



### **III. Law on the Prevention and Control of Water Pollution**

#### **Order of the President of the People’s Republic of China No.87**

The Law of the People’s Republic of China on the Prevention and Control of Water Pollution revised and adopted at the 32nd Meeting of the Standing Committee of the Tenth National People’s Congress of the People’s Republic of China on February 28, 2008 is hereby promulgated for implementation as of June 1, 2008.

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

February 28, 2008

#### **Law of the People’s Republic of China on the Prevention and Control of Water Pollution**

(Adopted at the Fifth Meeting of the Standing Committee of the Sixth National People’s Congress on May 11, 1984;

amended in accordance with the Decision on Revising the Law of the People’s Republic of China on Prevention and Control of Water Pollution at the 19th Meeting of the Standing Committee of the Eighth National People’s Congress on May 15, 1996;



revised at the 32nd Meeting of the Standing Committee of the Tenth National People's Congress on February 28, 2008)

## Contents

- Chapter I General Provisions
- Chapter II Standards and Planning for Prevention and Control of Water Pollution
- Chapter III Supervision and Management of Prevention and Control of Water Pollution
- Chapter IV Measures for Prevention and Control of Water Pollution
  - Section 1 General Rules
  - Section 2 Prevention and Control of Industrial Water Pollution
  - Section 3 Prevention and Control of Urban Water Pollution
  - Section 4 Prevention and Control of Agricultural and Rural Water Pollution
  - Section 5 Prevention and Control of Water Pollution Caused by Ships
- Chapter V Protection of Drinking Water Sources and Other Special Water Bodies
- Chapter VI Disposal of Water Pollution Accidents
- Chapter VII Legal Liabilities
- Chapter VIII Supplementary Provisions



## Chapter I General Provisions

**Article 1** The Law of the People’s Republic of China on the Prevention and Control of Water Pollution (the “Law”) is enacted for the purposes of preventing and controlling water pollution, protecting and improving the environment, safeguarding the safety of drinking water and promoting the overall, coordinated and sustainable development of economy and society.

**Article 2** The Law shall apply to the prevention and control of pollution of rivers, lakes, canals, irrigation channels, reservoirs and other surface water bodies and of ground water bodies within the territory of the People’s Republic of China.

The prevention and control of marine pollution shall be provided by the Marine Environment Protection Law of the People’s Republic of China.

**Article 3** The principle for prevention and control of water pollution is: putting prevention first, combining prevention and control, and controlling pollution in a comprehensive way. Priority shall be given to the protection of drinking water supplies, industrial pollution and urban domestic pollution be controlled strictly, the agricultural nonpoint source pollution be prevented and controlled, and the construction of ecological treatment projects be accelerated, so as to prevent, control and reduce water environment pollution and ecological damages.

**Article 4** The people’s governments above county level shall incorporate the water environment protection into their economic and social development plans.

Responsible for the quality of water environment in their own administrative regions, the local people’s governments above county level



shall adopt measures to prevent and control water pollution.

**Article 5** The State applies quota accountability and evaluation mechanisms for the protection of water environment and incorporates the extents of the protection goals being achieved into the contents of evaluation of the local people's governments and the persons in charge.

**Article 6** The State encourages and supports the scientific & technological researches and the spread and application of advanced, applicable technologies concerning the prevention and control of water pollution, and enhances the publicity and education of water environment protection.

**Article 7** The State shall, by means like financial transfer payment, establish and improve the compensation mechanism for ecological protection of water environment in the protection zones of drinking water supplies and the upper reaches of rivers, lakes and reservoirs.

**Article 8** Environmental protection authorities of the people's governments above county level shall exercise unified supervision and management of the prevention and control of water pollution.

Maritime administrative offices of transportation authorities shall exercise supervision and management of the prevention and control of the water pollution from ships.

Departments of water administration, land and resources, public health administration, construction, agriculture and fishery of the people's government above county level, as well as the water resources protection agencies on major rivers and lakes, shall, through performing their respective functions, supervise and manage the prevention and control of water pollution.

**Article 9** Discharged water pollutants shall exceed neither the national or local standards for discharge of water pollutants nor the cap



control quotas on major water pollutants.

**Article 10** All units and individuals shall have the duty to protect the water environment and the right to report any act that pollutes or damages the water environment to the authorities.

The people’s governments above county level and relevant authorities thereof shall commend and award any unit or individual that have made remarkable results in prevention and control of water pollution.

## Chapter II Standards and Planning for Prevention and Control of Water Pollution

**Article 11** The environmental protection authority of the State Council shall establish national water environment quality standards.

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

**Article 12** In light of the utilization functions of water bodies of major river or lake basins determined by the State and the economic and technological conditions of the related regions, the environmental protection authority of the State Council may, in concert with the water administration of the State Council and the people’s governments of relevant provinces, autonomous regions and municipalities directly under the Central Government, establish water environment quality standards specifically applied to provincial boundary water bodies of the major river or lake basins, and put such standards into practice after reporting to and being approved by the State Council.



**Article 13** The environmental protection authority of the State Council shall establish the national standards for discharge of water pollutants in accordance with the national water environment quality standards and the country's economic and technological conditions.

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

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

**Article 14** The environmental protection authority of 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 for prevention and control of water pollution and the country's or local economic and technological conditions, amend in due time their respective standards for water environment quality and for discharge of water pollutants.

**Article 15** The prevention and control of water pollution shall be planned in a unified way on the basis of river basins or regions. Plans for preventing and controlling water pollution of major river and lake basins designated by the State shall be formulated by the environmental protection authority of the State Council, together with the comprehensive economic macro-control, water administration and other departments of the State Council as well as the people's governments of relevant prov-



inces, autonomous regions and municipalities directly under the Central Government, and shall be submitted to the State Council for approval.

Plans for preventing and controlling water pollution of basins of other rivers and lakes that run across provinces or autonomous regions or municipalities directly under the Central Government not mentioned in the preceding paragraph shall be formulated, in accordance with the overall plans determined by the State and the actual local conditions, by the environmental protection authorities of people’s governments of the relevant provinces or autonomous regions or municipalities directly under the Central Government, in consultation with the water administration and other departments at the same level and the people’s governments of the relevant cities and counties, and shall be submitted to the people’s governments of the relevant provinces or autonomous regions or municipalities directly under the Central Government for examination and to the State Council for approval.

Plans for preventing and controlling water pollution of basins of other rivers and lakes that run across counties within any province or autonomous region or municipality directly under the Central Government shall be formulated, in accordance with the overall plans determined by the State and the actual local conditions, by the environmental protection authority of people’s government of the province or autonomous region or municipality directly under the Central Government, together with water administration and other departments at the same level, and shall be submitted to the people’s government of the province or autonomous region or municipality directly under the Central Government for approval and to the State Council for record.

The approved plans shall serve as an essential basis for prevention and control of water pollution. Any amendment to an approved plan must be subject to the approval of the original approving departments.



Local people's governments above county level shall, in accordance with the water pollution prevention and control plans for river and lake basins already approved according to law, organize to formulate plans for preventing and controlling water pollution within their respective administrative areas.

**Article 16** Relevant departments of the State Council and the local people's governments above county level shall, in the process of developing, utilizing, regulating and allocating water resources, make an overall plan taking into account all factors, maintain reasonable river flows and reasonable water levels of lakes, reservoirs and ground water bodies, and retain the ecological functions of water bodies.

### Chapter III Supervision and Management of Prevention and Control of Water Pollution

**Article 17** New construction, reconstruction or extensions of projects and other installations on water that directly or indirectly discharge pollutants to water bodies shall be subject to environmental impact assessment in accordance to the law.

Anyone shall not build, rebuild or expand sewage outlets in any river or lake without the permission of the water administration or the basin management agency; if navigation or fishery is concerned, the environmental protection authority shall, in the process of examining and approving the environmental impact assessment applications, solicit opinions from authorities of communications and fishery.

The facilities for prevention and control of water pollution must be designed, constructed and put to use simultaneously with the main part of a construction project. Such facilities shall be tested and accepted by the environmental protection authority. If it fails the acceptance test, the



project shall not be put into operation or to use.

**Article 18** The State adopts a system of cap control for the aggregate discharge of major water pollutants.

The people’s governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in accordance with the regulations of the State Council, reduce and control the aggregate discharge of major water pollutants in their own administrative regions and divide the quota among the people’s governments at city or county level. The people’s governments at city or county level shall, in accordance with the upper limits of major water pollutants in their own administrative regions, divide such limits among the pollutant discharging units. Specific measures and implementing procedures shall be formulated by the State Council.

The people’s governments of provinces, autonomous regions and municipalities directly under the Central Government may, in accordance with the water environment quality in their own administrative regions and the requirements for prevention and control of water pollution, determine the kinds of major water pollutants whose aggregate discharge needs to be reduced and controlled in their own administrative regions.

In the regions where the aggregate discharge of major water pollutants exceeds the quota, the environmental protection authority of related people’s governments shall suspend examining and approving any environmental impact assessment application of any construction project that will increase the aggregate discharge of the major water pollutants.

**Article 19** The environmental protection authority of the State Council shall publicize the provinces, autonomous regions and municipalities directly under the Central Government in which the aggregate discharge of major water pollutants exceeds the set quota. Environmental protection



authorities of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall publicize the cities and counties under their respective jurisdictions in which the aggregate discharge of major water pollutants exceeds the set quota.

Environmental protection authorities of the people's governments above county level shall publicize the enterprises that pollute the water environment seriously against the Law.

**Article 20** The State adopts a water pollution control permit system.

Any enterprise or public institution, which discharges industrial waste water, or medical sewage, or other kinds of waste water and sewage that are permitted to be discharged only with a permit, directly or indirectly into a water body, shall obtain a water pollution control permit; an operator of the facilities for centralized treatment of urban sewage shall obtain such a permit. Specific measures and implementing procedures for water pollution control permit shall be stipulated by the State Council.

No enterprise or public institution shall discharge waste water or sewage mentioned in the preceding paragraph without a water pollution control permit or in violation of the provisions thereof.

**Article 21** Any enterprise, public institution or individual business that discharges pollutants directly or indirectly into a water body shall, pursuant to the regulations of the environmental protection authority of the State Council, report to and register with the environmental protection authorities of the people's governments above county level their existing discharging and treatment facilities for pollutants, and the categories, quantities and concentrations of pollutants discharged under normal operating conditions, and also submit related technical information concerning the prevention and control of water pollution.

The enterprises, public institutions and individual businesses shall



report and register in time if any substantial change occurs in the categories, quantities or concentrations of the water pollutants discharged. Their water pollutants treatment facilities shall be kept in normal operation; when such facilities are to be dismantled or left idle, prior approval shall be obtained from the environmental protection authorities of the people’s governments above county level.

**Article 22** Any enterprise, public institution or individual business that discharges pollutants into a water body is required to build sewage outlets in accordance with relevant laws, administrative rules and the regulations of the environmental protection authority of the State Council. Those that build any sewage outlet in a river or lake shall also abide by the regulations of the water administration of the State Council.

It is forbidden to discharge water pollutants through hidden pipelines without authorization or other measures without supervision and management.

**Article 23** Major pollutant discharging unit is required to install automatic monitoring equipment for the discharge of water pollutants, which is connected with the monitoring equipment of the environmental protection authorities, and ensure the normal operation of the said equipment. The enterprises that discharge industrial waste water shall monitor the industrial waste water they discharged and keep the original monitoring record. Specific measures shall be formulated by the environmental protection authority of the State Council.

The catalogue of major pollutant discharging units that are required to install automatic monitoring equipment for the discharge of water pollutants shall be determined by the environmental protection authorities of the people’s governments above the level of city with districts based on the environmental capacity, the quota for the aggregate discharge of major water pollutants, and the kinds, quantities and concentrations of



the water pollutants discharged by the said units in their own administrative regions after consulting related departments at the same level.

**Article 24** Any enterprise, public institution or individual business that directly discharges pollutants into a water body shall pay for pollutant discharge fee according to the kinds and quantities of the discharged water pollutants and the pollutant discharge fee standards.

The fees collected for pollutant discharge must be used for prevention and control of water pollution and shall not be used for any other purposes.

**Article 25** The State establishes a monitoring system for the water environment quality and the discharge of water pollutants. The environmental protection authority of the State Council shall be responsible for formulating specifications concerning water environment monitoring, publishing the information of national water environment conditions in a unified way, and setting up the monitoring network in concert with the water administration and other related departments of the State Council.

**Article 26** Water resources protection agencies for major river and lake basins designated by the State shall be responsible for monitoring the water environment quality of provincial boundary water bodies within their respective river basin areas, and shall report the monitoring results in time to the environmental protection authority and the water administration of the State Council; if a leading organ for protection of water resources of the river and lake basins has been established with the approval of the State Council, the monitoring results shall in time be reported thereto.

**Article 27** Environmental protection authorities and other departments that exercise the powers of supervision and management as provided in the Law shall be empowered to carry out on-site inspections



of pollutant discharging units within their respective jurisdictions, and the units being inspected shall report the situation truthfully and provide necessary information. The inspecting authorities shall have the obligation to keep confidential the trade secrets of the units inspected obtained in the course of inspection.

**Article 28** Disputes over water pollution involving two or more administrative regions shall be settled through consultation between the local people’s governments involved therein, or through mediation by their common higher people’s government.

## Chapter IV Measures for Prevention and Control of Water Pollution

### Section 1 General Rules

**Article 29** It shall be prohibited to discharge any oil, acid or alkaline solutions or deadly toxic liquid waste into any water body.

It shall be prohibited to wash vehicles or containers which have been used for storing oil or toxic pollutant in any water body.

**Article 30** It shall be prohibited to discharge or dump radioactive solid wastes or waste water containing any high- or medium-level radioactive substances into any water body.

Any discharge of waste water containing low-level radioactive substances into any water body shall comply with the regulations and standards of the State for prevention and control of radioactive pollution.

**Article 31** Measures shall be taken prior to the discharge of heated waste water into any water body so as to ensure that the temperature of the water body conforms to the water environment quality standards.

**Article 32** Pathogen-contaminated sewage may be discharged only



after it is disinfected to meet the relevant national standards.

**Article 33** It shall be prohibited to discharge or dump industrial waste residues, urban refuse or other wastes into any water body.

It shall be prohibited to discharge or dump into any water body or to directly bury deadly toxic soluble wastes, containing such substances as mercury, cadmium, arsenic, chromium, lead, cyanide and yellow phosphorus.

Sites for storing deadly toxic soluble wastes shall be made waterproof and protected against leaking.

**Article 34** It shall be prohibited to pile or store solid wastes or other pollutants on the beaches and bank slopes that locate below the highest water level of rivers, lakes, canals, irrigation channels and reservoirs.

**Article 35** It shall be prohibited to discharge waste water containing toxic pollutants or pathogens or to dump other wastes into seepage wells, cesspools, crevices or karst caves.

**Article 36** It shall be prohibited to use ditches, pits or ponds devoid of safeguards against seepage for conveyance or storage of waste water containing toxic pollutants or pathogens, or of other wastes.

**Article 37** In exploiting ground water from multiple aquifers, layered exploitation shall be resorted to if the water quality differs greatly from one aquifer to another. Combined exploitation of artesian water and polluted phreatic water will not be permitted.

**Article 38** While constructing underground engineering facilities or carrying out underground prospecting, mining and other activities, protective measures shall be taken to prevent groundwater pollution.

**Article 39** Artificial recharge for ground water shall not be deleterious to groundwater quality.



## Section 2 Prevention and Control of Industrial Water Pollution

**Article 40** Relevant departments of the State Council and local people’s governments above county level shall reasonably plan the geographical distribution of industries, require those enterprises that cause water pollution to make technological updating, adopt comprehensive prevention and control measures, increase the rate of water recycling, and reduce discharge of waste water and pollutants.

**Article 41** The State adopts a system for eliminating outdated techniques and equipment that seriously pollute the water environment.

The comprehensive economy macro-control department of the State Council shall, together with related departments thereof, publicize the catalogue of techniques that seriously pollute water environment and the use of which shall be stopped within a fixed timeframe, and the catalogue of equipment that seriously pollutes the water environment and the manufacturing, sales, import and use of which shall be stopped within a fixed timeframe.

Manufacturers, sellers, importers or users shall, within the said timeframe, stop manufacturing, selling, importing or using the equipment listed in the equipment catalogue mentioned in the preceding paragraph. Users of the techniques listed in the technique catalogue mentioned in the preceding paragraph must stop using such techniques within the said timeframe.

No equipment that has already been eliminated according to preceding two paragraphs shall be transferred to others for use.

**Article 42** The State prohibits all new small-size paper mills, tanneries, printing and dyeing mills, dyestuff mills, coking plants, sulfuring plants, arsenic plants, mercury plants, oil refineries, electroplating factories, pesticides manufacturers, asbestos plants, cement works, glasswork,



iron and steel plants, thermal power stations and other production projects that violate the State's industrial policy and seriously pollute the water environment.

**Article 43** Enterprises shall employ clean techniques with high utilization efficiency of raw materials and lesser discharge of pollutants and improve management to decrease water pollutants.

### **Section 3 Prevention and Control of Urban Water Pollution**

**Article 44** Urban sewage shall be treated in a centralized way.

The local people's government above county level shall raise funds through financial budget and other channels to make integrated arrangement for constructing the facilities for centralized treatment of urban sewage and accessory pipelines, so as to increase the rates of collection and treatment of urban sewage in their own administrative regions.

The construction authority of the State Council shall, together with the comprehensive economy macro-control department and environmental protection authority thereof, organize the formulation of the construction plan for the national urban sewage treatment facilities according to the urban and rural planning and the plan for prevention and control of water pollution. The local people's governments above county level shall organize the departments of construction, comprehensive economy micro-control, environmental protection and water administration to formulate construction plans for urban sewage treatment facilities in their own administrative regions. Construction authorities of local people's governments above county level shall, in accordance with the construction plan for urban sewage treatment facilities, organize the construction of the facilities for centralized treatment of urban sewage and accessory pipelines and improve supervision and management over the operation of the facilities for centralized treatment of urban sewage.



The operators of the facilities for centralized treatment of urban sewage shall, in accordance with the State’s regulations, provide paid services and collect sewage treatment fees, so as to ensure normal operation of the facilities. Those who discharge sewage to the centralized treatment facilities and pay fees for sewage treatment shall be exempted from the pollutant discharge fee. Sewage treatment fees collected shall be used for the construction and operation of the facilities for centralized treatment of urban sewage and shall not be used for other purposes.

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

**Article 45** The water pollutants discharged into the facilities for central treatment of urban sewage shall conform to the national or local standards for the discharge of water pollutants.

Where the quality of the water discharged from the facilities for centralized treatment of urban sewage reaches the national or local standards for the discharge of water pollutants, the operator may, in accordance with relevant national regulations, be exempted from the pollutant discharge fee.

The operator of the facilities for centralized treatment of urban sewage shall be responsible for the quality of the water discharged therefrom.

Environmental protection authorities shall supervise and inspect the quality and quantity of the water discharged from the facilities for centralized treatment of urban sewage.

**Article 46** Landfills for domestic waste shall be protected against leaking to prevent water pollution.

#### **Section 4 Prevention and Control of Agricultural and Rural**



## Water Pollution

**Article 47** The application of pesticides shall conform with the national regulations and standards on the safe use of pesticides.

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

**Article 48** Agricultural authorities and other related departments of the local people's governments above county level shall take measures to give guidance to agricultural producers on how to rationally apply fertilizers and pesticides based on science, so as to curb the excessive use of fertilizers and pesticides and prevent water pollution.

**Article 49** The State supports big or small livestock farms to build facilities for comprehensive utilization or harmless treatment of excrements of livestock and waste water.

Livestock farms, big or small, shall ensure that the facilities for comprehensive utilization or harmless treatment of excrements of livestock and waste water could operate normally and that the discharged sewage reaches the set standards, in order to prevent water environment pollution.

**Article 50** Any one who engages in aquaculture shall protect the ecological environment of the waters, determine the breeding density based on science, and cast bait and use medication rationally, in order to prevent the water environment pollution.

**Article 51** Any one who discharges industrial waste water or urban sewage into farmland irrigation channels shall ensure that the water quality at the nearest downstream site where irrigating water is taken conforms with the water quality standards for farmland irrigation.



Any one who uses industrial waste water or urban sewage for irrigation shall ensure that it would not pollute soil, ground water and agricultural products.

### **Section 5 Prevention and Control of Water Pollution Caused by Ships**

**Article 52** The oil-bearing waste water or domestic sewage discharged by ships shall conform with the pollutant discharge standards for ships. Ocean-going ships, on entering inland rivers or harbors, shall conform to the pollutant discharge standards for inland river ships.

Residual or waste oil of ships shall be recovered, and it is prohibited to discharge it into any water body.

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

In the process of loading and transporting oils or toxic cargoes, measures shall be taken to prevent oils or cargoes from spilling, leaking or falling into water to cause water pollution.

**Article 53** Ships shall be equipped with relevant pollution prevention equipment and fittings as required by the State, and hold lawful and effective certificates and documents concerning preventing environmental pollution of waters.

When ships are used for operations involving discharging pollutants, the operating instructions shall be followed strictly and adequate records must be kept in relevant book of records.

**Article 54** Ports, docks, loading and unloading stations and dockyards shall provide sufficient facilities for collecting ship pollutants and wastes. Any unit that collects pollutants and wastes from ships or cleans holds for oils or goods with pollution hazard shall have the collecting and treatment capability that accords with its scale of operation.



**Article 55** When a ship or boat engages in any of the following activities, it shall formulate operation schemes, take effective measures to ensure safety and prevent pollution, and report to the relevant maritime administrative agency for approval:

1. Collecting residual oil, oily sewage or residue of goods with pollution hazard, or cleaning holds for oils or goods with pollution hazard;
2. Lightering loose fluid goods with pollution hazard;
3. Dismantling or salvaging ship on water or other on-water or underwater ship-related operations.

Dismantling fishery ship on water in fishing harbors shall be reported to the relevant fishery authority for approval.

## Chapter V Protection of Drinking Water Sources and Other Special Water Bodies

**Article 56** The State adopts a system of protection zones for drinking water sources. Such protection zones shall be divided into first-grade and second-grade protection zones. If necessary, certain areas adjacent to the protection zones for drinking water sources may be delimited as quasi-protection zones.

The people's governments at city or county level shall formulate a plan for delimiting protection zones for drinking water sources and report to the people's governments of their respective provinces, autonomous regions and municipalities directly under the Central Government for approval; the relevant people's governments at city or county level shall negotiate among each other to formulate the plan for delimiting the protection zone that stretches across cities or counties and report to the people's governments of their respective provinces, autonomous regions



and municipalities directly under the Central Government for approval; if they fail to reach an agreement through negotiation, the environmental protection authorities of the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government shall, together with the departments of water resources administration, land and resources, public health and construction at the same level, formulate the delimiting plan, and report to the people’s governments of their respective provinces, autonomous regions and municipalities directly under the Central Government for approval after soliciting the opinions of related departments at the same level.

The people’s governments of provinces, autonomous regions and municipalities directly under the Central Government shall negotiate with the basin management agency concerned to formulate the plan for delimiting protection zones for drinking water sources that stretch across provinces, autonomous regions or municipalities directly under the Central Government; if they fail to reach an agreement, the environmental protection authority of the State Council shall, together with the departments of water resources administration, land and resources, public health and construction at the same level, formulate the delimiting plan, and report to the State Council for approval after soliciting the opinions of related departments of the State Council.

The State Council and the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government may, in light of the actual requirements for protection of drinking water sources, adjust the scope of protection zones of drinking water sources so as to safeguard the safety of drinking water. The local people’s governments concerned shall establish distinct geographical landmarks and warning signs on the boundaries of protection zones of drinking water sources.



**Article 57** No sewage outlet shall be permitted to be set up within the protection zones of drinking water sources.

**Article 58** It shall be prohibited to construct, reconstruct or expand within the first-grade protection zones for drinking water sources any project unrelated to water supply or water sources protection. The people's governments above county level shall instruct to remove or close any such existing project.

It shall be prohibited to breed in net cages, travel, swim, or carry out other activities that possibly pollute the water body within the first-grade protection zones for drinking water sources.

**Article 59** It shall be prohibited to construct, reconstruct or expand within the second-grade protection zones for drinking water sources any project that discharges pollutants. The people's governments above county level shall instruct to remove or close any such existing project.

Any one who engages in breeding in net cage or traveling within the second-grade protection zones for drinking water sources shall take measures in accordance with relevant regulations to prevent the drinking water body from being polluted.

**Article 60** It shall be prohibited to construct or expand within the quasi-protection zones for drinking water sources any project that may seriously pollute the water body. Any project to be reconstructed shall not increase the quantity of pollutants discharged thereby.

**Article 61** Local people's governments above county level shall, in light of the actual requirements for protecting the drinking water sources, take engineering measures or construct wetland or water conservation forests at the quasi-protection zones to prevent the water pollutants from being directly discharged into the drinking water body and safeguard the safety of drinking water.



**Article 62** Where drinking water source is polluted and is possibly to threaten the safety of drinking water supply, environmental protection authorities shall order the relevant enterprises or public institutions to stop or reduce the discharge of pollutants or take other measures.

**Article 63** The State Council and the people’s governments of provinces, autonomous regions and municipalities directly under the Central Government may, as per the requirements for water environmental protection, take measures of prohibiting or limiting the use of any detergent containing phosphorus, fertilizer or pesticide and limiting planting or breeding within the protection zone for drinking water sources.

**Article 64** The people’s governments above county level may delimit protection zones for water bodies at scenic or historic sites, major fishery water bodies and other water bodies of special economic and cultural value, and take measures to ensure compliance of the water quality in such protection zones with the standards for the designated uses.

**Article 65** No sewage outlet shall be built within the protection zones for water bodies at scenic or historic sites, for major fishery water bodies and for other water bodies of special economic and cultural value. Any one that build a sewage outlet in the vicinity of such protection zones shall ensure the water bodies within such protection zones against pollution.

## Chapter VI Management of Water Pollution Accidents

**Article 66** The people’s governments at various levels and their related departments, or the enterprises or public institutions that possibly cause water pollution accidents shall do well in the work related to preparation, response and remediation of water pollution emergencies in accordance with the Law of the People’s Republic of China on Emergency Response.



**Article 67** Any enterprise or public institution that possibly causes water pollution accidents shall formulate an emergency-response plan for water pollution accidents, make emergency preparations and organize drills regularly.

Any enterprise or public institution that manufactures or stores hazardous chemicals shall take measures to prevent the waste water or liquids produced during the process of handling production accidents that may seriously pollute water body from being directly discharged into a water body.

**Article 68** If an accident or any other emergency caused by an enterprise or public institution that results in or possibly results in a water pollution accident, the enterprise or public institution shall, without any delay, implement its emergency-response plan, take emergency-response measures and report to the local people's government above county level or the environmental protection authority at the place where the accident occurs. Upon receiving the report, the environmental protection authority shall immediately report to its respective people's government and forward the same to related departments.

Any one that causes fishery pollution accident or any fishing ship that causes water pollution accident shall report to the fishery authority at the place where the accident occurs and receive investigation and penalty. Any other type of ship that causes water pollution accident shall report to the maritime administrative agency and receive investigation and penalty; if the accident causes damage to fishery, the maritime administrative agency shall notify the fishery authority to participate in investigation and penalty.

## Chapter VII Legal Liabilities

**Article 69** If environmental protection authorities or other depart-



ments that exercise supervision and management powers pursuant to the Law do not issue administrative licenses nor handle approval documents in accordance with the law, or do not investigate and punish any unlawful act after being aware or receiving any report of such act, or do not perform any of their obligations provided for in the Law, the directly liable persons in charge and other directly liable persons shall be punished according to law.

**Article 70** Any one who refuses an on-site investigation by the environmental protection authorities or any other departments that exercise supervision and management powers provided for in the Law, or resorts to deception during an investigation, shall be required for rectification and carry a fine of RMB10,000 to the minimum and RMB100,000 to the maximum by the said authorities or departments.

**Article 71** If main part of any construction project is put into operation or use before its facilities for prevention and control of water pollution have completed or passed acceptance test or failed the acceptance test, the environmental protection authorities of the people’s governments above county level shall require suspension of operation or use till such facilities are tested and accepted, and impose a fine of RMB50,000 to the minimum and RMB500,000 to the maximum.

**Article 72** Any violator of the Law shall be warned and required to rectification by the environmental protection authorities of the people’s governments above county level within a time limit for any of the following. Those who do not rectify within the time limit shall be imposed a fine of RMB10,000 to the minimum and RMB100,000 to the maximum.

1. Refuse to report or submit a false report on discharging items of water pollutants for which registration is required by the environmental protection authority of the State Council;
2. Fail to install automatic monitoring equipment for the discharge



of water pollutants, or to connect it with the monitoring equipment of environmental protection authorities in accordance with relevant provisions, or to safeguard its normal operation; or

3. Fail to monitor the industrial waste water discharged, or to keep original monitoring records in accordance with the relevant provisions.

**Article 73** If any one, in violation of the Law, does not normally use the water pollutant treatment facilities, or dismantles or lays idle such facilities without the approval of environmental protection authorities, the environmental protection authorities of the people's governments above county level shall require the violator to rectify the situation within a time limit and impose a fine from 1 time to 3 times of its pollutant discharge fee.

**Article 74** If any one, in violation of the Law, discharges water pollutants to a level exceeding the national or local discharge standards or the controlling quota for aggregate discharge of major water pollutants, the environmental protection authorities of the people's governments above county level shall, pursuant to their respective powers, require the violator to treat its pollution within a time limit and impose a fine from 2 times to five times of its pollutant discharge fee.

Within the given time limit, the environmental protection authorities shall order the violator to limit production, limit discharging or suspend production. The given time limit shall not exceed one year; any who fails to meet the treatment requirement shall be ordered to shut down after being approved by the people's government with corresponding power.

**Article 75** If any one sets up any sewage outlet in the protection zones of drinking water sources, the local people's government above county level shall require the Law violator to remove such outlet within a time limit and impose a fine of RMB100,000 to the minimum and RMB500,000 to the maximum; the local government shall compulsorily



remove the sewage outlet that has not been removed within the given time limit at the expenses of the violator, impose on the violator a fine of RMB500,000 to the minimum and RMB1,000,000 to the maximum, and may order it to stop production for improvement.

Unless as otherwise provided by the preceding paragraph, if any one who, in violation of laws, administrative regulations or the provisions of the environmental protection authority of the State Council, sets up any sewage outlet or hidden pipeline, the environmental protection authorities of the people’s governments above county level shall require the violator to remove within a time limit and impose a fine of RMB20,000 to the minimum and RMB100,000 to the maximum; the local government shall compulsorily remove any sewage outlet or hidden pipeline that has not been removed within the given time limit at the expenses of the violator, impose on the violator a fine of RMB100,000 to the minimum and RMB500,000 to the maximum; the environmental protection authorities of the people’s governments above county level may request the local people’s government above county level to order the violator to stop production for improvement if the violator sets up hidden pipeline or is involved in other serious circumstances.

If any one, without the approval of relevant water resources authority or basin management agency, builds, rebuilds or expands any sewage outlet in a river or lake, the water resources authority of the people’s government above county level or basin management agency may, pursuant to their functions and powers, take measures and imposes a fine according to the preceding paragraph.

**Article 76** If any one violates the Law for any of the following, the environmental protection authorities of the people’s governments above county level shall require the violator to stop unlawful practice, adopt treatment measures and remove pollution within a time limit, and impose



a fine on it. If the violator does not adopt treatment measures within the given time limit, the environmental protection authorities may appoint a capable unit to treat on their behalf and at the expense of the violator:

1. Discharge any oil, acid or alkaline solutions into any water body;
2. Discharge or dump any highly toxic waste liquid into any water body, or directly discharge or dump into any water body or bury underground any deadly toxic soluble waste that contains such substances as mercury, cadmium, arsenic, chromium, lead, cyanide and yellow phosphorus;
3. Clean in any water body any vehicle or container that have been used for storing oil or toxic pollutant;
4. Discharge or dump industrial wastes, urban garbage or other wastes into any water body, or pile or store solid wastes or other pollutants on the beaches or bank slopes that locate below the highest water level of rivers, lakes, canals, irrigation channels and reservoirs;
5. Discharge or dump radioactive solid wastes or waste water containing any high- or medium-level radioactive substances into any water body;
6. Discharge, in violation of relevant national regulations or standards, waste water or heated waste water containing low-level radioactive substances or pathogen-contaminated sewage into any water body;
7. Discharge or dump waste water containing toxic pollutants or pathogens or other wastes into seepage wells or pits, crevices or karat caves; or
8. Transport or store waste water containing toxic pollutants or pathogens, or of other wastes by the ditches, pits or ponds that are devoid of safeguards against seepage.

Those who commit any of the acts listed in Item 3 and Item 6 of



the preceding paragraph shall be imposed a fine of RMB10,000 to the minimum and RMB100,000 to the maximum; those who commit any of the acts listed in Item 1, Item 4 and Item 8 of the preceding paragraph shall be imposed a fine of RMB20,000 to the minimum and RMB200,000 to the maximum; and those who commit any of the acts listed in Item 2, Item 5 and Item 7 of the preceding paragraph shall be imposed a fine of RMB50,000 to the minimum and RMB500,000 to the maximum.

**Article 77** If any one, in violation of the Law, produces, sells, imports or uses any equipment listed in the catalogue of equipment that seriously pollutes the water environment and whose production, sale, import and use is prohibited, or uses any technique listed in the catalogue of techniques that seriously pollute the water environment and whose use is prohibited, the comprehensive economy macro-control department of the people’s government above county level shall require the violator to rectify and impose on it a fine of RMB50,000 to the minimum and RMB200,000 to the maximum; if the violation is serious, the comprehensive economy macro-control department above county level shall submit its proposal to its people’s government to stop its operation or to close it.

**Article 78** If any one, in violation of the Law, builds such seriously-polluting production project that is inconsistent with the national industrial policy as small-sized paper mill, tannery, printing and dyeing mill, dyestuff mill, coking plant, sulfuring plant, arsenic plant, mercury plant, oil refinery, electroplating factory, pesticides manufacturer, asbestos plant, cement work, glasswork, iron and steel plant, thermal power station or others, the people’s government of the city or county where it is located shall require the violator to shut down.

**Article 79** If a ship is not equipped with pollution prevention equipment or fittings or has no lawful and effective certificates and documents concerning preventing water environmental pollution, the



maritime administrative agency and fishery authorities shall, pursuant to the division of function and responsibility, require the violator to rectify within a time limit and impose a fine of RMB2,000 to the minimum and RMB20,000 to the maximum; if any such problem is not rectified within the given time limit, the authorities shall require the ship to suspend voyage temporarily.

If a ship fails to follow the operation instructions or make true records on the book of records when being involved in operations concerning pollutants discharge, the maritime administrative agency and the fishery authorities shall, pursuant to the division of function and responsibility, require it to rectify and impose a fine of RMB2,000 to the minimum and RMB20,000 to the maximum.

**Article 80** If any one violates the Law for any of the following, the maritime administrative agency and fishery authorities shall, pursuant to the division of function and responsibility, require the violator to stop the violation and impose a fine; if it causes water pollution, the authorities shall require it to take treatment measures and eliminate pollution within a time limit; if it fails to take treatment measures within the given time limit, the maritime administrative agency and fishery authorities shall, according to the division of function and responsibility, appoint a capable unit to treat on its behalf and at the expense of the ship:

1. Dump ship refuse or discharge residual or waste oil of ship to any water body;
2. Collect residual oil or oily sewage or the residue of goods with pollution hazard, or wash and clean cabins loading oils or goods with pollution hazard, or handle the lightering for loose fluid goods with pollution hazard, without the approval of the maritime administrative agency at the place where the operation is conducted;



3. Dismantle or salvage ships on water, or handle other operations on water or under the water, without the approval of the maritime administrative agency at the place where the operation is conducted; or

4. Dismantle fishery ships on the water of fishing harbors, without the approval of the fishery authorities at the place where the operation is conducted.

Any one who commits any of the acts listed in Item 1, Item 2 and Item 4 of the preceding paragraph will be imposed a fine of RMB5,000 to the minimum and RMB50,000 to the maximum; any one who commits the acts listed in Item 3 of the preceding paragraph will be imposed a fine of RMB10,000 to the minimum and RMB100,000 to the maximum.

**Article 81** If any one commits any of the following acts, the environmental protection authorities of the people’s governments above county level shall require it to stop unlawful practice and impose a fine of RMB100,000 to the minimum and RMB500,000 to the maximum; and require it to remove or shut down related facilities after being approved by the people’s government with the authority:

1. Build, rebuild or expand any projects unrelated to water supply facilities and protection of water sources within a first-grade protection zone for drinking water sources;

2. Build, rebuild or expand any projects that discharge pollutants within a second-grade protection zone for drinking water sources; or

3. Build or expand any project that will seriously pollute the water body or reconstruct any project that will increase the discharging quantity of pollutants within a quasi-protection zone for drinking water sources.

If any one engages in breeding with net cage or organizes traveling, fishing or other activities within the first-grade protection zones for drinking water sources that possibly cause pollution to the water body,



the environmental protection authorities of the people's governments above county level shall require it to stop violation and impose a fine of RMB20,000 to the minimum and RMB100,000 to the maximum. If any individual swims, fishes or engages in other activities within the first-grade protection zones for drinking water sources that may possibly cause pollution to the water body, the environmental protection authorities of the people's governments above county level shall require it to stop violation and impose a fine of RMB500 to the maximum.

**Article 82** If any enterprise or public institution commits any of the following acts, the environmental protection authorities of the people's governments above county level shall require it to rectify; if the violation is serious, the authorities shall impose on it a fine of RMB20,000 to the minimum and RMB100,000 to the maximum:

1. Do not formulate an emergency plan for water pollution accidents in accordance with relevant regulations;
2. Do not implement its emergency plan and adopt relevant emergency-responding measures in time after a water pollution accident occurs.

**Article 83** If any enterprise or public institution violates the Law and causes water pollution accidents, the environmental protection authorities of the people's governments above county level shall impose on the violator a fine provided for in paragraph 2 of this article and require it to adopt treatment measures and eliminate pollution within a time limit; if the enterprise or public institution does not take treatment measures according to relevant requirements or is lack of the capability of treatment, the environmental protection authorities shall appoint a capable unit to treat on its behalf and at the expense of the violator; if it causes any big or especially big water pollution accident, the authorities may require it to shut down after being approved by the people's government with the authority of approval; the authorities may impose on the directly



liable persons in charge and other persons directly liable a fine of 50% to the maximum of their income received from the enterprise or institution in the previous year.

If a general or relatively big water pollution accident is caused, the fine shall be 20% of the direct losses caused by the water pollution accident; however, if a big or especially big water pollution accident is caused, the fine shall be 30% of the direct losses caused thereby.

Fishery pollution accident or fishing ship-caused water pollution accident shall be handled and punished by the fishery authorities; if a water pollution accident is caused by other type of ships, the maritime administrative agency shall handle and penalize.

**Article 84** Any party that refuses to accept the decision on administrative penalty may either apply for administrative review or, within 15 days from the date of receiving the notification, bring a suit in a people’s court. If a party, upon expiration of the period, neither applies for administrative review nor brings a suit nor complies with the decision, the organ making the decision on the administrative penalty shall apply to the people’s court for enforcement.

**Article 85** A party suffering from losses due to water pollution shall be entitled to rights to demand the pollutants-discharging party to eliminate hazard and compensation.

If the water pollution losses are caused by force majeure, the pollutants-discharging party shall be exempted from compensation liability, unless otherwise provided for by laws.

If the losses arising out of water pollution are caused by the sufferer intentionally, the pollutants-discharging party shall be exempted from compensation liability. If the losses are caused by the gross negligence of the sufferer, the compensation liability of the pollutants-discharging par-



ty may be mitigated.

Where the losses are attributable to any third party, the pollutants-discharging party, after honoring its liability, is entitled to recourse to the third party.

**Article 86** Any dispute related to liability for damages and compensation amount arising out of water pollution may, at the request of the parties concerned, be mediated for settlement by the environmental protection authorities or maritime administrative agency or fishery authorities according to their division of function and responsibility; in the event that the dispute is not settled through mediation, either party may bring a lawsuit to a people's court. Either party may also directly bring a lawsuit to a people's court.

**Article 87** As for an action for the compensation of damage caused by water pollution, the party discharging pollutants shall assume the burden of proof for exemption causes provided for by laws and the absence of causality between the act of discharging and harmful consequences.

**Article 88** If the persons involved in suffering from losses due to water pollution are too many, they can elect one or more representatives to initiate a joint action according to law.

Environmental protection authorities and relevant mass organizations may support the party suffering from losses due to water pollution to bring a lawsuit to a people's court.

The State encourages law services and lawyers to provide legal aid to victims in litigation in connection with damage of water pollution.

**Article 89** If any dispute in connection with liability for damages and compensation amount is caused by water pollution, the parties concerned may entrust the environmental monitoring agency to provide monitoring data. The environmental monitoring agency shall provide rel-



evant genuine monitoring data as entrusted.

**Article 90** Where any person is in violation of the Law, which is constituted a violation of public order control, it/he will be punished in respect to management of law and order pursuant to law; if it constitutes a crime, criminal liabilities will be investigated according to the law.

## Chapter VIII Supplementary Provisions

**Article 91** For the purpose of the Law, the definitions of the following terms are:

1. “Water pollution” means the introduction into a water body of any substance that alters the chemical, physical, biological or radioactive properties of the water in such a way as to affect its effective use, endanger human health, damage the ecosystem or deteriorate the water quality.

2. “Water pollutant” means a substance that is capable of causing water pollution when directly or indirectly discharged into a water body.

3. “Toxic pollutant” means a pollutant that, when ingested by organisms directly or indirectly, leads to diseases, abnormal behavior, genetic mutation, physiological functional disturbance, organism deformity or death of the organisms themselves or their offspring.

4. “Fishery water bodies” mean those parts of water bodies designated for the spawning, feeding, wintering or migratory passage of fish or shrimp, and for breeding fish, shrimp or shellfish or growing algae.

**Article 92** The Law shall come into force as of June 1, 2008.

