

IV. Law on the Prevention and Control of Environmental Pollution Caused by Solid Waste

Order of the President of the People's Republic of China No.31

The Law of the People's Republic of China on the Prevention and Control of Environmental Pollution Caused by Solid Waste revised and adopted at the 13th Meeting of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on December 29, 2004 is hereby promulgated for implementation as of April 1, 2005.

Hu Jintao, President of the People's Republic of China

December 29, 2004

Contents

- Chapter I General Provisions
- Chapter II Supervision and Administration of the Prevention and Control of Environmental Pollution Caused by Solid Waste
- Chapter III Prevention and Control of Environmental Pollution Caused by Solid Waste
 - Section 1 General Rules



Section 2 Prevention and Control of Environmental Pollution by Industrial Solid Wastes

Section 3 Prevention and Control of Environmental Pollution by Household Refuse

Chapter IV Special Provisions on the Prevention and Control of Environmental Pollution by Hazardous Wastes

Chapter V Legal Liabilities

Chapter VI Supplementary Provisions

Chapter I General Provisions

Article 1 The Law of the People’s Republic of China on the Prevention and Control of Environmental Pollution Caused by Solid Waste (the “Law”) is enacted for the purposes of preventing and controlling environmental pollution caused by solid waste, safeguarding human health, maintaining ecological safety and promoting the sustainable development of the economy and society.

Article 2 The Law applies to the prevention and control of environmental pollution caused by solid waste within the territory of the People’s Republic of China.

However, the Law shall not apply to the prevention and control of marine environmental pollution caused by solid waste or of environmental pollution by radioactive solid wastes.

Article 3 The state adopts, in preventing and controlling environmental pollution caused by solid waste, the principles of reducing the discharge and harm of solid wastes, fully and rationally utilizing solid wastes and making them harmless through treatment so as to promote cleaner production and the development of recycling economy.



The state adopts economic and technical policies and measures in favor of the comprehensive use of solid wastes, and fully recovers and rationally utilizes solid wastes.

The state encourages and supports the measures of centralized treatment of solid wastes conducive to environmental protection and promotes the industrial development of prevention and control of environmental pollution caused by solid waste.

Article 4 People's governments above the county level shall incorporate the prevention and control of environmental pollution caused by solid waste into their plans for national economic and social development and take economic and technical policies and measures to facilitate the prevention and control of environmental pollution caused by solid waste.

When related departments of the State Council, people's governments above the county level and the relevant departments thereof formulate plans regarding urban-rural construction, land use, regional development and industrial development, they shall take such factors into account as the reduction of discharge and harm of solid wastes and the promotion of comprehensive use and harmless treatment of solid wastes.

Article 5 For the prevention and control of environmental pollution caused by solid waste, the state implements the principle that any entity or individual causing the pollution shall be responsible for it in accordance with the law.

The manufacturers, sellers, importers and users are liable for the prevention and control of solid wastes pollution produced thereby.

Article 6 The state encourages and supports the scientific research on, technological development and the dissemination of advanced prevention and control technologies as well as of scientific knowledge in the field of prevention and control of environmental pollution caused by



solid waste.

People’s governments at all levels shall strength publicity and education on the prevention and control of environmental pollution caused by solid waste and advocate production methods and living styles conducive to the environmental protection.

Article 7 The state encourages entities and individuals to purchase and use renewable products and reusable products.

Article 8 People’s governments at all levels shall give awards to entities and individuals that have achieved outstanding successes in the prevention and control of environmental pollution caused by solid waste and in relevant activities of comprehensive use.

Article 9 Any and all entities and individuals are obliged to protect the environment and shall have the right to report or file charges against those that lead to environmental pollution caused by solid waste.

Article 10 The environmental protection administrative department under the State Council shall conduct unified supervision and management of the prevention and control of environmental pollution caused by solid waste throughout the country. The related departments of the State Council are responsible for supervising and managing the prevention and control of environmental pollution caused by solid waste within their respective functions.

The environmental protection administrative departments of the local people’s governments above the county level shall conduct unified supervision and management of the prevention and control of environmental pollution caused by solid waste within their own administrative areas. The related departments of local people’s governments above the county level are responsible for supervision and management of the prevention and control of environmental pollution caused by solid waste



within their respective functions.

The construction administrative department under the State Council and the administrative departments in charge of environmental sanitation of the local people's governments above the county level are responsible for supervising and administering the cleaning, collection, storage, transportation and disposal of household refuses.

Chapter II Supervision and Administration of the Prevention and Control of Environmental Pollution Caused by Solid Waste

Article 11 The competent environmental protection administrative department under the State Council will formulate the national technical standards on the prevention and control of environmental pollution caused by solid waste in collaboration with the relevant administrative departments under the State Council pursuant to national environmental quality standards and the state's economic and technical conditions.

Article 12 The competent environmental protection administrative departments under the State Council establish a system for monitoring environmental pollution caused by solid waste, formulate unified monitoring standards and, set up a monitoring network in concert with related departments.

The environmental protection administrative departments of large and medium-sized cities shall regularly issue the types, discharging amount, disposal conditions and other information regarding the solid wastes.

Article 13 The construction of projects discharging solid wastes and that of projects for storage, use and treatment of solid wastes must be carried out upon the appraisal regarding their effects on environment



and in compliance with the relevant national provisions on the management of environmental protection in respect of construction projects.

Article 14 Necessary supporting facilities for the prevention and control of environmental pollution caused by solid waste as specified in the environmental impact appraisal statement of the construction project must be designed, built and put into operation simultaneously with the main part of the project. The construction project may be put into production or use, only after the facilities for the prevention and control of environmental pollution caused by solid waste are accepted by the competent environmental protection administrative department that has originally examined and approved the environmental impact appraisal statement. The facilities for the prevention and control of environmental pollution caused by solid waste shall be checked and accepted at the same time as the main part of the project.

Article 15 The competent environmental protection administrative departments above the county level and other supervisory and administrative departments for the prevention and control of environmental pollution caused by solid waste have the right to, in accordance with their respective functions, conduct on-site inspection of the entities within their jurisdictions that are related to the prevention and control of environmental pollution caused by solid waste. The entities under inspection shall faithfully report the situation and provide necessary materials. The inspection authorities shall keep confidential the know-how and trade secrets of the entities inspected.

When conducting on-site inspections, the inspection authorities may take such measures as monitoring on the spot, collecting samples and consulting or copying materials relating to the prevention and control of environmental pollution caused by solid waste. IDs shall be produced when inspectors conduct on-site inspection.



Chapter III Prevention and Control of Environmental Pollution Caused by Solid Waste

Section 1 General Rules

Article 16 Entities and individuals that discharge solid wastes shall take measures to prevent or reduce the environmental pollution caused by solid waste.

Article 17 Entities and individuals that collect, store, transport, utilize or dispose of solid wastes shall take measures to prevent the scattering, run-off and leakage of solid wastes, as well as other measures against environmental pollution. No entity or individual may dump solid wastes or pile them up or discard solid wastes or leave them behind.

No entity or individual may dump solid wastes into or pile them up at rivers, lakes, ditches, reservoirs, bottomlands, banks or slopes under the highest waterline or other places where the waste is not allowed to be dumped or piled up according to laws and regulations.

Article 18 State rules about the cleaner production for designing and manufacturing products and packages shall be observed. The standardization administrative department under the State Council shall, pursuant to the state's economic and technical conditions, prevention and control of environmental pollution caused by solid waste and technical requirements of products, formulate relevant standards to prevent environmental pollution by over-package.

The enterprises producing, selling or importing products and packages that have been listed in the catalogue subject to mandatory recycling shall reclaim the said products and packages according to the related national provisions.

Article 19 The State encourages scientific research and production



institutions to do research on and manufacture plastic-sheet covering and packages of commodities that are easy to be recycled or treated, or easy to be degraded in the environment.

Entities and individuals that use agricultural films shall take measures like the recycling for utilization so as to prevent or reduce the environmental pollution by agricultural films.

Article 20 Anyone that engages in the livestock scale breeding shall, according to relevant rules of the State, collect, store, utilize and dispose of dung of livestock produced in the breeding so as to prevent environmental pollution.

No straw or stalk may be burnt in the open air of densely populated districts, surroundings of airports, neighboring districts of main communication arteries and districts as prescribed by the local people’s governments.

Article 21 Management and maintenance of facilities, equipment and places for collecting, storing, transporting and treating solid wastes shall be improved so as to ensure their normal operation and function.

Article 22 No installation or site for centralized storage and treatment of industrial solid wastes or landfill of household refuse may be built in nature reserves, scenic resorts, conservation areas of drinking water and basic farmlands and other areas requiring special protection that are prescribed by the State Council, relevant administrative departments of the State Council and the provinces, autonomous regions and municipalities directly under the Central Government.

Article 23 To transport any solid waste out of the administrative region of a province, autonomous region or municipality directly under the central government for storage or treatment, one shall apply to the competent environmental protection administrative department of the



people's government of the province, autonomous region or municipality directly under the central government where the solid waste is to be moved out for approval, which shall grant its approval after consulting with and obtaining permission from the competent environmental protection administrative department of the people's government of the province, autonomous region or municipality directly under the central government where the solid waste is to be accepted. No transfer may be carried out without approval.

Article 24 It is forbidden to dump, pile up or treat any solid waste from abroad within the territory of the People's Republic of China.

Article 25 The State forbids the import of solid wastes that cannot be used as raw materials and those that cannot be utilized through harmless treatment, and restricts the import of the solid wastes that can be used as raw materials and implements the classification management of automatic licensing import.

The competent environmental protection administrative department of the State Council shall, in conjunction with the competent foreign trade department, comprehensive economy macro-control department, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council, formulate, adjust and publish catalogues of solid wastes the import of which is forbidden, or restricted and under automatic licensing management.

The import of solid wastes as listed in the catalogue of solid wastes the import of which is forbidden may not be allowed. For the import of those as listed in the catalogue of solid wastes the import of which is restricted, examination and approval shall be required by the competent environmental protection administrative department under the State Council in collaboration with the competent foreign trade department under the State Council. With respect to the import of solid wastes as listed in



the catalogue of solid wastes the import of which is subject to automatic licensing import management, procedures for automatic licensing import shall be observed.

The imported solid wastes shall comply with the national environmental protection standards and be inspected by the quality supervision, inspection and quarantine department as being qualified.

The specific administrative measures for the import of solid wastes shall be formulated by the environmental protection administrative department in collaboration with the foreign trade administrative department, the comprehensive economy macro-control department, the General Administration of Customs and the quality supervision, inspection and quarantine department under the State Council.

Article 26 Any importer that holds objections to the incorporation of his imported goods into the scope of solid wastes the import of which is controlled by the customs may file an administrative review application according to the law or lodge an administrative suit to a people’s court.

Section 2 Prevention and Control of Environmental Pollution by Industrial Solid Wastes

Article 27 The environmental protection administrative department under the State Council shall, jointly with the comprehensive economy macro-control department and other related departments under the State Council, work out definitions of environmental pollution by industrial solid wastes, enact technical policies regarding the prevention and control thereof, and organize the dissemination of advanced production processes and equipment for the prevention and control of environmental pollution by industrial solid wastes.

Article 28 The comprehensive economy macro-control department under the State Council shall, jointly with other departments concerned



of the State Council, organize research on, development and promotion of the production techniques and equipment that will reduce the discharge and harm of industrial solid wastes, and promulgate the list of backward production processes and equipment that produce severe environmental pollution by industrial solid wastes that shall be eliminated within a set time limit.

Producers, sellers, importers or users must stop producing, selling, importing or using those equipment as included in the list stipulated in the preceding paragraph within the time limit specified by the comprehensive economy macro-control department together with other departments concerned under the State Council. The users of such production techniques shall stop using such techniques as included in the list stipulated in the preceding paragraph within the time limit as specified by the comprehensive economy macro-control department jointly with other related departments of the State Council.

Equipment included in the list to be eliminated within a set time shall not be transferred to any others for use.

Article 29 The related departments of the people's governments above the county level shall formulate programs for the prevention and control of environmental pollution by industrial solid wastes, promote advanced production techniques and equipment conducive to reducing the discharge and harm of industrial solid wastes and promote the prevention and control of environmental pollution by industrial solid wastes.

Article 30 Entities discharging industrial solid wastes shall establish and improve a responsibility system for the prevention and control of environmental pollution and take measures for the prevention and control of environmental pollution by industrial solid wastes.

Article 31 Enterprises and public institutions shall rationally select



and use raw materials, energies and other resources, and adopt advanced production techniques and equipment, so as to reduce the discharge and harm of industrial solid wastes.

Article 32 The state institutes a system of declaration and registration for industrial solid wastes.

Entities discharging industrial solid wastes shall, in accordance with the regulations enacted by the competent environmental protection administrative department under the State Council, provide information about the categories, discharging amount, destination, storage, treatment and other materials concerning industrial solid wastes to the environmental protection administrative departments of the local people’s governments above the county level where such entities are located.

Any significant modification of the declaration matters as prescribed in the preceding paragraph shall be declared in a timely manner.

Article 33 Enterprises and public institutions shall make use of industrial solid wastes produced thereby pursuant to economic and technical conditions; for those that will not or cannot be utilized temporarily, enterprises and public institutions shall, in accordance with the regulations of the competent environmental protection administrative department under the State Council, build facilities and sites for their safe and classified storage or carry out harmless treatment for them.

Facilities and sites constructed for storing and treating industrial solid wastes shall comply with the national standards on environmental protection.

Article 34 It is forbidden to close down, leave idle or dismantle, without approval, facilities or places for the prevention and control of environmental pollution by industrial solid wastes. Where it is necessary to do so, ratification shall be obtained beforehand from the environmen-



tal protection administrative departments of the local people's governments above the county level, and measures shall be taken to prevent environmental pollution.

Article 35 Where it is necessary for the entities discharging industrial solid wastes to be terminated, measures to prevent and control pollution shall be taken in advance in relation to the facilities and sites for storing and treating industrial solid wastes, and the untreated industrial solid wastes shall be disposed properly to prevent environmental pollution.

If an entity discharging industrial solid wastes undergoes a change, the surviving entity shall, pursuant to the national provisions on environmental protection, carry out safety treatment or take measures for untreated industrial solid wastes and the storage and treatment facilities and sites thereof so as to ensure the safe function of such facilities and sites. Where the parties concerned have, prior to the change, otherwise agree on the assumption of responsibilities for preventing and controlling pollution by industrial solid wastes and the facilities and sites for storage and treatment, such agreement shall prevail. However, the responsibilities of the parties concerned to prevent and control pollution may not be exempted.

The costs incurred by the safety treatment of untreated industrial solid wastes and the storage and treatment facilities and sites of the entities that have been terminated prior to the implementation of the Law shall be borne by the relevant people's governments; however, if the land use right of the said entity has been transferred according to the law, the transferee thereof shall bear the treatment costs. Where the parties concerned otherwise agree, such agreement shall prevail. However, the responsibilities of the parties concerned to prevent and control pollution may not be exempted.



Article 36 A mining enterprise shall adopt scientific mining methods and ore-dressing techniques so as to reduce the production and storage of gangues, waste rocks, barren rocks and other mining solid wastes.

After the facilities for storing gangues, waste rocks, barren rocks and other mining solid wastes are not used any more, a mining enterprise shall, according to the national provisions on environmental protection, close the fields to prevent environmental pollution and ecological destroy.

Article 37 When dismantling, utilizing or disposing of any abandoned electronic appliances and motor vehicles and vessels, measures shall be taken to prevent environmental pollution according to relevant laws and regulations.

Section 3 Prevention and Control of Environmental Pollution by Household Refuse

Article 38 The people's governments above the county level shall plan, as a whole, the building of facilities for collecting, transporting and treating urban-rural household refuse, improve the ratio of utilization and harmless treatment thereof, promote industrial development of collecting and treating household refuse, and progressively establish and perfect social service system for preventing and controlling environmental pollution by household refuse.

Article 39 The competent environment and sanitation administrative departments of the people's governments above the county level shall organize to clear, collect, transport and treat urban household refuse and may, by the way of bidding, choose qualified entities to do so.

Article 40 Urban household refuse shall be placed at designated sites according to provisions as prescribed by the competent environment and sanitation administrative departments, and shall not be dumped, cast or piled up at discretion.



Article 41 The clearing, collection, transportation and treatment of urban household refuse shall be conducted according to the national provisions on the environmental protection and sanitation to prevent environmental protection.

Article 42 Urban household refuse shall be timely cleared and transported, progressively be collected and transported by different types, and be reasonably utilized and be effected with harmless 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 sources for use in urban areas.

Relevant departments of a city people's government shall arrange for the supply of clean vegetables to cities and towns so as to reduce urban household refuse.

Relevant departments of a city people's government shall make an overall plan, rationally arrange for collecting and purchasing networks, so as to promote the recycling of household refuse.

Article 44 Facilities and sites constructed for disposing consumer wastes shall comply with the standards on environmental protection and sanitation as prescribed by the competent environmental protection administrative department and the construction administrative department under the State Council.

It is forbidden to close down, leave idle or dismantle facilities and sites for disposing household refuse without approval. If it is really necessary to do so, it shall be subject to the competent environment and sanitation administrative departments and environmental protection administrative department of the local people's governments above the county level for ratification, while measures be taken to prevent environmental pollution.



Article 45 Substances recycled from the household refuse shall be utilized pursuant to the uses and standards as provided for by the State, and may not be used to produce products that may do harm to human health.

Article 46 Engineering construction entities shall promptly clear and transport solid wastes produced during the engineering construction process, and utilize or dispose of them pursuant to the provisions of the competent environment and sanitation administrative departments.

Article 47 An entity engaged in public transportation shall, pursuant to relevant regulations of the state, clear up and collect the household refuse produced in the course of transportation.

Article 48 Entities engaged in the development of new urban areas, the reconstruction of old areas and construction of residential quarters, and entities operating and managing airports, docks, stations, parks, stores and other public facilities and sites shall build supporting equipment for collecting consumer wastes according to relevant regulations of the state on environmental sanitation.

Article 49 Specific measures for the prevention and control of environmental pollution caused by rural household refuse shall be provided for by local regulations.

Chapter IV Special Provisions on the Prevention and Control of Environmental Pollution by Hazardous Wastes

Article 50 The provisions of this Chapter apply to the prevention and control of environmental pollution by hazardous wastes. Where it is not covered by this Chapter, other relevant provisions hereof will control.

Article 51 The competent environmental protection administrative



department under the State Council shall, in concert with other departments of the State Council concerned, formulate a national catalog of hazardous wastes, and lay down unified criteria and methods for identifying and distinguishing hazardous wastes.

Article 52 A distinguishing mark of hazardous wastes shall be put on the containers and packages of hazardous wastes as well as on the facilities and sites for collection, storage, transportation and treatment of these hazardous wastes.

Article 53 An entity discharging hazardous wastes shall, pursuant to relevant provisions of the state, work out a plan for management of hazardous wastes, and report to the competent environmental protection administrative departments of the local people's governments above the county level the types, quantity to be produced, destination, storage, treatment and other relevant materials.

The plan for the management of hazardous wastes as mentioned in the preceding paragraph shall contain measures for reducing the discharge and harm of the hazardous wastes and for storing, utilizing and treating hazardous wastes. The said plan shall be submitted for the record to the competent environmental protection administrative departments of the local people's governments above the county level.

Any significant modification of matters declared as prescribed by this article or the plan for managing hazardous wastes shall be declared in a timely manner.

Article 54 The competent environmental protection administrative department under the State Council shall, in cooperation with the comprehensive economy macro-control department under the State Council, formulate a plan for constructing facilities and sites for centralized treatment of hazardous wastes, which shall be implemented after being exam-



ined and approved by the State Council.

The people’s governments above the county level shall organize the building of facilities and sites for centralized treatment of hazardous wastes on the strength of the plans thereon.

Article 55 An entity that discharges hazardous wastes shall dispose of hazardous wastes according to relevant provisions of the state, and shall not dump or pile up them without approval; those failing to do so shall be ordered to make corrections within a set deadline by the competent environmental protection administrative departments of the local people’s governments above the county level; if an entity fails to treat within the set deadline or still falls short of the requirements as prescribed by the relevant provisions of the state, other entities shall be designated by the competent environmental protection administrative departments of the local people’s governments above the county level to carry out the treatment on their behalf at the cost of the entities that discharge the hazardous wastes.

Article 56 Where the hazardous wastes are treated by way of land-fill, which does not comply with the provisions as set by the competent environmental protection administrative department under the State Council, discharging fees for hazardous wastes are required. Specific measures for levying discharging fees of hazardous wastes shall be formulated by the State Council.

The discharging fees for hazardous wastes shall be used for the prevention and control of environmental pollution and may not be appropriated for any other use.

Article 57 Entities engaged in the collection, storage and treatment of hazardous wastes shall apply to the competent environmental protection administrative departments above the county level for business



licenses. Those engaged in utilizing hazardous wastes must apply to the competent environmental protection administrative department under the State Council or the competent environmental protection administrative departments of the people's governments of the provinces, autonomous regions and municipalities directly under the central government for business licenses. The specific measures shall be provided for by the State Council.

It is forbidden to collect, store, utilize or treat hazardous wastes without a business license or against the provisions of the business license.

To supply or entrust hazardous wastes to entities that do not have business licenses for the collection, storage, utilization and treatment is not allowed.

Article 58 Hazardous wastes shall be collected and stored separately according to their different characteristics. It is forbidden to collect, store, transport and treat hazardous wastes of incompatible natures and of not being undergone safety treatment.

Protective measures complying with the national standards on the environmental protection shall be adopted for the storage of hazardous wastes, which may not be kept for more than one year; where it is necessary to extent the said time limit, it shall submit and secure permission from the original competent environmental protection administrative department that approved business license, unless otherwise prescribed by laws and administrative regulations.

It is prohibited to mix hazardous wastes with non-hazardous wastes in storage.

Article 59 Whoever transfers hazardous wastes shall, according to relevant regulations of the state, fill in forms for transferring hazardous wastes and apply to the competent environmental protection administra-



tive departments of the local people’s governments above cities divided into districts where the hazardous waste is to be moved out, which can approve the transfer of the said hazardous wastes after consulting and obtaining permission from the competent environmental protection administrative departments of the local people’s governments above cities divided into districts where the hazardous waste is to be moved in. No transfer may be carried out without approval.

Where it is necessary to transfer hazardous wastes by way of administrative areas other than the areas where the hazardous waste is to be moved out and in, the competent environmental protection administrative departments of the local people’s governments above cities divided into districts where the hazardous waste is to be moved out shall timely notify the said departments where the hazardous waste is to pass through.

Article 60 Whoever transports hazardous wastes shall take measures for the prevention and control of environmental pollution and observe the regulations of the state on the control of transportation of hazardous goods.

It is forbidden to carry hazardous wastes and passengers in the same transport vehicle.

Article 61 When sites, facilities, equipment as well as containers, packages and other articles for the collection, storage, transportation and treatment of hazardous wastes are to be used for other purposes, they shall be put to use only after they have been treated to eliminate pollution.

Article 62 The entities discharging, collecting, storing, transporting, using or treating hazardous wastes shall work out measures for keeping away and prepared counter plans against accidents, report them for the record to the competent environmental protection administrative departments of the local people’s governments above the county level; and



the competent environmental protection administrative department shall carry out inspection on it.

Article 63 Entities that have caused severe environmental pollution by hazardous wastes due to accidents or other unexpected events shall immediately take measures to eliminate or reduce the danger and damage of environmental pollution, promptly inform entities and residents that may be harmed by the pollution, and in the meantime, report to the competent environmental protection administrative departments of the local people's governments above the county level and other related departments, and shall be subject to investigation and settlement.

Article 64 When severe environmental pollution by hazardous wastes happens or may happen as proved by evidences, thus threatening the safety of the lives and property of residents, the competent environmental protection administrative departments of the local people's governments above the county level or other supervisory and administrative departments of the prevention and control of environmental pollution caused by solid wastes shall immediately report to relevant administrative departments of the people's governments at the corresponding level and the next higher level. The people's governments will take effective measures to eliminate or reduce the danger and damage. Relevant people's governments, where necessary, may order to stop operations that cause or may cause accidents of environmental pollution.

Article 65 Ex-service expenses used for the facilities and sites for centralized treatment of important hazardous wastes shall be drawn in advance and incorporated into the investment budgetary estimate or operational costs. Specific measures for the drawing and administration thereof shall be enacted by the financial department and the price administrative department in collaboration with the competent environmental protection administrative department under the State Council.



Article 66 It is forbidden to transfer hazardous wastes overseas via the territory of the People’s Republic of China.

Chapter V Legal Liabilities

Article 67 If a competent environmental protection administrative department of the local people’s government above the county level or any other supervisory and administrative department of the prevention and control of environmental pollution caused by solid wastes violates the Law and has any of the following acts, it shall be ordered to correct by the relevant administrative department of the people’s governments at the corresponding level or the next higher level, the officer and other persons being held liable shall be given administrative sanctions; if a crime is constituted, the offenders shall be subject to criminal liabilities:

1. Failure to make administrative license or handle approval documents according to the law;
2. Failure to investigate any found illegal act or any report of illegal act; or
3. Any other failure in performing supervisory and administrative liabilities in accordance with the law.

Article 68 Any one who is in violation of the Law since it or he commits any of the following acts shall be ordered by the competent environmental protection administrative department above the county level to stop and rectify the act within a time limit, and fined:

1. Failing to declare and register industrial solid wastes pursuant to the national regulations, or resorting to deception in the declaration and registration;
2. Failing to build facilities and sites for separately storing industrial



solid wastes that are not or cannot be utilized temporarily by different types, or failing to take measures of harmless treatment;

3. Transferring eliminated equipment included in the list of equipment to be eliminated within a set deadline to another for use;

4. Closing, leaving idle or dismantling facilities or sites for the prevention and control of environmental pollution caused by solid wastes without approval;

5. Constructing facilities or sites for centralized storage or treatment of industrial solid wastes or landfills for household refuse in nature reserves, scenic spots or historical sites, water source protection areas of drinking water or other zones that call for special protection;

6. Transferring solid wastes out of areas under the jurisdiction of a province, autonomous region or municipality directly under the central government for storage and treatment without approval;

7. Failing to take corresponding precaution measures and resulting in scattering, run-off, leakage or other environmental pollution by industrial solid wastes; or

8. Discarding or littering industrial solid wastes in the course of transportation.

Any entity that commits the offence as specified in Item 1 or 8 of the preceding paragraph shall be fined RMB5,000 up to RMB50,000; any entity that commits any of the offences as specified in Item 2, 3, 4, 5, 6 or 7 of the preceding paragraph, shall be fined RMB10,000 up to RMB100,000.

Article 69 Where the construction of supporting facilities is necessary for a construction project that calls for such facilities to prevent and control environmental pollution caused by solid waste, any entity



puts, in violation of the Law, the main project into production or operation when such facilities have not yet been built, checked and accepted, or checked but not accepted for not being up to the required standards, shall be ordered to stop production or operation with a fine of less than RMB100,000 by the competent environmental protection administrative department that has approved the environmental impact assessment statement about the said project.

Article 70 Any entity that violates the Law and refuses on-the-spot inspection by the competent environmental protection administrative department of the local people’s government above the county level or any other supervisory and administrative department of prevention and control of environmental pollution by solid waste shall be ordered to correct within a set deadline by the department that carries out the on-the-spot inspection; if it refuses to correct or resorts to deception at the time of inspection, it shall be imposed with a fine of RMB2,000 to RMB20,000.

Article 71 Any entity that engages in scale livestock and poultry breeding fails to collect, store or dispose of the excrements of the animals and birds that thus causes environmental pollution shall be ordered to correct within a set deadline by the competent environmental protection administrative department of the local people’s government above the county level and be imposed with a fine of less than RMB50,000.

Article 72 Anyone, in violation of the Law, produces, sells, imports or uses eliminated equipment, or employs eliminated production techniques shall be ordered by the comprehensive economy macro-control department of the people’s government above the county level to make corrections; where the circumstance is serious, the comprehensive economy macro-control department of the people’s government above the county level shall put forward suggestions and submit them to the people’s government at the corresponding level, which shall, within its limits



of authority as prescribed by the State Council, order a suspension or closedown of the business.

Article 73 After the facilities for storing gangues, waste rocks, barren rocks and other mining solid wastes are not used any more, the mining enterprises that fail to close the fields according to relevant provisions of the state on environmental protection shall be ordered to correct within set deadlines by the competent environmental protection administrative departments of the local people's governments above the county level and be fined RMB50,000 up to RMB200,000.

Article 74 Any entity, in violation of the provisions hereof on the prevention and control of environmental pollution by urban household refuse by committing any of the following acts shall be ordered to stop the illegal act and to correct within a set deadline, in addition to being fined by the competent environment and sanitation administrative department of the local people's government above the county level:

1. Dumping, littering or piling up household refuse at random;
2. Closing down, leaving idle or dismantling facilities or sites for treating household refuse without approval;
3. A construction entity that fails to timely clear up or transport solid wastes produced during the construction process and therefore causes environmental pollution;
4. A construction entity that fails to utilize or dispose of solid wastes produced in the course of construction in accordance with the provisions as prescribed by the competent environment and sanitation administrative departments; or
5. Discarding or littering household refuse in the course of transportation.



Any entity that commits any of the acts provided for in Item 1, Item 3 and Item 5 of the preceding paragraph shall be fined not less than RMB5,000 but not more than RMB50,000; any entity that commits the act provided for in Item 2 or 4 of the preceding paragraph, a fine of not less than RMB10,000 but not more than RMB100,000 shall be imposed. Any individual that commits any act specified in Item 1 or 5 shall be fined less than RMB200.

Article 75 Any entity that violates provisions hereof on the prevention and control of environmental pollution by hazardous wastes and commits any of the following acts shall be ordered to stop its illegal act and correct within a set deadline, in addition to being fined by the competent environmental protection administrative department of the local people’s government above the county level:

1. Failing to set identification signs of hazardous wastes;
2. Failing to declare or register hazardous wastes in accordance with provisions of the state or practicing fraud at the time of declaration and registration;
3. Closing down, leaving idle or dismantling facilities or sites for centralized treatment of hazardous wastes without approval;
4. Failing to pay discharging fees for hazardous wastes in accordance with regulations of the state;
5. Supplying or entrusting hazardous wastes to an entity that does not have a license for doing business regarding such wastes;
6. Failing to fill in the sets of forms for transferring hazardous wastes according to relevant regulations of the state, or failing to report to the competent department for approval when transferring hazardous wastes;



7. Mixing hazardous wastes with non-hazardous wastes for storage;
8. Collecting, storing, transporting and treating mixed hazardous wastes of incompatible nature without safety treatment;
9. Carrying hazardous wastes and passengers in the same transport vehicle;
10. Using, without the treatment to eliminate pollution, sites, facilities, equipment or containers, packages or other articles for collecting, storing, transporting or disposing hazardous wastes for other purposes;
11. Failing to take corresponding precaution measures and causing the scattering, loss, leakage or other environmental pollution by hazardous wastes;
12. In the course of transportation, discarding or littering hazardous wastes on the way; or
13. Failing to work out measures and emergency plans for preventing accidents involving hazardous wastes.

Any entity that commits the act specified in Item 1, 2, 7, 8, 9, 10, 11, 12 or 13 of the preceding paragraph shall be fined RMB10,000 up to RMB100,000; any entity that commits the acts specified in Item 3, 5 or 6 of the preceding paragraph shall be fined RMB20,000 up to RMB200,000; any entity that commits the act specified in Item 4 thereof shall be ordered to pay discharging fees for hazardous wastes within a set deadline; if it fails to do so, it shall be punished by a fine of one up to three times the amount of the discharging fees.

Article 76 Any entity that violates the Law and fails to treat hazardous wastes discharged thereby or fails to bear the waste treatment fees that shall be borne according to the law shall be ordered to correct within a deadline set by the competent environmental protection administrative



department of the local people’s government above the county level, and be fined one up to three times the amount of the treatment fees.

Article 77 Any entity that engages in collecting, storing, utilizing and treating hazardous wastes without a license for business in this regard or against the provisions thereof shall be ordered by the competent environmental protection administrative department of the local people’s government above the county level to stop the illegal act. Its illegal gains shall be confiscated, and also be punished with a fine less than three times of the illegal gains.

Any entity that operates beyond the lines of business prescribed for by its business license as specified in the preceding paragraph, its business license may also be revoked by the license-issuing department.

Article 78 Any entity or person dumps, piles up, or treats solid wastes from abroad within the territory of the People’s Republic of China, or imports any import-forbidden or import-restricted solid wastes as raw material without permission in violation of the Law shall be ordered by the customs to transport such solid waste back to where it is dispatched and may also be punished with a fine of not less than RMB100,000 but not more than RMB1 million. If the act constitutes crimes, the entity or person shall be subject to criminal liability. If the importer cannot be ascertained, the carrier shall be taken responsible for transporting such solid waste back or undertake the fees incurred from handling such solid waste.

Whoever tries to escape supervision and control by the Customs to transport solid wastes outside the territory of the People’s Republic of China shall, if the act constitutes a criminal offence, be made to bear criminal liability.

Article 79 Anyone, in violation of the Law, transfers hazardous



wastes via the territory of the People's Republic of China shall be ordered by the Customs to transport the hazardous wastes back to the original place, together with the punishment of a fine of not less than RMB50,000 but not more than RMB500,000.

Article 80 With regard to solid wastes already illegally imported, the competent environmental protection administrative department above the provincial level shall put forward suggestions to the Customs regarding its disposition, and the Customs shall make a decision of punishment in accordance with Article 78 hereof. If such import has caused environmental pollution, the competent environmental protection administrative department of the people's government above the provincial level shall order the importer to eliminate the pollution.

Article 81 Any entity that violates the Law and causes serious environmental pollution by solid waste shall be treated within a deadline set by the competent environmental protection administrative department of the local people's government above the county level on the strength of their limits of authority specified by the State Council; if failure occurs to accomplish the treatment task within the set deadline, the entity shall be suspended or be closed down by the people's government of the same level.

Article 82 Any entity has, in violation of the Law, caused an accident of environmental pollution by solid waste shall be fined RMB20,000 up to RMB200,000 by the competent environmental protection administrative department of the people's government above the county level. In the case of severe damages, the fine shall be 30% of the direct loss, but not exceed RMB1 million, and the executive responsible and other persons directly liable shall be subject to administrative sanctions. If a major accident of environment pollution by solid waste is incurred, the entity shall be suspended or closed down by the competent local people's



government above the county level upon the strength of its limits of authority as prescribed by the State Council.

Article 83 Any entity that collects, stores, utilizes and treats hazardous wastes in violation of the Law and results in a serious accident of environmental pollution which constitutes a crime shall be subject to criminal liability.

Article 84 Any entity and individual that suffers damage from pollution by solid waste shall have the right to claim compensation according to the law.

A dispute over the liability and amount of compensation may, at the request of the parties concerned, be mediated and settled by the competent environmental protection administrative department or other supervisory and administrative department concerned in the prevention and control of environmental pollution by solid waste. In case the mediation fails, the parties concerned may lodge a lawsuit to a people’s court. The parties concerned may also directly lodge a lawsuit to a people’s court.

The State encourages legal service agencies to offer legal aid to victims of environmental pollution by solid wastes in relevant lawsuits.

Article 85 Once environmental pollution by solid waste occurs, it is necessary to rid of damage, make compensation for losses according to the law, and take measures to restore the environment.

Article 86 For a suit for compensation arising from the environmental pollution by solid wastes, the party that inflicts the damage shall assume the burden of proof for the statutory causes for exemption and the nonexistence of causation between its act and harmful consequences.

Article 87 For any dispute over damages and compensations due to the environmental pollution by solid waste, any party concerned may entrust an environmental monitoring institution to offer monitoring data.



The environmental monitoring agency shall provide relevant genuine monitoring data as entrusted.

Chapter VI Supplementary Provisions

Article 88 For the purpose of the Law, the definitions of the following terms are:

(1) Solid waste means articles and substances in solid, semi-solid state or gaseous substance in containers that are produced in production, living and other activities and have lost their original use values or are discarded or abandoned though have not yet lost use values, and articles and substances that are included into the management of solid wastes upon the strength of administrative regulations.

(2) Industrial solid waste means solid waste discharged in industrial production activities.

(3) Household refuse means solid waste discharged from everyday life or from services provided to everyday life as well as that regarded as household refuse under laws and administrative regulations.

(4) Hazardous waste means solid waste that is included in the list of national hazardous wastes or identified to be dangerous according to the identification criteria and methods of hazardous waste as prescribed by the State.

(5) Storage refers to an activity that temporarily places solid waste into specific facilities or sites.

(6) Treatment refers to activities conducted to reduce the quantity or volume of the discharged solid wastes, 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 activities conducted ultimately to put solid wastes in landfills that meet the requirements for environmental protection, from which the solid waste shall never be taken back again.

(7) Utilization refers to an activity that collects substances as raw materials or fuels from solid waste.

Article 89 The 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 a water body shall be governed by relevant laws other than the 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 different from those in this Law, the former shall prevail, with the exception of the provisions reserved by the People’s Republic of China.

Article 91 The Law shall come into force as of April 1, 2005.

