capability for treatment.

Article 55 Where a vessel is conducting any of the following activities, it is required to formulate operational procedures that include effective safety and anti-pollution measures, and report to the local authority in charge of marine affairs management for approval:

- (1) Receiving residual oil, oil-polluted water or residues of dangerous cargo, or cleaning a cabin containing oil or dangerous cargo;
- (2) Barging operations of dangerous bulk liquid cargo; and

(3) Conducting overwater dismantling or salvaging of a vessel, or overwater or underwater vessel building or operation.

Dismantling of a fishing vessel in water bodies of a fishing harbor shall be subject to the approval of a local administrative department of fisheries.

Chapter V Protection of Drinking Water Sources and Other Special Waters

Article 56 The state shall establish protective areas for drinking water sources. The protective areas are categorized into Grade-I and Grade-II. A place at the periphery of a drinking water source may also be delimited as a quasi-protective area if that is deemed necessary.

For zoning of a protective area of a drinking water source, the related municipal or county people's government shall propose a plan and submit it to the people's government of the relevant province, autonomous region or municipality directly under the Central Government for approval. For zoning of a protective area that relates to more than one municipality or county, the people's governments of the related municipalities and counties shall propose a plan after consultation and submit it to the people's government of the relevant province, autonomous region or municipality directly under the Central Government for approval. If no agreement can be reached, a plan shall be proposed by the administrative department of environmental protection under the people's government of the relevant province, autonomous region or municipality directly under the Central Government, together with the departments in charge of water administration, national land and resources, health and construction at the same level, and submitted to the people's government of the relevant province, autonomous region or municipality directly

under the Central Government for approval after consultation with the relevant department of the State Council.

The zoning of protective areas of a drinking water source related to more than one province, autonomous region or municipality directly under the Central Government shall be carried out by the people's government of the province, autonomous region or municipality concerned directly under the Central Government, after consultation with the river basin authority. If no agreement can be reached, a plan shall be proposed by the administrative department of environmental protection under the State Council together with the departments in charge of water administration, national land and resources, health and construction at the same level, and submitted to the State Council for approval after consultation with the relevant department of the State Council.

The State Council and the people's government of any province, autonomous region or municipality directly under the Central Government may, in light of the needs for protecting drinking water sources, adjust the scope of a drinking water reserve so as to ensure drinking water safety. The related local people's governments shall set up clear geographical landmarks and warning signs at the boundary of a drinking water source protective area.

Article 57 It is prohibited to install a pollution discharge outlet within the protective area of a drinking water source.

Article 58 It is prohibited to newly build, rebuild or expand any facility that has nothing to do with water supply utility and water source protection within the protective area of a grade-I drinking water source. For those that already exist, the people's government at or above county

level shall demand their removal or closure.

It is prohibited to conduct activities such as breeding in cages, touring, swimming, fishing or other activities that may pollute a water body of drinking water source within the protective area of a grade-I drinking water source.

Article 59 It is prohibited to newly build, rebuild or expand any construction project that has pollution discharge in the protective area of a grade-II drinking water source. For those that already exist, the people's government at or above county level shall demand their removal or closure.

Measures shall be taken in accordance with relevant provisions so as to keep water bodies of a drinking water source from being polluted if cage breeding, touring or other activities are carried out in the protective area of a grade-II drinking water source.

Article 60 It is prohibited to newly build or expand any construction project that may cause heavy pollution within the quasi-protective area of a drinking water source; it is prohibited to increase the volume of pollution discharge in reconstructing a project.

Article 61 The people's government at or above county level shall, in light of the need to protect drinking water sources, take structural measures or ecological protection measures such as creating wetlands or water conservation forests in quasi-reserves, so as to prevent direct discharge of water pollutants into the water bodies of drinking water sources and to ensure drinking water safety.

Article 62 If pollution of a drinking water source may result in a threat to water safety, the administrative department of environmental protection

shall make a demand to the enterprise and public institution to take measures to stop or reduce discharge of water pollutants.

Article 63 The State Council and the people's government of any province, autonomous region or municipality directly under the Central Government may, in light of the need to protect the water environment, prohibit or restrict the use of phosphorus detergent, fertilizer or pesticide and restrict planting or breeding within the protective area of a drinking water source.

Article 64 The people's government at or above county level shall define protective areas for water bodies of well-known scenic spots, key fisheries or other places that have special economic and cultural value, and take measures to safeguard water quality of such areas in line with standards of water environment quality for the prescribed purpose.

Article 65 It is prohibited to build a new outlet for pollution discharge within the protective area of water bodies at well-known scenic spots, key fisheries or other places that have special economic and cultural value. New construction of such outlets near the protective area shall be allowed only if it causes no pollution to the water bodies of the area.

Chapter VI Management of Water Pollution Accidents

Article 66 The people's governments at all levels, related departments thereof and enterprises and public institutions with the potential for water pollution accidents shall, pursuant to the provisions of the Law of the People's Republic of China on Emergency Response, make preparations for water pollution accidents and provide for emergency treatment and post-disaster recovery.

Article 67 Any enterprise or public institution with the potential for

water pollution accidents shall formulate an emergency plan, prepare adequately for emergency response and hold emergency exercises on a regular basis.

All enterprises and public institutions involved in making or storing hazardous chemicals shall take measures to prevent firefighting wastewater or waste liquid generated in handling discharge from a production accident flowing into water bodies directly, so as to protect pollution of water bodies.

Article 68 Where an accident or other emergency incident has caused or may cause water pollution, the relevant enterprise or public institution shall initiate its emergency plan immediately, take emergency measures and report to the people's government at or above county level where the incident occurs or the administrative department of environmental protection thereof, and the administrative department of environmental protection shall, immediately after receiving the report, submit it to the people's government at the same level and send a copy to the related department.

Any person engaging in fishing operations shall in the event of a pollution accident or water pollution caused by his vessel submit a report to the local administrative department of fisheries where the accident occurred, and be subject to investigation and liable to punishment. In the event of a water pollution accident caused by a vessel other than a fishing vessel, the report shall be submitted to the maritime authority where the accident occurred, and the party concerned shall be subject to investigation and liable to punishment. If damage is done to the fishing industry, the maritime authority shall notify the administrative department of fisheries to take part in the investigation and the imposition of any

subsequent penalties.

Chapter VII Legal Liability

Article 69 If the administrative department of environmental protection or other authority that is obliged to exercise power of supervision and administration in accordance with this Law fails to legally issue an administrative license or approval document, fails to investigate and prosecute illegal acts after finding evidence thereof or after receiving a crime report, or fails to perform the duties prescribed by this Law, punishments shall be imposed on the person in charge and other persons directly liable according to law.

Article 70 Where any entity refuses to accept the supervision or inspection conducted by the administrative department of environmental protection or other department that exercises power of supervision and administration in accordance with this Law, or falsifies material in the process of supervision or inspection, the administrative department of environmental protection under the people's government at or above county level or other department that exercises the power of supervision and administration in accordance with this Law shall issue an order for rectification and impose on it a fine of not less than 10,000 yuan and not more than 100,000 yuan.

Article 71 Where any entity, in violation of this Law, puts into operation or use the main part of a construction project before facilities for water pollution prevention or checks are completed or authorization for the project is given, or fails to pass the acceptance test, the administrative department of environmental protection under the people's government at or above county level shall issue an order for termination of such

operation or use until the facilities in question pass the acceptance test, and impose on it a fine of not less than 50,000 yuan and not more than 500,000 yuan.

Article 72 Where any entity commits any of the following acts in violation of this Law, the administrative department of environmental protection under the people's government at or above county level shall issue an order for rectification within a certain time; otherwise a fine of not less than 10,000 yuan and not more than 100,000 yuan shall be imposed:

(1) Refusal to provide information or giving false information in a declaration and registration related to the discharge of water pollutants to the administrative department of environmental protection under the State Council;

(2) Failure to install automatic monitoring equipment for water pollution discharge or to have such equipment networked with the monitoring equipment of the administrative department of environmental protection in accordance with the relevant provisions, and failure to maintain normal operations of such equipment; or

(3) Failure to monitor industrial wastewater discharge and keep records of the original monitoring data in accordance with the relevant provisions.

Article 73 Where any entity, in violation of this Law, fails to operate a water pollutant treatment facility on a regular basis or dismantles or abandons such a facility without the approval of the administrative department of environmental protection, that department under the people's government at or above county level shall issue an order for rectification within a certain time and impose a fine on the offender of more than twice but less than three times the pollutant discharge fee.

Article 74 Where any entity, in violation of this Law, discharges pollutants that exceed national or local standards or permitted total quantities of major pollutants discharge, the administrative department of environmental protection under the people's government at or above county level shall, in accordance with the authority, issue an order for pollution treatment within a certain time and impose on the offender a fine of more than twice but less than five times the pollutant discharge fee.

Within the time limit for pollution treatment, the administrative department of environmental protection shall issue an order and impose a restriction on operations or pollution discharge, or ask the offender to cease operations so rectification measures can be undertaken. The time limit shall be no more than one year. If the offender fails to complete pollution treatment within the time limit, upon approval of the people's government with authorization, the administrative department of environmental protection shall issue an order for closure.

Article 75 Where any entity sets up an outlet in the protective area of a drinking water source, the local people's government at or above county level shall issue an order to dismantle it within a certain time and impose upon it a fine of not less than 100,000 yuan and not more than 500,000 yuan; if the offender fails to dismantle it within the prescribed time, the people's government shall order mandatory dismantling, with associated expenses borne by the offender, and impose a fine of not less than 500,000 yuan and not more than 1 million yuan, and, where necessary, issue an order for operations to cease so rectification measures can be undertaken.

Where any entity illegally sets up an outlet or underground pipe in

violation of laws, administrative regulations or the provisions set forth by the administrative department of environmental protection under the State Council notwithstanding provisions of the preceding paragraph, the administrative department of environmental protection under the local people's government at or above county level shall issue an order for such an outlet or pipe to be dismantled within a certain time, and impose a fine of not less than 20,000 yuan and not more than 100,000 yuan; if the entity fails to dismantle the outlet or pipe within the prescribed time, the department may order mandatory dismantling, with expenses incurred being borne by the offender, and a fine of not less than 100,000 yuan and not more than 500,000 yuan being imposed, and, in the case of an illegally set-up underground pipe or other serious circumstances, the said department may request the local people's government at or above county level to issue an order for termination of its operations so rectification measures can be undertaken.

Where any entity builds, rebuilds or expands an outlet placed at a river or lake without the consent of a competent department of water administration or river basin management authority, the competent department of water administration under the people's government at or above county level or the river basin authority shall, in accordance with its authority, exercise power by taking measures and imposing penalties in accordance with provisions of the preceding paragraphs.

Article 76 Where any entity commits the following acts, the administrative department of environmental protection under the local people's government at or above county level shall issue an order for termination of such illegal action and take measures to treat and clear pollution within a certain time, and impose a fine as well; if the offender

fails to take measures for treatment within the prescribed time, the administrative department of environmental protection may employ others capable of undertaking such treatment, and the expenses incurred shall be borne by the offender:

- (1) Discharging oil, acid liquids or lye into water bodies;
- (2) Discharging highly toxic waste liquid into water bodies or discharging or dumping soluble highly toxic waste residues containing mercury, cadmium, arsenic, chrome, lead, cyanide or yellow phosphorus or burying them underground without treatment;
- (3) Cleaning a vehicle or a container that has carried or stored oil or poisonous pollutants in water bodies;
- (4) Discharging or dumping industrial wastes and residues, domestic refuse or other castoffs, or stockpiling or storing solid wastes and other pollutants on beach land or bank slopes below the highest water level of a river, lake, canal, channel or reservoir;
- (5) Discharging or dumping radioactive solid waste or wastewater containing highly and medium radioactive substances into water bodies;
- (6) Discharging wastewater or hot wastewater containing low radioactive substances or sewage containing a pathogen into water bodies contrary to relevant national provisions or standards;
- (7) Using any seepage well, sink, fissure or dissolved cavern to discharge or dump wastewater containing pathogenic pollutants, or sewage containing a pathogen and other castoffs; and
- (8) Using any ditch, pit or pool without anti-leakage measures to transmit or store wastewater containing pathogenic pollutants, or sewage

containing a pathogen and other castoffs.

Those guilty of acts prescribed in paragraphs 3 and 6 shall be liable to a fine of not less than 10,000 yuan and not more than 100,000 yuan; those guilty of acts prescribed in paragraphs 1, 4 and 8, shall be liable to a fine of not less than 20,000 yuan and not more than 200,000 yuan; and those guilty of acts prescribed in paragraphs 2, 5 and 7 shall be liable to a fine of not less than 50,000 yuan and not more than 500,000 yuan.

Article 77 Where anyone, in violation of this Law, produces, sells, imports or uses the equipment prohibited in the list of machinery and equipment with heavy pollution to the water environment, or uses a technique prohibited in the list of techniques with heavy pollution to the water environment, the administrative department of macro economic control under the people's government at or above county level shall issue an order for rectification and impose a fine of not less than 50,000 yuan and not more than 200,000 yuan, and if the circumstances are serious recommend to the people's government at the same level that an order suspending or closing down the business be issued.

Article 78 Where anyone, in violation of this Law, is engaged in the business of paper making, leather making, printing and dyeing, dyestuff, coking, sulfur refining, arsenic refining, mercury refining, oil refining, electroplating, pesticides, asbestos, cement, glass, steel, thermal power production or other activities that may result in severe pollution to the water environment and contravenes national industrial policies, the municipal or county people's government in the place where the offender is located shall issue an order for the business to be closed.

Article 79 Where the owner of any vessel fails to equip it with antifouling

equipment and apparatus in accordance with relevant national provisions, or has no lawful document and valid certificate to demonstrate the vessel's ability to prevent pollution of the water environment, the maritime authority and administrative department of fisheries shall, in accordance with their respective responsibilities and duties, issue an order for rectification within a certain time, impose a fine of not less than 2,000 yuan and not more than 20,000 yuan, and, if correction is not be made within the prescribed time, issue an order for the vessel's water-going activities to be suspended.

Where any vessel conducts an operation involving pollution discharge and proper operational procedure is not followed or the relevant information is not kept in the appropriate record books, the maritime authority and administrative department of fisheries shall, in accordance with their respective responsibilities and duties, issue an order for rectification within a certain time and impose a fine of not less than 2,000 yuan and not more than 20,000 yuan.

Article 80 Where any vessel, in violation of this Law, commits any of the following acts, the maritime authority or administrative department of fisheries shall, in accordance with their respective responsibilities and duties, impose a fine; if the act causes water pollution, they shall order the offender to take remedial measures within a certain time; if such measures are not taken within the prescribed time, they may employ others capable of carrying out such treatment, and the expenses incurred shall be borne by the offender:

(1) Dumping refuse or discharging residual oil or waste oil into water bodies from the vessel;

(2) Without approval of the maritime authority at the place of operation, taking over residual oil, oil-polluted water or residues of cargos with hazard pollution, or cleaning the cabin of a vessel that carries oil or cargo with hazard pollution, or conducting barging of unpacked liquid cargo with hazard pollution;

(3) Without approval of the maritime authority at the place of operation, dismantling or salvaging vessels in waters, or conducting other vessel-related construction or operation above water or underwater; and

(4) Dismantling a fishing vessel in water bodies of a fishing harbor without approval of the administrative department of fisheries at the place of operation.

Anyone committing acts prescribed in paragraphs 1, 2 and 4 shall be liable to a fine of not less than 5,000 yuan and not more than 50,000 yuan; anyone committing acts prescribed in paragraph 3 shall be liable to a fine of not less than 10,000 yuan and not more than 100,000 yuan.

Article 81 In the event of anyone committing the following acts, the administrative department of environmental protection under the people's government at or above county level shall issue an order to terminate the illegal act and impose a fine of not less than 100,000 yuan and not more than 500,000 yuan and, with the approval of the authorized people's government, issue an order for dismantling or closure:

(1) Building, rebuilding or expanding any construction project that is irrelevant to water supply facilities and water source protection in the protective area of a grade-I drinking water source;

(2) Building, rebuilding or expanding any construction project that has pollution discharge in a grade-II drinking water source; or

(3) Building or expanding any construction project that may result in heavy pollution to water bodies, or rebuilding any construction project that may increase pollution discharge in the quasi-protective area of a drinking water source.

In the case of those engaging in cage breeding or organizing touring, fishing or any other activities that may pollute drinking waters in the protective area of a Grade-I drinking water source, the administrative department of environmental protection under the local people's government at or above county level shall issue an order to terminate the illegal act and impose a fine of not less than 20,000 yuan and not more than 100,000 yuan. For any individual carrying out such illegal activities, the administrative department of environmental protection under the local people's government at or above county level shall issue an order terminating the activities and may impose a fine of not more than 500 yuan.

Article 82 Where any enterprise or public institution commits any of the following acts, the administrative department of environmental protection under the people's government at or above county level shall issue an order for rectification, and, if the circumstances are serious, impose a fine of not less than 20,000 yuan but not more than 100,000 yuan:

(1) Failure to formulate an emergency plan for water pollution accidents as required; or

(2) Failure to initiate such a plan or take corresponding emergency measures in a timely manner after a water pollution accident occurs.

Article 83 Where any enterprise or public institution violates this Law and causes a water pollution accident, the administrative department

of environmental protection under the people's government at or above county level shall, in accordance with the provision of paragraph 2 of this Article, impose a fine on it and issue an order for remedial measures for pollution control to be taken. The administrative department of environmental protection may appoint someone capable of undertaking the treatment if the offender fails to take remedial measures in accordance with the requirement or is unable to undertake treatment, and the expenses incurred shall be borne by the offender. If a serious or extraordinary pollution accident occurs, the administrative department of environmental protection, with the approval of the authorized people's government, shall issue an order for closure, and impose a fine on those with liability, direct or indirect, equivalent to no more than 50 percent of his, her or its income generated from the enterprise in the previous year.

If a pollution accident is not so severe or slightly severe, the violator shall be fined 20 percent of the direct losses caused by the accident; if the accident is serious or devastating, the violator shall be fined 30 percent of the direct losses caused by the accident.

If the accident is caused by fishing or a fishing vessel, the power to punish shall reside with the administrative department of fisheries; if the accident is caused by any other kind of vessel, the power to punish shall reside with the maritime authority.

Article 84 If any party concerned refuses to accept an administrative ruling and penalty, it may apply for administrative review or file a lawsuit with the people's court within 15 days of receiving the notice of decision; if it does not apply for administrative review or files a lawsuit outside the prescribed time limit and still refuses to comply with the administrative penalty, the organ making the decision may apply to the people's court to

order the offender to comply with the ruling.

Article 85 Any party whose right and interest is damaged by a water pollution accident is entitled to ask the party discharging pollution to eliminate the hazard and make compensation for the damaged party's losses.

If the damage is caused by force majeure, the party emitting the pollution discharge shall bear no liability for compensation, unless otherwise prescribed by law.

If the damage is deliberately self-imposed by the complainant, the party discharging the pollution shall bear no liability for compensation. If the damage is caused by gross negligence of the victim, liability for compensation by the party discharging the pollution may be mitigated.

If the damage is caused by a third party, the party discharging the pollution has the right, after making compensation according to law, to ask for compensation from the third party.

Article 86 In the event of a dispute over liability for damages or the amount of compensation resulting from a water pollution accident, the administrative department of environmental protection, the maritime authority or the administrative department of fisheries shall, in accordance with their respective responsibilities and duties and in the light of the wishes of the parties concerned, settle the dispute through mediation; if no agreement can be reached through mediation, the parties concerned may file a lawsuit with the people's court. The parties concerned may also file a lawsuit with the people's court directly without going through mediation.

Article 87 In any action for damages due to a water pollution accident,

the party discharging pollution shall assume the burden of proof for legally prescribed exemptions and the nonexistence of relation of cause and effect between its act and the harmful consequences thereof.

Article 88 If more than one party's legitimate rights and interests are damaged by a water pollution accident, these parties may select a representative to file a joint action.

The administrative department of environmental protection and related social groups may legally support in filing a lawsuit with the people's court those who say their legitimate rights and interests have been damaged by a water pollution accident.

The state encourages law offices and lawyers to provide legal assistance for victims of lawsuits as a result of water pollution accidents.

Article 89 For any dispute over liability for damage or amounts of compensation in water pollution cases, the parties concerned may entrust the environmental monitoring institution to provide the related monitoring data, and the institution shall accept that assignment and truthfully provide the required monitoring data.

Article 90 Any entity or individual who commits a violation against management of public security shall be punished; if any crime has been committed, the offender shall be subject to the relevant criminal sanctions.

Chapter VIII Supplementary Provisions

Article 91 The interpretations of terms mentioned in this Law are as follows:

(1) Water pollution refers to a change in the chemical, physical, biological

or radioactive characteristics of water bodies due to the intervention of certain substances that affect the effective use of water, causes harm to people's health or damages the ecosystem and environment and results in a deterioration of water quality.

(2) Water pollutants refers to substances that may cause pollution after being discharged directly or indirectly into water bodies.

(3) Toxic pollutants refers to that which, after being directly or indirectly absorbed by an organism, may cause the organism or its descendants to become ill or behave abnormally, genetic alteration, abnormality of physiological functions, deformation or death.

(4) Fisheries water body refers to areas designated as places for fish and shrimp to lay eggs, search for bait, live in winter and migrate, or as aqua farms for species such as fish, shrimp, shellfish and algae.

Article 92 This Law shall come into force on June 1, 2008.

