

WATER QUALITY AND ECOSYSTEM CONSERVATION ACT

Wholly Amended by Act No. 7459, Mar. 31, 2005
Amended by Act No. 8038, Oct. 4, 2006
Act No. 8209, Jan. 3, 2007
Act No. 8260, Jan. 19, 2007
Act No. 8338, Apr. 6, 2007
Act No. 8370, Apr. 11, 2007
Act No. 8466, May 17, 2007
Act No. 8852, Feb. 29, 2008
Act No. 8976, Mar. 21, 2008

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prevent people's health and environment from being exposed to harm and danger caused by water pollution and to properly manage and preserve water quality and aquatic ecosystems of the public waters, including rivers, lakes and marshes, etc. in order to enable people to enjoy benefits accruing from measures, and hand down such benefits to our future generations. *<Amended by Act No. 8466, May 17, 2007>*

Article 2 (Definitions)

The definitions of the terms used in this Act shall be as follows: *<Amended by Act No. 8260, Jan. 19, 2007; Act No. 8370, Apr. 11, 2007; Act No. 8466, May 17, 2007>*

1. The term "point pollution sources" means the wastewater discharge facilities, sewage generating facilities, cattle barns, etc., which release water-quality pollutants into certain places through conduits, waterways, etc.;
2. The term "non-point pollution sources" means the cities, roads, farmlands, mountain areas, construction sites, etc., which release water-quality pollutants into unspecified places in an unspecified manner;
3. The term "other water pollution sources" means point pollution sources and non-point pollution sources of facilities or places that release untreated water-quality pollutants, which are prescribed by Ordinance of the Ministry of Environment;
4. The term "wastewater" means water mixed with liquid or solid water-quality pollutants, that can not be used as it is for any purpose;
5. The term "rainfall outflow water" means rainwater, melting snow water, etc. that flows out after being mixed with the water-quality pollutants of non-point pollution sources;
6. The term "impermeable layers" means the asphalt-or concrete-paved roads, parking lots and sidewalks that prevent rainwater and melting snow water, etc. from permeating underground;
7. The term "water-quality pollutants" means substances that pollute water quality, which are prescribed by Ordinance of the Ministry of Environment;
8. The term "specific substances harmful to water quality" means water-quality pollutants that are feared to harm directly and indirectly human health and property as well as the raising of animals and the growth of plants, which are prescribed by Ordinance of the Ministry of Environment;

9. The term “public waters” means rivers, lakes, marshes, harbors, waters, coastal areas, waters used for public purposes and waterways used for public purposes by linking themselves with the former, which are prescribed by Ordinance of the Ministry of Environment;
10. The term “wastewater discharge facilities” means facilities, machines, equipment and other objects that release water-quality pollutants, which are prescribed by Ordinance of the Ministry of Environment: *Provided*, That ships and marine facilities provided for in subparagraphs 16 and 17 of Article 2 of the Marine Environment Management Act shall be excluded;
11. The term “wastewater non-discharge facilities” means wastewater discharge facilities that do not release wastewater into public waters through the treatment of wastewater from waste discharge facilities by using water pollution prevention facilities or by reusing the treated wastewater in the relevant business place;
12. The term “water pollution prevention facilities” means the facilities used to remove or reduce water-quality pollutants released by point pollution sources, non-point pollution sources and other water pollution sources, which are prescribed by Ordinance of the Ministry of Environment;
- 12-2. The term “reduction facilities for non-point pollution” means a kind of water pollution prevention facilities, which are used to remove or reduce water-quality pollutants released by non-point pollution sources, and prescribed by Ordinance of the Ministry of Environment;
13. The term “lake and marsh” means water and land of a full-water-level area (referring to a planned floodwater level in cases of a dam) falling under any of the following items:
 - (a) A place where the flowing water of any river or any valley is stored through the construction of any dam, any dam for irrigation or any dike, etc. (excluding any erosion control facilities provided for in the Work Against Land Erosion or Collapse Act);
 - (b) A place where the flowing water of any river is naturally stored; or
 - (c) A place where water is stored when caved in by any volcanic activity;
14. The term “water surface manager” means the person who is in charge of managing any lake and any marsh pursuant to the provisions of other Acts and subordinate statutes. In cases where two or more persons are in charge of managing the same lake and marsh, the person other than the river management authority provided for in the River Act shall be the water surface manager; and
15. The term “lake and marsh for water supply sources” means a lake and marsh where intake facilities provided for in subparagraph 17 of Article 3 of the Water Supply and Waterworks Installation Act are installed inside and outside such land and marsh (hereinafter referred to as the “intake facilities”) in order to use the water of the relevant lake and marsh as potable water, which are prescribed and published by the Minister of Environment, from among lakes and marshes located outside water supply source protection areas (hereinafter referred to as the “water supply source protection areas”) provided for in Article 7 of the Water Supply and Waterworks Installation Act and special countermeasure areas (hereinafter referred to as “special countermeasure areas”) that are designated pursuant to the provisions of Article 22 of the Framework Act on Environmental Policy in order to preserve the water quality thereof.

Article 3 (Duties)

- (1) The State and local governments shall take policy steps to prevent the contamination of water quality and aquatic ecosystems, to properly control the instances of contamination

of water quality and aquatic ecosystems and to properly manage and preserve water quality and aquatic ecosystems of the public waters, including rivers, lakes and marshes, etc. in order for people to lead their lives in a healthy and comfortable environment. *<Amended by Act No. 8466, May 17, 2007>*

(2) All people shall vigorously participate in and cooperate with the policy steps implemented by the State and local governments to reduce water-quality pollutants that result from their daily lives and business activities and to preserve water quality and the aquatic ecosystem. *<Amended by Act No. 8466, May 17, 2007>*

Article 4 (Quantity Regulation of Water-quality Pollutants)

(1) The Minister of Environment may, with regards to a region falling under any of the following subparagraphs, regulate the total quantity of water-quality pollutants by river-system spheres of influence under Article 22 (2): *Provided*, That in cases of the region to which the Act on the Management of Water and Support for Residents of the *Gum* River System, the Act on the Management of Water and Support for Residents of the *Nakdong* River System, the Act on the Management of Water and Support for Residents of the *Yeongsan* and *Seomjin* River Systems and the Act on the Improvement of Water Quality and Support for Residents of the Riverhead of the *Han* River System (hereinafter referred to as the “Acts on four major river systems”) applies, it is governed by the relevant provisions of the Acts on four major river systems, and in cases of the region in which the quality regulation of pollutants is implemented in accordance with the Prevention of Marine Pollution Act, it is governed by the relevant provisions of the Prevention of Marine Pollution Act:

1. A region belonging to the basin of the river system that is recognized as whose target criteria may not be achieved or maintained as a result of the evaluation as to whether the target criteria of water quality and aquatic ecosystems has been achieved or maintained in accordance with Article 10-2 (2) and (3); or
2. Region belonging to the basin of the river system that is recognized as it may cause serious harm to the health or property of the residents or the aquatic ecosystem due to the water pollution.

(2) The Minister of Environment shall determine and publish the area whose total amount of water-quality pollutants to be regulated in accordance with paragraph (1) under conditions prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8466, May 17, 2007]

Article 4-2 (Publication or Public Notice of Target Water-quality for Quantity Regulation of Pollutants and Establishment of Basic Guidelines for Quantity Regulation of Pollutants)

(1) The Minister of Environment shall determine and publish the target water qualities for the quantity regulation of pollutants (hereinafter referred to as the “target water quality for quantity regulation of pollutants”) by sections of river system under conditions prescribed by Presidential Decree by considering the current status of use or water quality of the river system of the regions designated and published in accordance with Article 4 (2) (hereinafter referred to as the “region subject to the quantity regulation of pollutants”): *Provided*, That the same shall not apply to regions for which the competent Mayors of the Special Metropolitan City and the Metropolitan Cities, *Do* governors, and *Do* governor of the Special Self-governing Province (hereinafter referred to as “Mayor/*Do* governor”) publishes target water qualities for quantity regulation of pollutants by sections of river system located with the jurisdiction of the relevant City/*Do* after obtaining approval from

the Minister of Environment as prescribed by Presidential Decree with the purposes of achieving target water-quality for quantity regulation of pollutants on the border points of the Special Metropolitan City, Metropolitan Cities, *Do* or the Special Self-governing Province (hereinafter referred to as the “City/*Do*”) determined and published by the Minister of Environment.

(2) The Minister of Environment shall establish, in order to achieve and maintain the target water-quality for quantity regulation of pollutants, the basic guidelines regarding the quantity regulation of pollutants (hereinafter referred to as “basic guidelines for quantity regulation of pollutants”) in which matters prescribed by Presidential Decree are included, after going through consultation with the relevant Mayor/*Do* governor and notify the relevant Mayor/*Do* governor.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 4-3 (Establishment of Basic Plan for Quantity Regulation of Pollutants, etc.)

(1) The Mayor/*Do* governor who has jurisdiction over a region subject to the quantity regulation of pollutants shall, in compliance with the basic guidelines for quantity regulation of pollutants, establish a basic plan (hereinafter referred to as “basic plan for quantity regulation of pollutants”) in which each of following matters are included and obtain approval from the Minister of Environment as prescribed by Ordinance of the Ministry of Environment. The same shall apply to cases where important matters prescribed by Presidential Decree from among the matters of the basic plan for quantity regulation of pollutants to be changed:

1. Matters on the development plan for the relevant region;
2. Allotment of the loading quantity for contamination by local governments, and by sections of river system;
3. Total quantity of the loading quantity for contamination discharged in his/her jurisdiction and a reduction plan therefor; or
4. Total quantity of the loading quantity for contamination additionally discharged as a result of the development plan for the relevant region and the reduction plan therefor.

(2) The standards for granting approval on the basic plan for quantity regulation of pollutants shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 4-4 (Establishment and Operation of Implementation Plan for Quantity Regulation of Pollutants, etc.)

(1) The Special Metropolitan City Mayor, the Metropolitan City Mayor, the *Do* governor, the Special Self-governing Province governor, or the head of *Si/Gun* (excluding the head of *Gun* of the Metropolitan City; hereinafter the same shall apply in this Article) who has jurisdiction over the region whose target water-quality for quantity regulation of pollutants has not been achieved or maintained as prescribed by Ordinance of the Ministry of Environment, from among the regions subject to the quantity regulation of pollutants, shall establish the implementation plan (hereinafter referred to as “implementation plan for quantity regulation of pollutants”) in compliance with the basic plan for quantity regulation of pollutants and operate it as prescribed by Presidential Decree after obtaining approval from the Minister of Environment or the Mayor/*Do* governor. The same shall apply to cases where important matters prescribed by Presidential Decree from among the matters of the implementation plan for quantity regulation of pollutants to be amended.

(2) The Special Metropolitan City Mayor, the Metropolitan City Mayor, the *Do* governor, the Special Self-governing Province governor or the head of *Si/Gun* (hereinafter referred to as “head of local government in charge of quantity regulation of pollutants”) who operate the implementation plan for quantity regulation of pollutants in accordance with the provisions

of paragraph (1), shall prepare a report on which the performance of the implementation plan for quantity regulation of pollutants of the preceding year is evaluated as prescribed by Ordinance of the Ministry of Environment and submit it to the heads of local environmental administrative agencies. In such cases, the head of *Si/Gun* shall submit it through the competent *Do* governor.

(3) The heads of local environmental administrative agencies may demand the establishment and the implementation of measures or countermeasures necessary for the head of local government in charge of quantity regulation of pollutants in order to smoothly implement the implementation plan for quantity regulation of pollutants after reviewing the report submitted in accordance with paragraph (2). In such cases, the competent head of local government in charge of quantity regulation of pollutants shall comply with such request unless special grounds exist that prevent him/her from doing so.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 4-5 (Allotment Loading Quantity for Contamination by Facilities, etc.)

(1) The Minister of Environment may, in cases where it is necessary to achieve and maintain the target water-quality for quantity regulation of pollutants, allot the loading quantity for contamination by final ditches and by unit periods or designate the quantity for discharge as prescribed by Ordinance of the Ministry of Environment with regards to facilities prescribed by Presidential Decree from among facilities to which any of the following standards apply. In such cases, the Minister of Environment shall hold prior consultation with the head of local government in charge of quantity regulation of pollutants:

1. Standards for the quality of water released, pursuant to Article 12 (3);
2. Standards for permitting discharge pursuant to Article 32;
3. Standards for the quality of water released, pursuant to Article 7 of the Sewerage Act; or
4. Standards for the quality of water released, pursuant to Article 13 of the Act on the Management and Use of Livestock Excreta.

(2) The head of local government in charge of quantity regulation of pollutants may, in cases where it is necessary to achieve and maintain the target water quality for quantity regulation of pollutants, with regards to facilities prescribed by Ordinance of the Ministry of Environment from among facilities other than those prescribed by Presidential Decree pursuant to paragraph (1), to which any standard falling under subparagraphs of paragraph (1) applies, allot the loading quantity for contamination by final ditches and by unit periods or designate the quantity for discharge as prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment or the head of local government in charge of quantity regulation of pollutants shall, when he/she allots the loading quantity for contamination or designates the quantity for discharge in accordance with the provisions of paragraph (1) or (2), hear the opinions of interested persons in advance, and take necessary measures to make the interested persons aware the contents thereof.

(4) Any person who installs or operate facilities for which the loading quantity for contamination has been allotted or the quantity for discharge has been designated in accordance with the provisions of paragraph (1) or (2) (hereinafter referred to as "person running business of allotted contamination, etc."), shall equip and run devices which are able to measure the loading quantity for contamination and the quantity for discharge and records the results of such measurements truthfully under conditions prescribed by Presidential Decree: *Provided*, That the same shall not apply to cases of a person running a gauge-building business, etc. under Article 38-3.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 4-6 (Order to Take Measures, etc. against Person of Excessive Release)

(1) The Minister of Environment or the head of local government in charge of quantity regulation of pollutants may order any person who releases in excess of the loading quantity for contamination or the quantity for discharge allotted or designated in accordance with Article 4-5 (1) or (2) (hereinafter referred to as "alloted loading quantity for contamination, etc.") to take necessary measures, including the improvement of water pollution prevention facilities, etc.

(2) Every person who has been issued an order to take measures in accordance with paragraph (1), shall submit a plan for improvement to the Minister of Environment or the head of local government in charge of quantity regulation of pollutants and then implement the order to take measures in accordance with paragraph (1) under conditions prescribed by Ordinance of the Ministry of Environment.

(3) The provisions of Article 45 shall apply *mutatis mutandis* to reports on implementation of orders to take measures in accordance with paragraph (2) and the confirmation thereof. In such cases, "the order to take measures in accordance with Article 38-4 (2), 39, 40, 42 or 44" shall be read "the order to take measures in accordance with Article 4-6 (1)", and "the Minister of Environment" shall be deemed "the Minister of Environment or the head of local government in charge of quantity regulation of pollutants."

(4) The Minister of Environment or the head of local government in charge of quantity regulation of pollutants may, in cases where any person who has been ordered to take measures in accordance with paragraph (1) has failed to implement such order, or he/she has implemented such order within the period for implementation but he/she has been found, as a result of survey, continuously exceeding the allotted loading quantity for contamination, etc., order to suspend, in whole or in part, the operation of the relevant facilities by fixing a period within six months or to close down the relevant facilities : *Provided*, That in cases where even if the measures for improving the prevention facilities, etc. have been taken, there is little chance of lowering below the allotted loading quantity for contamination, etc. and prescribed by Ordinance of the Ministry of Environment, the order to close down shall be issued.

(5) The provisions of Article 43 shall apply *mutatis mutandis* to dispositions of penalty surcharge imposed in lieu of the suspension of operation in accordance with paragraph (4). In such cases, "the Minister of Environment" shall be deemed "the Minister of Environment or the head of local government in charge of quantity regulation of pollutants"; "the person running business" shall be deemed "the person running business of allotted contamination, etc."; "Article 42" shall be read as "Article 4-6 (4)"; and "precedents on dispositions taken to collect national taxes in arrears" shall be read "precedents on dispositions taken to collect national or local taxes in arrears."

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 4-7 (Charges for Release in Excess of Total Quantity of Pollutants)

(1) The Minister of Environment or the head of local government in charge of quantity regulation of pollutants may impose and collect charges for release in excess of total quantity of pollutants (hereinafter referred to as "charges for release in excess of total quantity of pollutants") from any person who has discharged in excess of the allotted loading quantity for contamination, etc.

(2) Matters necessary for the means of and criteria for calculating charges for release in excess of total quantity of pollutants, etc. shall be prescribed by Presidential Decree.

(3) When charges for release in excess of total quantity of pollutants are imposed pursuant to the provisions of paragraph (1), in cases where the discharge imposition amount under

Article or the penalty surcharge under Article 12 of the Act on Special Measures for the Control of Environmental Offenses (limited to penalty surcharges imposed with regards to water quality) has previously been imposed, the relevant amount shall be reduced. (4) The provisions of Article 41 of (4) through (8) apply *mutatis mutandis* to the imposition and collection of charges for release in excess of the total quantity of pollutants, etc. In such cases, “the Minister of Environment” shall be deemed “the Minister of Environment or the head of local government in charge of quantity regulation of pollutants,” and “the discharge imposition amount” shall be read “the charges for release in excess of the total quantity of pollutants.”

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 4-8 (Support by Local Government to Region subject to Quantity Regulation of Pollutants and Punishment against Noncompliance, etc.)

(1) The State may provide support for a part of expenses incurred in regulating the total quantity of pollutants to the local government which has established and operated an implementation plan for quantity regulation of pollutants.

(2) The heads of relevant administrative agencies shall be prohibited from granting approval, permission, etc. with regards to any of the following subparagraphs to any local government which has exceeded the loading quantity for contamination by local governments and by sections of river system in accordance with Article 4-3 (1) 2 or has failed to establish or

operate, without justifiable grounds, the basic plan for quantity regulation of pollutants or the implementation plan for quantity regulation of pollutants:

1. Implementation of a project for urban development under the provisions of Article 2 (1) 2 of the Urban Development Act;
2. Development of an industrial sites under the provisions of subparagraph 5 of Article 2 of the Industrial Sites and Development Act;
3. Development of a tourist spots and the tourism complex under the provisions of subparagraphs 6 and 7 of Article 2 of the Tourism Promotion Act; or
4. Installment of structures, including buildings, of a scale not smaller than that prescribed by Presidential Decree.

(3) The Minister of Environment or the heads of relevant central administrative agencies may, in cases where the head of a relevant administrative agency has violated the provisions of paragraph (2) or the head of a local government in charge of quantity regulation of pollutants has failed to comply with the request under Article 4-4 (3) without justifiable grounds, suspend or downsize financial support or take other necessary measures.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 4-9 (Inter-agency Cooperation for Quantity Regulation of Pollutants and Operation of Survey and Research Team, etc.)

(1) The Minister of Environment may, in order to build the information system to be used for the efficient utilization of data necessary for the implementation of the quantity regulation of pollutants, request the heads of related agencies, including the heads of relevant central administrative agencies, local governments, public agencies under Article 4 of the Act on the Protection of Personal Information Maintained by Public Agencies, etc. to submit necessary data. In such cases, the heads of related agencies shall comply with such request without justifiable grounds to the contrary.

(2) The Minister of Environment may, in order to adjust pollutants subject to the quantity regulation of pollutants, and the target water qualities for quantity regulation of pollutants by sections of river system, and to perform the review, survey and research on the implementation of the quantity regulation of pollutants, organize the survey and research

team by gathering experts on related fields and operate it under conditions prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 5 (Provision of Information)

The Minister of Environment shall build and operate a computer network for people to gain easy access to information pertaining to the results of regular measurement and of investigations provided for in Article 9, the results of surveys of pollution sources, as provided for in Article 23, pollution levels, discharge quantities, etc. of the wastewater released by waste-water discharge facilities and other information prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 8466, May 17, 2007>*

Article 6 (Support for Civilians Involved in Preservation Activities for Water Quality and Aquatic Ecosystems)

The State and local governments may support voluntary preservation activities for water quality and aquatic ecosystems and monitoring activities for contamination and damage thereof, carried out by local residents and nongovernmental organizations. *<Amended by Act No. 8466, May 17, 2007>*

Article 6-2 (Support for Survey and Research on Water Quality and Aquatic Ecosystem)

The State and local governments may support survey and research activities on water quality and aquatic ecosystems performed by companies, universities, private organizations, government-invested research institutions and national or public research institutions, etc.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 7 (Support for Environment-Friendly Goods)

The Government may subsidize the producers, sellers or consumers of goods that can serve to reduce the consumption of water or the use of synthetic chemical compounds, including detergents, etc. or to prevent

the occurrence of water pollution in rivers, lakes and marshes by reducing the presence of water-quality pollutants, and take policy steps to support technology development and develop relevant industries.

Article 8 Deleted. *<by Act No. 8038, Oct. 4, 2006>*

CHAPTER II PRESERVATION OF WATER QUALITY AND AQUATIC ECOSYSTEM IN PUBLIC WATERS

SECTION 1 General Provisions

Article 9 (Regular Measurements and Research on Water Quality and Aquatic Ecosystem)

(1) The Minister of Environment may, in order to ascertain the actual state of water quality and aquatic ecosystems of rivers, lakes, marsh, and other public waters prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as “rivers, lakes and marsh, etc.”), install a monitoring net in order to regularly measure the level of water pollution, the current status on water quality and aquatic ecosystems of rivers, lakes and marsh, etc. across the nation.

(2) The Minister of Environment shall, when he/she establishes the plan for surveying the river area under Article 2 (1) 2 of the River Act, from among regions subject to research on the actual state of the aquatic ecosystem in accordance with paragraph (1), consult with the Minister of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) Each Mayor/Do governor may install a monitoring net in order to regularly measure

the level of water pollution in order to ascertain the actual state of water pollution and aquatic ecosystems or conduct research on the current status of water quality and aquatic ecosystems in his/her respective jurisdictional areas. In such cases, the regular measurement or the results of research shall be reported to the Minister of Environment.

(4) Matters necessary for regular measurements and reports pursuant to paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8466, May 17, 2007]

Article 10 (Decision on and Publication of Plan for Building Measuring Networks)

(1) The Minister of Environment shall decide on a plan for building measuring networks which specifies the locations of measuring networks provided for in Article 9 (1), measurement items and the time and frequency of measurement, etc. and publish such plan under conditions prescribed by Ordinance of the Ministry of Environment and offer drawings for public perusal. The same shall apply to a case where he/she changes the plan.

(2) The provisions of paragraph (1) shall apply *mutatis mutandis* to cases where the Mayor/Do governor builds any measuring network pursuant to the provisions of Article 9 (2).

Article 10-2 (Determination of Target Criteria for Water Quality and Aquatic Ecosystems and Evaluation thereof)

(1) The Minister of Environment shall, when he/she shall determine and publish the target criteria for water quality and aquatic ecosystem (hereinafter referred to as "target criteria") by river-system spheres of influence under Article 22 and by lakes and marsh subject to the survey and measurement under Article 28 by considering the purposes for using rivers, lakes and marsh, etc., the current status of the water quality and aquatic ecosystems, the current status and prospects of the pollutants.

(2) The Minister of Environment shall evaluate each of following matters and make the result thereof public:

1. Whether the target criteria has been met or not; and
2. In cases where the water pollution of rivers, lakes and marsh, etc., is feared to cause harm to people or the ecosystem, the evaluation on such hazard.

(3) The methods and procedures necessary for the determination and publication of target criteria, the evaluation of whether the target criteria has been achieved and disclosure of the results thereof, etc pursuant to paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 10-3 (Committee for Deliberation on Policy of Water Quality and Aquatic Ecosystems)

(1) The Committee for Deliberation on Policy of Water Quality and Aquatic Ecosystems (hereinafter referred to as the "Committee") shall be established under the Minister of Environment in order to deliberate on each of following matters:

1. Matters on long-term and short-term directions for policies for the preservation of water quality and aquatic ecosystems;
2. Matters on the management system of water quality and aquatic ecosystems;
3. Priorities for managing river systems, lakes and marshes, etc. and matters on countermeasures for management;
4. Matters on priorities for investment in public facilities under Article 12;
5. Matters on the measurement and research related to water quality and aquatic ecosystems;
6. Matters on the assessment of status of implementation of policies related to subparagraphs 1 through 5 and the evaluation of performance; or

7. Other matters related to policies for the preservation of water quality and aquatic ecosystems prescribed by Presidential Decree.

(2) The Minister of Environment shall be the chairman of the Committee, and the vice-chairman shall be appointed or commissioned by the chairman from among the committee members.

(3) The Committee shall be comprised of 20 committee members including one chairman, one vice-chairman.

(4) Committee members, other than the chairman shall be as follow: *<Amended by Act No. 8852, Feb. 29, 2008>*

1. The Vice Minister of Strategy and Finance, the Vice Minister for Food, Agriculture, Forestry and Fisheries, the Vice Minister of Land, Transport and Maritime Affairs and the Administer of Korea Forest Service;

2. Three experts related to water quality and aquatic ecosystems commissioned by the Minister of Environment;

3. Three experts related to water quality and aquatic ecosystems respectively, commissioned by the Minister of Environment on the recommendation of the Minister for Food, Agriculture, Forestry and Fisheries, or the Minister of Land, Transport and Maritime Affairs; and

4. The representatives of relevant agencies or organizations prescribed by Presidential Decree who are commissioned by the Minister of Environment.

(5) Matters necessary for the operation of the Committee shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 11 (Relation with Other Acts)

(1) When the Minister of Environment or the Mayor/*Do* governor decides on and publishes the plan for building any measuring network pursuant to the provisions of Article 10, he/she shall be deemed to have obtained the permission falling under each of the following subparagraphs: *<Amended by Act No. 8338, Apr. 6, 2007; Act No. 8976, Mar. 21, 2008>*

1. Permission for implementation of river works provided for in Article 30 of the River Act, permission for occupation and use of rivers provided for in Article 33 of the same Act, and permission for use of river water provided for in Article 50 of the same Act;

2. Permission for any road occupation and use provided for in Article 38 of the Road Act; and

3. Permission for the occupation and use of any public waters provided for in the provisions of Article 5 of the Public Waters Management Act.

(2) In cases where the permission matters falling under each subparagraph of paragraph (1) are included in the plan for building a measuring network provided for in Article 10, the Minister of Environment or the Mayor/*Do* governor shall consult thereon with the heads of relevant agencies before he/she decides on and publishes the plan for building such measuring network.

Article 12 (Installation and Management, etc. of Public Facilities)

(1) The Minister of Environment may, when it is deemed especially necessary to prevent the occurrence of water pollution in the public waters, get the Mayor/*Do* governor and the head of *Si/Gun/Gu* (referring to the head of the autonomous *Gu*; hereinafter the same shall apply) to install and upgrade sewage conduits, wastewater and sewage terminal treatment facilities or waste treatment facilities, etc. in their respective jurisdictional areas.

(2) The Minister of Environment may, when the quality of the water released by the wastewater terminal treatment facilities referred to in the provisions of paragraph (1) exceeds the standards for the water quality of released water, get anyone who installs and manages the relevant facilities to take measures necessary to upgrade his/her facilities.

(3) Water-quality standards for the water released by the wastewater terminal treatment facilities referred to in the provisions of paragraph (1) (hereinafter referred to as "standards for the water quality of released water") shall be set by Ordinance of the Ministry of Environment after consulting thereon with the heads of relevant central administrative agencies and water-quality standards for water released by sewage terminal treatment facilities or waste treatment facilities shall be governed by the Sewerage Act or the Wastes Control Act.

Article 13 (Reflection in National Land Plan)

The Mayor/*Do* governor or the head of *Si/Gun* shall, when developing the *Do* comprehensive plan or the *Si/Gun* comprehensive plan according to the Framework Act on the National Land, reflect the preventative measures provided for in Article 22 (1) and the plan for installing sewage terminal treatment facilities and excreta treatment facilities, etc. in such comprehensive plans under conditions prescribed by Presidential Decree in order to prevent water pollution of public waters.

Article 14 (Reflection in Basic Urban Planning)

The Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* shall, if they each develop a basic urban planning pursuant to the provisions of Article 18 of the National Land Planning and Utilization Act, reflect the *Do* comprehensive plan provided for in Article 13 and the comprehensive plan for installing sewage terminal treatment facilities and excreta treatment facilities, etc. included in the metropolitan development project plan provided for in Article 5 of the Balanced Regional Development and Support for Local Small and Medium Enterprises Act in the relevant basic urban planning.

Article 15 (Prohibition on Release, etc.)

(1) Anyone shall be prohibited from engaging in the activities falling under any of the following subparagraphs without justifiable grounds:

1. Leaking, releasing or dumping specific substances harmful to water quality, designated wastes provided for in the Wastes Control Act, petroleum products and crude oil (excluding petroleum gas; hereinafter referred to as "oils") provided for in the Petroleum and Petroleum Substitute Fuel Business Act, toxic substances (hereinafter referred to as "toxic substances") provided for in the Toxic Chemicals Control Act and agrochemicals (hereinafter referred to as "agrochemicals") provided for in the Agrochemicals Control Act in the public waters;
2. Dumping excreta, livestock wastewater, the dead bodies of animals, wastes (excluding the designated wastes provided for in the Wastes Control Act) or sludge in the public waters;
3. Washing vehicles in rivers, lakes and marshes; and
4. Seriously polluting any water supply source, any river, any lake and any marsh by flowing or dumping a large quantity of earth and sand in the public waters.

(2) In cases where the public waters are polluted or are feared to be polluted by any activities referred to in the provisions of paragraph (1) 1 or 2, the actor, any corporation to which the actor belongs and any business operator for whom the actor works (hereinafter referred to as "actor, etc.") shall take measures to prevent pollution and remove pollutants as prescribed by Ordinance of the Ministry of Environment, including the removal of the

relevant substances (hereinafter referred to as “prevention and removal measures”). *⟨Amended by Act No. 8466, May 17, 2007⟩*

(3) In cases where the actor, etc. fails to take prevention and removal measures pursuant to the provisions of paragraph (2), the Mayor/*Do* governor may order the actor, etc. to take such prevention and removal measures.

(4) When anyone who is ordered to take prevention and removal measures pursuant to the provisions of paragraph (3) fails to take such prevention and removal measures or prevention and removal measures, alone, are deemed difficult to prevent water pollution or remove water pollution, the Mayor/*Do* governor may get the head of *Si/Gun/Gu* to vicariously implement the relevant prevention and removal measures.

(5) The vicarious implementation of the relevant prevention and removal measures referred to in the provisions of paragraph (4) shall be governed by the Administrative Vicarious Execution Act. In such cases, the order given by the Mayor/*Do* governor under the provisions of paragraph (3) shall be deemed an order issued by the head of *Si/Gun/Gu*.

Article 16 (Report on Water Pollution Accident)

When anyone who transports and stores oils, toxic substances, agrochemicals or specific substances harmful to water quality pollutes the water quality with such substances, he/she shall promptly make a report thereon to the relevant local environmental administrative agency or other administrative agencies, including the *Si/Gun/Gu*, etc.

Article 17 (Restrictions on Traffic for Preserving Water Quality of Water Supply Sources)

(1) Anyone who drives any vehicle loaded with substances feared to pollute water supply sources if and when such vehicle is overturned or plunges into such water supply sources in an accident shall be prohibited from driving his/her vehicle on the roads and sections prescribed by Ordinance of the Ministry of Environment pursuant to the provisions of paragraph (4) in an area falling under any of the following subparagraphs or any other area adjacent to the former:

1. The water supply source protection area;
2. The special countermeasure area;
3. The waterside area designated and published pursuant to the provisions of Article 4 of the Act on the Improvement of Water Quality and Support for Residents of the Riverhead of the *Han* River System, the provisions of Article 4 of the Act on the Management of Water and Support for Residents of the *Nakdong* River System, the provisions of Article 4 of the Act on the Management of Water and Support for Residents of the *Gum* River System and the provisions of Article 4 of the Management of Water and Support for Residents of the *Yeongsan* and *Seomjin* River Systems; and
4. The area prescribed by Ordinance of the Ministry of Environment as being feared to seriously pollute water supply sources.

(2) The term “substances that are feared to pollute water supply sources” referred to in the body of paragraph (1) means substances falling under any of the following subparagraphs:

1. Specific substances harmful to water quality;
2. Designated wastes provided for in subparagraph 4 of Article 2 of the Waste Control Act (limited to wastes in liquid state and other wastes prescribed by Ordinance of the Ministry of Environment);
3. Oils;
4. Toxic substances;
5. Agrochemicals and raw materials provided for in subparagraphs 1 and 3 of Article

2 of the Agrochemicals Control Act;

6. Radioactive isotopes and radioactive wastes provided for in the provisions of subparagraphs 6 and 18 of Article 2 of the Atomic Energy Act; and

7. Other substances prescribed by Presidential Decree.

(3) The Commissioner General of the National Police Agency shall, when it is deemed necessary to restrict the traffic of vehicles pursuant to the provisions of paragraph (1), take measures falling under any of the following subparagraphs:

1. Installation of signs reading restrictions on vehicle traffic; and

2. Crackdown on vehicles that violate traffic restrictions.

(4) Necessary matters concerning roads and sections on which the vehicle traffic is prohibited and vehicles, etc. referred to in the provisions of paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment after the Minister of Environment consults thereon with the Commissioner General of the National Police Agency.

Article 18 (Prevention of Water Pollution Caused by Occupation and Use of Public Waters and Tidal Flat Reclamation)

(1) Any administrative agency that intends to grant permission or authorization for occupation and use or tidal flat reclamation of public waters may attach conditions thereto that are necessary to prevent the water pollution of public waters.

(2) Necessary matters concerning details of the conditions referred to in paragraph (1) and the methods of preventing the water pollution, etc. shall be prescribed by Presidential Decree.

Article 19 (Recommendation, etc. with Respect to Growing Specific Crops)

(1) The Mayor/*Do* governor may, when it is deemed necessary to preserve the water quality of public waters, recommend anyone who grows crops in any river, lake and marsh area to change kinds of crops and methods of growing crops or to suspend his/her growing of crops in such area.

(2) The Mayor/*Do* governor may, under conditions prescribed by Presidential Decree, compensate for any loss that the grower suffers by growing the crops or suspending his/her growing of crops on the recommendation referred to in the provisions of paragraph (1).

Article 19-2 (Recommendation of Measures for Preservation of Water Quality and Aquatic Ecosystem)

(1) The Minister of Environment may, when it is found that, as a result of measurements and research, if any measure would not been taken, water quality and aquatic ecosystems of rivers, lakes, marshes, etc. may be affected by serious harm, recommend any person who manages public waters (referring to the manager of water surface, river management agency under Article 12 of the River Act, and the head of *Si/Gun/Gu*) to take measures necessary for the preservation of water quality and aquatic ecosystems.

(2) The Minister of Environment may partly subsidize expenses incurred in implementing recommendations pursuant to paragraph (1).

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 19-3 (Purchase and Creation of Riverine Ecological Zones)

(1) The Minister of Environment may, when he/she deems it is necessary for the preservation of water quality and aquatic ecosystems, purchase waterside wetland or waterside land falling under standards prescribed by Presidential Decree (hereinafter referred to as "riverine ecological zone") or manage it by creating ecologically under conditions prescribed by Ordinance of the Ministry of Environment.

(2) The Mayor/*Do* governor may, in cases where it is inevitable for the protection of water supply source located with his/her jurisdiction and

prescribed by Presidential Decree purchase the riverine ecological zone in compliance with the criteria under paragraph (1) or manage it by creating ecologically under conditions prescribed by Ordinance of the Ministry of Environment.

(3) Land falling under a river area pursuant to Article 2 (1) 2 of the River Act shall be excluded from land subject to purchase.

(4) The Minister of Environment shall, when he/she intends to purchase land or select land subject to creation pursuant to paragraph (1) shall hold prior consultation with the heads of relevant central administrative agencies and the heads of competent local governments.

(5) Matters necessary for the criteria of selecting land to be subject to purchase, calculation of the purchase price, methods of purchase, procedures, etc., with regards to the purchase of land pursuant to paragraphs (1) and (2) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 20 (Restrictions on Acts of Fishing)

(1) The head of *Si/Gun/Gu* may designate any fishing prohibition area or any fishing-restriction area taking into account the objectives of using rivers (excluding national rivers and local rivers under Article 7 (2) and (3) of the River Act), lakes and marshes as well as the actual water quality thereof under conditions prescribed by Presidential Decree. In such cases, the head of *Si/Gun/Gu* shall consult thereon with the relevant water surface manager. *<Amended by Act No. 8338, Apr. 6, 2007>*

(2) Anyone who intends to fish in any fishing-restriction area referred to in the provisions of paragraph (1) shall abide by matters, including methods, time of fishing, etc. that are prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment shall consult thereon with the Minister of Land, Transport and Maritime Affairs when such matters are prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 8852, Feb. 29, 2008>*

(3) The head of *Si/Gun/Gu* may collect fees from persons who intend to fish in a fishing-restriction area referred to in the provisions of paragraph (1) under conditions prescribed by the municipal ordinance to cover the cost of removing trash, etc. with the aim of preventing water pollution in fishing-restriction areas and surrounding areas.

Article 21 (Alert System for Water Pollution)

(1) The Minister of Environment or the Mayor/*Do* governor may, when water pollution is feared to cause great damage to using the water of any river, any lake or any marsh or to seriously harm the health and property of residents, the raising of animals and the growth of plants, issue an alert on the water pollution of such river, lake or marsh.

(2) and (3) Deleted. *<by Act No. 8466, May 17, 2007>*

(4) The Minister of Environment may subsidize official business costs required to take measures following the issuance of an alert on water pollution within budget limit.

(5) The kinds of alerts issued on water pollution, the objects of alert issuance by kind, the subjects who issue alerts, water quality pollutants for issuing alerts, standards for issuing alerts, phases by which alerts are issued, matters concerning measures by phases of alert, standards for canceling alerts, etc. shall be prescribed by Presidential Decree. *<Amended by Act No. 8466, May 17, 2007>*

Article 21-2 (Restrictions on Activities Performed on Contaminated Public Waters)

(1) The Minister of Environment may, when he/she deems that rivers, lakes, marshes, etc. have been contaminated so that waterside excursions, such as swimming, and other activities prescribed by Presidential Decree may cause serious harm to human health or livelihood, recommend the Mayor/*Do* governor to take measures prescribed by Ordinance

of the Ministry of Environment, including guiding interested persons, such as residents in his/her jurisdiction to exercise restraint in such activities on rivers, lakes, marsh.

(2) The Mayor/*Do* governor who has accepted a recommendation pursuant to paragraph (1) shall take recommended measures unless justifiable grounds exist that make it impossible for him/her to do so.

(3) Matters regarding the criteria for selecting contaminated rivers, lakes, marshes, etc. subject to recommendation pursuant to paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

SECTION 2 Preservation for Water Quality and Aquatic Ecosystems by River-System Spheres of Influence

Article 22 (Management of Water Quality and Water Ecosystems by River-system Spheres of Influence)

(1) The Minister of Environment or the head of the local government shall ascertain the current status of water quality and aquatic ecosystems in accordance with plans for preserving water quality and aquatic ecosystems by river-system spheres of influence under Articles 24 through 26 and take measures for the proper management.

(2) The Minister of Environment shall classify the river-system spheres of influence under paragraph (1) into large areas of influence, medium areas of influence and small areas of influence in compliance with standards prescribed by Ordinance of the Ministry of Environment by considering the characteristics of river basins, including area, topography, etc., and publish them.

[This Article Wholly Amended by Act No. 8466, May 17, 2007]

Article 23 (Survey of Sources of Pollution)

The Minister of Environment shall regularly survey the kinds of sources of pollution and the quantity of water-quality pollutants, etc. by river-system spheres of influence under conditions prescribed by Ordinance of the Ministry of Environment.

Article 24 (Development of Plans for Preservation of Water Quality and Aquatic Ecosystems in Large Areas of Influence)

(1) The Minister of Environment shall develop the basic plan for preserving water quality and aquatic ecosystems by large areas of influence (hereinafter referred to as the "plans for large areas of influence") every 10 years. *<Amended by Act No. 8466, May 17, 2007>*

(2) Plans for large areas of influence shall include matters falling under each of the following subparagraphs: *<Amended by Act No. 8466, May 17, 2007>*

1. Trend of water quality and aquatic ecosystems and target criteria;
2. Water supply sources and the current consumption of water;
3. The current distribution of point pollution sources, non-point pollution sources and other water pollution sources;
4. The current quantity of water-quality pollutants released by point pollution sources, non-point pollution sources and other water pollution sources;
5. Measures to prevent and reduce water pollution;
- 5-2. The direction for implementing the measures for preserving water quality and aquatic ecosystems; and
6. Other matters prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall, when he/she intends to develop plans for large areas of influence, consult thereon with the heads of central administrative agencies concerned

and the river system management committee concerned provided for in the Act on the Improvement of Water Quality and Support for Residents of the Riverhead of the Han River System and other Acts. The same shall apply to cases where the Minister of Environment intends to change plans for large areas of influence.

(4) The Minister of Environment shall, when he/she develops plans for large areas of influence, notify the heads of relevant central administrative agencies and the heads of relevant local governments thereof.

(5) The Minister of Environment may, in cases where five years have elapsed from the date when the plans for large areas of influence has been established or when he/she deems that the plans for large areas of influence needs to be altered, change the plans for large areas of influence after conducting the feasibility study. *<Newly Inserted by Act No. 8466, May 17, 2007>*

Article 25 (Development of Plan for Preserving Water Quality and Aquatic Ecosystems in Medium Influence Area)

(1) The head of Basin Environmental Office or the head of Regional Environmental Office shall develop plans for preserving water quality and aquatic ecosystems in medium areas of influence (hereinafter referred to as the “plans for medium areas of influence”) according to the plans for large areas of influence. *<Amended by Act No. 8466, May 17, 2007>*

(2) The head of Basin Environmental Office or the head of Regional Environmental Office shall, when he/she intends to develop plans for medium areas of influence, consult thereon with the Mayor/Do governor concerned. The same shall apply to cases where he/she intends to change the plans for medium areas of influence.

(3) The head of Basin Environmental Office or the head of Regional Environmental Office shall, when he/she develops the plans for medium areas of influence, notify the Mayor/Do governor concerned of such fact.

Article 26 (Development of Plans for Preserving Water Quality and Aquatic Ecosystems by Small Areas of Influence)

The head of *Si/Gun/Gu* shall develop plans for preserving water quality and water ecosystems in small areas of influence (hereinafter referred to as the “plans for small areas of influence”) according to plans for large areas of influence and plans for medium areas of influence and implement the plans after obtaining approval therefor from the Minister of Environment. *<Amended by Act No. 8466, May 17, 2007>*

Article 27 (Development of Small Influence Area Plan by Minister of Environment)

(1) In cases where the head of *Si/Gun/Gu* fails to develop a small area of influence without justifiable grounds, the Minister of Environment may develop such small area of influence. *<Amended by Act No. 8466, May 17, 2007>*

(2) The head of *Si/Gun/Gu* shall conscientiously implement the small area of influence that is developed by the Minister of Environment. *<Amended by Act No. 8466, May 17, 2007>*

(3) In cases where the head of *Si/Gun/Gu* fails to implement the small area of influence referred to in the provisions of paragraph (1), the Minister of Environment and the heads of relevant central administrative agencies may take measures falling under each of the following subparagraphs: *<Amended by Act No. 8466, May 17, 2007>*

1. Suspension of or reductions in financial support and other necessary measures; and
2. Restrictions on the installation of wastewater discharge facilities (including any change to such facilities).

(4) The Minister of Environment shall, when he/she imposes the restrictions pursuant to the provisions of paragraph (3) 2, publish the facilities and the area subject to such restrictions.

SECTION 3 Preservation of Water Quality and Aquatic Ecosystem in Lakes and Marshes

Article 28 (Regular Surveys and Measurement)

The Minister of Environment and the Mayor/*Do* governor shall regularly survey and measure the current consumption of water of lakes and marshes, the current status of water quality and aquatic ecosystems, the current distribution of sources of pollution, and the quantity of water quality pollutants arising under conditions prescribed by Presidential Decree in order to preserve water quality and aquatic ecosystems of lakes and marshes. *<Amended by Act No. 8466, May 17, 2007>*

Article 29 (Prevention of Damage Caused by Algae)

The Minister of Environment may, when the occurrence of algae is deemed to seriously affect the water quality and aquatic ecosystems of lakes and marshes, order the relevant water surface manager and the relevant manager of the intake facilities or the water-purification facilities that use lakes and marshes as water sources to take measures necessary to prevent the damage caused by the occurrence of algae, etc. In such cases, the Minister of Environment may provide those managers with subsidies necessary to cover costs required for the prevention thereof within budget limits. *<Amended by Act No. 8466, May 17, 2007>*

Article 30 (Restrictions on Licensing Fish Farming Business)

The heads of relevant administrative agencies shall not grant any license for a fish farming business that requires a fish-holding farm in any lake and any marsh for water supply sources from among fish farming businesses provided for in Article 6 (1) of the Inland Water Fisheries Act.

Article 31 (Removal and Treatment of Trash in Lakes and Marshes)

- (1) Every water surface manager shall remove trash in lakes and marshes and the head of *Si/Gun/Gu* having jurisdiction over the relevant lakes and marshes shall transport and treat the removed trash.
- (2) Every water surface manager and the head of *Si/Gun/Gu* shall conclude an agreement on choosing the main body which transports and treats trash and on sharing costs required to transport and treat trash referred to in the provisions of paragraph (1).
- (3) Every water surface manager and the head of *Si/Gun/Gu* may, when they fail to conclude the agreement referred to in the provisions of paragraph (2), file an application with the Minister of Environment for his/ her mediation. In such cases, when the Minister of Environment mediates differences between them, the agreement referred to in the provisions of paragraph (2) shall be deemed concluded.
- (4) Necessary matters concerning procedures for filing applications for mediation pursuant to the provisions of paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment.

CHAPTER III CONTROL OF POINT POLLUTION SOURCES

SECTION 1 Regulation of Discharge of Industrial Wastewater

Article 32 (Standards for Permitting Discharge)

- (1) The standards for permitting the discharge of water-quality pollutants released by wastewater discharge facilities (hereinafter referred to as "discharge facilities") shall be set by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall, when he/she sets standards by Ordinance of the Ministry of Environment pursuant to paragraph (1), consult thereon with the heads of relevant central administrative agencies.

(3) The City/*Do* may, when it is deemed difficult to maintain regional environment standards provided for in Article 10 (3) of the Framework Act on Environmental Policy, set standards for permitting discharge that are more stringent than the standards for permitting the discharge referred to in the provisions of paragraph (1) by their respective municipal ordinances: *Provided*, That this case shall be limited to cases where the authority of the Minister of Environment provided for in Articles 33, 37, 39 and 41 through 43 is delegated to the Mayor/*Do* governor pursuant to the provisions of Article 74 (1). *<Amended by Act No. 8466, May 17, 2007>*

(4) When standards for permitting the discharge referred to the provisions of paragraph (3) are set or changed, the Mayor/*Do* governor shall promptly make a report thereon to the Minister of Environment and take measures necessary to make such fact known to persons interested.

(5) The Minister of Environment may, when deemed necessary to prevent water pollution in special countermeasure areas, set standards for permitting discharge that are more stringent than the standards for permitting discharge referred to in the provisions of paragraph (1) for the discharge facilities installed in the relevant special countermeasure area and set special standards for permitting the discharge for any discharge facilities that are newly installed in the relevant special countermeasure area.

(6) In cases where any area is not subject to the application of the standards for permitting the discharge in the City/*Do* to which such standards for permitting the discharge provided for in the municipal ordinance are applied pursuant to the provisions of paragraph (3), the standards for permitting the discharge provided for in the municipal ordinance shall also apply to discharge facilities already installed or scheduled to be installed in such area.

(7) The provisions of paragraphs (1) through (6) shall not apply to discharge facilities falling under any of following subparagraphs: *<Amended by Act No. 8466, May 17, 2007>*

1. The wastewater non-discharge facilities installed in accordance with the proviso to Article 33 (1) and (2) of the said Article; or
2. The discharge facilities which do not release wastewater into public waters by reusing the whole volume of wastewater or treating it by entrusting it in whole, from among the discharge facilities prescribed by Ordinance of the Ministry of Environment.

(8) With respect to the discharge facilities that take the inflow of all of the wastewater through discharge equipment in wastewater terminal treatment facilities provided for in Article 48 or the sewage terminal treatment facilities provided for in subparagraph 5 of Article 2 of the Sewerage Act, the Minister of Environment may set and publish separate standards for permitting the discharge only for items that can be properly treated in the wastewater terminal treatment facilities or the sewage terminal treatment facilities, notwithstanding the provisions of paragraph (1).

Article 33 (Permission for and Report on Installation of Discharge Facilities)

(1) Anyone who intends to install discharge facilities shall obtain permission therefor from the Minister of Environment or make a report thereon to the Minister of Environment under conditions prescribed by Presidential Decree: *Provided*, That anyone who intends to install the wastewater non-discharge facilities pursuant to the provisions of paragraph (7) shall obtain permission therefor from the Minister of Environment.

(2) In cases where the person who obtains permission pursuant to the provisions of paragraph (1) intends to change any important matter prescribed by Presidential Decree from among the permitted matters, he/she shall obtain permission for such change: *Provided*, That when he/she intends to change any other matter prescribed by Ordinance of the Ministry of Environment or when he/she has changed matter prescribed by Ordinance of the Ministry of Environment, he/she shall make a report on such change. *<Amended by Act No. 8466, May 17, 2007>*

(3) When anyone who makes a report pursuant to the provisions of paragraph (1) intends to change any matter prescribed by Ordinance of the Ministry of Environment from among any reported matter or when he/she has changed any matter prescribed by Ordinance of the Ministry of Environment, he/she shall make a report on such change under conditions prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 8466, May 17, 2007>*

(4) In cases where anyone who intends to obtain permission or changed permission or to make a report or a report on any change pursuant to the provisions of paragraphs (1) through (3) falls under the provisions of the proviso of Article 35 (1) and installs or changes joint prevention facilities provided for in Article 35 (4), he/she shall submit documents that are prescribed by Ordinance of the Ministry of Environment.

(5) In cases where the water-quality pollutants released by the discharge facilities that are located in the upper stream area of the water supply source protection area, the special countermeasure area and its upper stream area and the area where the intake facilities are located and its upper stream area are feared to make it difficult to maintain environmental standards and seriously harm the health and property of residents, the raising of animals and the growth of plants, the Minister of Environment may place a restriction on the installation of the discharge facilities (including any change in the discharge facilities) after hearing the opinion of the Mayor/*Do* governor having jurisdiction over the area and consulting thereon with the heads of relevant central administrative agencies.

(6) The scope of the area on which the installation of the discharge facilities is restricted pursuant to the provisions of paragraph (5) shall be prescribed by Presidential Decree and the Minister of Environment shall publish the facilities subject to the restrictions by area.

(7) Even the discharge facilities release specific substances harmful to water quality that are prescribed by Ordinance of the Ministry of Environment, such facilities may be installed as wastewater non-discharge facilities in any area on which the installation of any discharge facilities are restricted, notwithstanding the provisions of paragraphs (5) and (6).

(8) The Minister of Environment shall determine and publish the area on which the installation of any discharge facilities are restricted, but the discharge facilities that release specific substances harmful to water quality may be installed as wastewater non-discharge facilities pursuant to the provisions of paragraph (7).

(9) The standards for granting permission or permission for change provided for in paragraphs (1) and (2) shall be as follows: *<Amended by Act No. 8466, May 17, 2007>*

1. The pollutants released from the discharge facilities may be treated at a level below the standards for permitting the discharge pursuant to Article 32;
2. The provisions regarding the restriction on installing the discharge facilities pursuant to other Acts and subordinate statutes shall not be violated; or
3. In cases where wastewater non-discharge facilities are installed, the whole facilities prescribed by Presidential Decree shall be installed in compliance with the standards prescribed by Presidential Decree to prevent wastewater from flowing or discharging

into public waters.

Article 34 (Permission for Installing Wastewater Non-Discharge Facilities)

(1) Anyone who intends to obtain permission for installing wastewater non-discharge facilities or permission for changing the same facilities pursuant to the provisions of the proviso of Article 33 (1) and paragraph (2) of the same Article shall submit documents, including a plan for installing wastewater non-discharge facilities, etc. prescribed by Ordinance of the Ministry of Environment to the Minister of Environment.

(2) The Minister of Environment shall, upon receiving the application for the permission that is filed pursuant to the provisions of paragraph (1), hear opinions of specialized institutions that are prescribed by Ordinance of the Ministry of Environment about the appropriateness of wastewater non-discharge facilities and water pollution prevention facilities that are capable of treating water-quality pollutants without releasing wastewater.

Article 35 (Installation of Prevention Facilities, Exemption of Installation, and Observance of Exempt, etc.)

(1) Anyone who obtains permission or permission for any change or makes a report or a report on any change pursuant to the provisions of Article 33 (1) through (3) (hereinafter referred to as “business operator”) shall, when he/she installs or changes the relevant discharge facilities, also install the water pollution prevention facilities (in cases of the wastewater non-discharge facilities, they refer to the water pollution prevention facilities capable of treating wastewater without releasing it; hereinafter the same shall apply) in order to keep the waterquality pollutants released by the discharge facilities below the standards for permitting the discharge provided for in Article 32: *Provided*, That the same shall not apply to discharge facilities (excluding the wastewater non-discharge facilities) that fall under the standards set by Presidential Decree.

(2) Anyone who uses discharge facilities without installing the water pollution prevention facilities (hereinafter referred to as the “prevention facilities”) according to the provisions of the proviso of paragraph (1) shall observe the matters concerning the management of the discharge facilities prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as the “observance matters”), including the treatment of wastewater and methods of storing wastewater, etc.

(3) The Minister of Environment may, in cases where a person who installs and operates discharge facilities without installing the prevention facilities required under the provisions of the proviso of paragraph (1) violates the matters to be observed referred to in paragraph (2), revoke permission or permission for change provided for in Article 33 (1) through (3) or issue an order to close down the discharge facilities, to improve the relevant facilities, in whole or in part, or to suspend the operation of the relevant facilities by fixing a period within six months. *<Amended by Act No. 8466, May 17, 2007>*

(4) Business operators may install joint prevention facilities (hereinafter referred to as the “joint prevention facilities”) in order to jointly treat water-quality pollutants released by the discharge facilities (excluding the wastewater non-discharge facilities). In such cases, the business operators shall be deemed to install prevention facilities against water-quality pollutants in their respective workplaces.

(5) Business operators shall, when they install and operate joint prevention facilities, establish an operational body and appoint a representative responsible therefor.

(6) Necessary matters concerning the installation and operation of joint prevention facilities shall be prescribed by Ordinance of the Ministry of Environment.

Article 36 (Succession of Rights and Duties)

(1) In cases where any business operator transfers his/her discharge facilities and the prevention facilities, dies or corporations are merged, any transferee, any inheritor, any surviving corporation or any corporation that is incorporated by the merger shall succeed the rights and duties of the business operator with respect to permission or permission for any change and the report or the report on any change.

(2) Anyone who takes over discharge facilities and prevention facilities of any business operator according to the auction provided for in the Civil Execution Act, the conversion provided for in the Bankruptcy Act, the sale of the seized property provided for in the National Tax Collection Act, the Customs Act or the Local Tax Act and other procedures corresponding thereto shall succeed the rights and duties of the business operator with respect to the permission or changed permission and the report or report on any change.

(3) Anyone who leases the discharge facilities and the prevention facilities shall be deemed a business operator in the application of the provisions of Articles 38 through 41 or, 42 (excluding the case of the revocation of any permission), 43, 46, 47 and 68 (1) 1.

Article 37 (Report on Commencement of Operation of Discharge Facilities, etc.)

(1) Any business operator shall, when he/she intends to operate the relevant discharge facilities and prevention facilities after completing their installations or changing the discharge facilities (in cases where he/she changes discharge facilities after making a report on the change, such change shall be limited to the changes prescribed by Presidential Decree), make a report on the commencement of their operation in advance to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment. In cases where he/she intends to change the reported operation commencement date, he/she shall make a report on such change to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment.

(2) Any business operator who makes a report on the operation commencement pursuant to the provisions of paragraph (1) shall operate the prevention facilities in order to treat water-quality pollutants released by discharge facilities (excluding the wastewater non-discharge facilities) below the standards for permitting discharge within the period set by Ordinance of the Ministry of Environment. In such cases, the provisions of Articles 39 through 40 shall not apply within the period set by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall check on the operational status of the discharge facilities and the prevention facilities within the period set by Ordinance of the Ministry of Environment beginning on the date on which the period referred to in the provisions of paragraph (2) elapses and get any testing institution that is prescribed by Ordinance of the Ministry of Environment to test the level of pollution after collecting water-quality pollutants.

(4) The Minister of Environment shall inspect the wastewater non-discharge facilities on which a report is made on the commencement of its operation pursuant to the provisions of paragraph (1) within 10 days from the date on which such report is made whether they are in conformity with the standards for granting permission or changed permission provided for in Article 33 (9).

Article 38 (Operation of Discharge Facilities and Prevention Facilities)

(1) Every business operator (excluding any business operator who obtains permission for installing the wastewater non-discharge facilities or permission for changing them pursuant to the provisions of the proviso of Article 33 (1) or paragraph (2) of the same Article) or anyone (including the representative of the operational body of the joint prevention

facilities provided for in Article 35 (5); hereinafter the same shall apply) who operates the prevention facilities shall be prohibited from engaging in activities falling under any of the following subparagraphs:

1. Releasing water-quality pollutants released by discharge facilities without flowing them into the prevention facilities or installing any facilities that are capable of releasing water-quality pollutants released by the discharge facilities without flowing them into the prevention facilities;
2. Releasing water-quality pollutants that flow into prevention facilities without causing them to go through the terminal outlet or installing facilities capable of releasing water-quality pollutants without getting them to go through the terminal outlet;
3. Treating the water-quality pollutants by mixing water that is not released in the course of processing the water-quality pollutants and unpolluted water that is released in the course of processing the water-quality pollutants or releasing water-quality pollutants by mixing water in order to lower the pollution level before water-quality pollutants in excess of the standards for permitting the discharge pass the final outlet: *Provided*, That the same shall not apply to cases where the Minister of Environment deems it possible to treat water-quality pollutants only when they are diluted under conditions prescribed by Ordinance of the Ministry of Environment and other case that is prescribed by Ordinance of the Ministry of Environment; and
4. Releasing water-quality pollutants in excess of the standards for permitting the discharge by failing to normally operate the discharge facilities and the prevention facilities without justifiable grounds.

(2) Any business operator who obtains permission for installing the wastewater non-discharge facilities or permission for changing them pursuant to the provisions of the proviso of Article 33 (1) or paragraph (2) of the same Article shall be prohibited from engaging in activities falling under any of the following subparagraphs:

1. Shipping any wastewater released by the wastewater non-discharge facilities out of his/her place of business or releasing any wastewater into the public waters or installing facilities that are capable of releasing the wastewater;
2. Installing facilities that treat or are capable of treating the wastewater released by wastewater non-discharge facilities by mixing it with sewage or wastewater released by other discharge facilities; and
3. In cases where the wastewater released by the wastewater non-discharge facilities is reused, the act of reusing wastewater in other discharge facilities without reusing it in the same wastewater non-discharge facilities or using the wastewater as water for toilet and gardening or fire fighting, etc.

(3) Any business operator or anyone who operates prevention facilities shall, when they operate discharge facilities and such prevention facilities, record the actual operation of the discharge facilities and the prevention facilities in the course of such operation under conditions prescribed by Ordinance of the Ministry of Environment and keep the records thereof.

(4) Deleted. *<by Act No. 8466, May 17, 2007>*

Article 38-2 (Equipment of Gauges, etc.)

(1) Every person falling under any of the following subparagraphs shall, with an aim to confirm whether released water quality pollutants conforms to the standards for permitting the discharge pursuant to Article 32, and standards for the quality of released water pursuant to Article 12 (3) or Article 7 of the Sewerage Act, build devices that measure the amount

and quality of something, prescribed by Presidential Decree including integrating wattmeters, integrating flowmeters, gauges for measuring the concentration of released water-quality pollutants (hereinafter referred to as “gauges”):

1. Any person who operates the place of business which releases the wastewater in excess of the discharge quantity of wastewater prescribed by Presidential Decree: *Provided*, That the person who runs business for which permission for establishment of the wastewater non-discharge facilities under the proviso to Article 33 (1) or paragraph (2) of the said Article or permission for change has been granted shall be excluded;
 2. Any person who operates the prevention facilities (including the joint prevention facilities) with the capacity for treatment prescribed by Presidential Decree; or
 3. Any person who operates wastewater terminal treatment facilities under Article 48 (1) or the public sewerage treatment facilities (hereinafter referred to as the “public sewerage treatment facilities”) under the provisions of subparagraph 9 of Article 2 of the Sewerage Act with the capacity for treatment prescribed by Presidential Decree.
- (2) The necessary matters regarding the means of equipping gauges that should be attached pursuant to paragraph (1), the time of equipment and the equipment of other gauges shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 38-3 (Prohibited Activities by Person Running Gauge-Manufacturing Business, etc., Standards for Operation and Management)

(1) Any person who has equipped gauges in accordance with Article 38-2 (1) (hereinafter referred to as “person running gauge-manufacturing business, etc.”) shall, when he/she operate gauges, be prohibited from performing any of the following subparagraphs:

1. Intentionally defaulting on the operation of gauges, or on normal measurement;
 2. Leaving gauges which are not in good working order due to corrosion, abrasion, malfunction or damage, unattended without justifiable ground; or
 3. Omitting results from measurements or falsely preparing results from measurements.
- (2) Each person running gauge-manufacturing business, etc. shall observe the standards for the operation and management of gauges prescribed by Ordinance of the Ministry of Environment in order to maintain the reliability and the level of accuracy of the results measured by the relevant gauges.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 38-4 (Order for Take Measures and for Business Suspension to Person Running Gauge-Manufacturing Business, etc.)

(1) The Minister of Environment may order any person running gauge-manufacturing business, etc. who has failed to observe the standards for operation and management under Article 38-3 (2) to take matters necessary for the gauges to be operated and managed in compliance with the standards by fixing a period under conditions prescribed by Presidential Decree.

(2) The Minister of Environment may order any person who defaults on the order to take measures pursuant to paragraph (1) to suspend the operation in whole or in part of the relevant discharge facilities, etc. by fixing a period within six months.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 38-5 (Technological Support and Exemption from Report and Inspection for Person Running Gauge-Manufacturing Business, etc.)

(1) The Minister of Environment may operate a computer network that is connected with gauges equipped by persons running gauge-manufacturing business, etc. with which the results from measurements may be computerized with the aim of the management and

analysis of the measurement data.

(2) The Minister of Environment may provide the technological support, etc. to the person running gauge-manufacturing business, etc. on account that the gauges may be normally installed, maintained, and managed. In such cases, the Minister of Environment may have the employees of relevant specialized institutions which are delegated with authorities pursuant to Article 74 (2) enter the relevant facilities or place of business of the person running gauge-manufacturing business, etc. and collect necessary water-quality pollutants or inspect related documents, facilities, equipment, etc. to properly manage the gauges.

(3) The employees of the relevant specialized institution who intends to enter and check pursuant to the latter part of paragraph (2) shall carry certificates indicating their authority and produce them to the relevant persons.

(4) The Minister of Environment may relieve the person running gauge-manufacturing business, etc. from the report or inspection under Article 68 with regards to the items to be measured by gauges under conditions prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8466, May 17, 2007]

Article 39 (Improvement Orders for Businesses Discharging in Excess of Permitted Discharge)

The Minister of Environment may, when the level of the water-quality pollutants released by the discharge facilities (excluding the wastewater non-discharge facilities) that are in operation after making a report thereon pursuant to the provisions of Article 37 (1) is deemed to be in excess of the standards for permitting the discharge provided for in the provisions of Article 32, order the relevant business operator (including the representative of the operational body of the joint prevention facilities provided for in Article 35 (5)) to take measures necessary to reduce the level of water-quality pollutants below the standards for permitting the discharge (hereinafter referred to as "improvement order") for the fixed period under conditions prescribed by Presidential Decree.

Article 40 (Orders Issued to Suspend Operation)

When anyone who receives an improvement order pursuant to the provisions of Article 39 fails to execute such improvement order or the level of the waste-quality pollutants continues to be in excess of the standards for permitting the discharge provided for in Article 32 even though he/she executes the improvement order within the fixed period as a result of the check thereof, the Minister of Environment may order suspension, in whole or in part, of operation of the relevant discharge facilities.

Article 41 (Discharge Imposition Amount)

(1) The Minister of Environment shall levy and collect a discharge imposition amount from any business operator (including anyone who operates facilities prescribed by Ordinance of the Ministry of Environment from among wastewater terminal treatment facilities provided for in Article 48 and public sewage treatment facilities) who releases water-quality pollutants or anyone who installs or changes discharge facilities without obtaining permission therefor and permission for any change or making a report thereon or report on any change in order to prevent or reduce damage caused by the water-quality pollutants to water quality and aquatic ecosystems. In such cases, the discharge imposition amount shall be levied according to the classification falling under each case of the following subparagraphs and necessary matters concerning calculation methods and standards, etc. shall be determined by Presidential Decree: *<Amended by Act No. 8466, May 17, 2007>*

1. Basic discharge imposition amount:

(a) Where the water-quality pollutants from among the wastewater, etc. that is released by the discharge facilities (excluding wastewater non-discharge facilities) are released

- below the standards for permitting discharge provided for in Article 32, but are in excess of the standards for water quality of released water provided for in Article 12 (3); and
- (b) Where water-quality pollutants from among the wastewater released from the wastewater terminal treatment facilities or the public sewage treatment facilities exceed the standards for the water quality of released water provided for in Article 12 (3); and
2. Excess discharge imposition amount:
- (a) Where water-quality pollutants are released in excess of the standards for permitting discharge provided for in the provisions of Article 32; and
- (b) Where water-quality pollutants are released into public waters (limited to wastewater non-discharge facilities).
- (2) When the discharge imposition amount is levied pursuant to paragraph (1), the matters falling under each of the following subparagraphs shall be taken into account:
1. Whether water-quality pollutants are released in excess of the standards for permitting the discharge;
 2. Kinds of water-quality pollutants released;
 3. The period during which the water-quality pollutants are released;
 4. The quantity of water-quality pollutants released;
 5. Whether the self-measurement provided for in Article 46 is performed; and
 6. Other matters concerning the pollution of the water-quality environment and its improvement, as prescribed by Ordinance of the Ministry of Environment.
- (3) The discharge imposition amount referred to in paragraph (1) shall not be levied on any business operator (excluding any business operator who operates the wastewater non-discharge facilities; hereafter the same shall apply in this paragraph) who releases water below the standards for water quality of released water and the imposition amount may be reduced and exempted for any business operator who releases the water-quality pollutants that are smaller than the quantity set by Presidential Decree and any other business operator who bears the cost of treating the water-quality pollutants pursuant to the provisions of other Acts. In such cases, the reduction and exemption of the discharge imposition amount for business operators who bear the cost of treating water-quality pollutants pursuant to the provisions of other Acts shall be determined within the amount of the cost of treating them, which he/she bears.
- (4) When anyone who is liable to pay a discharge imposition amount pursuant to the provisions of paragraph (1) fails to pay such amount within the fixed period, the Minister of Environment shall collect the additional charge from him.
- (5) The provisions of Articles 21 and 22 of the National Tax Collection Act shall apply *mutatis mutandis* to the additional charges referred to in the provisions of paragraph (4).
- (6) The discharge imposition amount referred to in the provisions of paragraph (1) and the additional charge referred to in the provisions of paragraph (4) shall be included as the annual revenue in the special account for environment improvement provided for in the Act on the Special Accounts for Environment Improvement.
- (7) In cases where the Minister of Environment delegates his/her authority to collect the discharge imposition amount and the additional charge to the Mayor/*Do* governor in their jurisdictional areas pursuant to the provisions of Article 74, he/she may pay part of the discharge imposition amount and the additional charge collected to the Mayor/*Do* governor as the collection expenses under conditions prescribed by Presidential Decree.

(8) In cases where anyone who is liable to pay the discharge imposition amount and the additional charge fails to pay them within the deadline, the Minister of Environment or the Mayor/Do governor who is delegated with the former's authority to collect the discharge imposition amount pursuant to the provisions of paragraph (7) shall collect the discharge imposition amount and the additional charge in question pursuant to precedents on dispositions taken to collect national taxes or local taxes in arrears.

Article 42 (Revocation of Permission, etc.)

(1) The Minister of Environment may, when any business operator or any person who operates the prevention facilities falls under any of the following subparagraphs, revoke permission for installing discharge facilities or permission for changing them, or issue an order for the closure of discharge facilities or for the suspension of operation of his/her discharge facilities for a fixed period of not more than 6 months: *Provided*, That in cases falling under subparagraph 1 he/she shall revoke permission for installing the discharge facilities or permission for changing them, or order the closure of discharge facilities:

1. When he/she is found to have obtained permission or permission for any change under Article 33 (1) through (3) or to have made a report or made a report on any change by false and illegal means;
2. When he/she is found to have failed to install a discharge facility or a prevention facility within five years from the time permission has been obtained or a report has been made in accordance with Article 33 (1) without justifiable grounds, or when the destruction of the discharge facility or the closure of business has been confirmed;
3. When a person who has installed the wastewater non-discharge facilities in accordance with the proviso to Article 33 (1) is found to have operated the discharge facility without installing prevention facilities;
4. When he/she is found to have failed to obtain permission for change under Article 33 (2);
5. When he/she is found to have installed and operate the discharge facilities in the area on which the installation of the discharge facilities is restricted under Article 33 (6) without obtaining permission for installing discharge facilities (including permission for change) or filing a report pursuant to Article 33 (1) through (3);
6. When he/she is found to have installed, operated or altered the discharge facility without installing the prevention facility under the main body of Article 35 (1);
7. When a person exempted from installation of the prevention facility pursuant to the proviso to Article 35 (1) has discharged pollutants in excess of the standards for permitting the discharge;
8. When he/she is found to have worked without making a report on a start-up of operation or a report for change pursuant to Article 37 (1);
9. When he/she is found to perform any act falling under any subparagraph of Article 38 (1) or each subparagraph of paragraph (2) of the said Article;
10. When he/she is found to have failed to install the gauges under Article 38-2 (1);
11. When he/she is found to perform any act falling under any subparagraph of Article 38-3 (1);
12. When he/she is found to have failed to perform an order to suspend the operation under Article 38-4 (2), 40 or 42;
13. When he/she is found to have failed to perform an order for improvement under Article 39; or
14. When he/she is found to have removed the discharge facilities that he/she has installed

and operated in order to cease running his/her business of operating the discharge facilities.

(2) The Minister of Environment may, when any business operator or any person who operates the prevention facilities falls under any of the following subparagraphs, issue an order for the suspension of operation of his/her facilities for a fixed period of not more than 6 months:

1. When he/she is found to have failed to report for change under Article 33 (2) or (3);
2. When he/she is found to have entered false matter in the management recording regarding the operation of the discharge facility and the prevention facility under Article 38 (3) or to have failed to preserve it; or
3. When he/she is found to have failed to appoint an environmental engineer under Article 47, or have appointed a disqualified environmental engineer or have employed an environmental engineer on a part-time basis.

[This Article Wholly Amended by Act No. 8466, May 17, 2007]

Article 43 (Penalty Surcharge Disposition)

(1) In cases where the Minister of Environment has to order any business operator who installs and operates the discharge facilities (excluding the wastewater non-discharge facilities) falling under any of the following subparagraphs to suspend their operations under Article 42 and the suspension of such discharge facilities is deemed feared to seriously disrupt the lives of residents and the national economy, including the nation's international credit, employment and prices, etc. as well as the public interest, the Minister of Environment may impose a penalty surcharge not exceeding 300 million won in lieu of the disposition taken to suspend their operations:

1. The discharge facilities operated by any medical institution provided for in the Medical Service Act;
2. Facilities and equipment used for power generation in power plants;
3. The discharge facilities in schools provided for in the Elementary and Secondary Education Act and the Higher Education Act;
4. The discharge facilities used by the manufacturing business; and
5. Other discharge facilities prescribed by Presidential Decree.

(2) In cases where any business operator fails to pay the penalty surcharge referred to in the provisions of paragraph (1) by the payment deadline, the Minister of Environment shall collect the penalty surcharge in question pursuant to precedents on dispositions taken to collect the national tax in arrears.

(3) The penalty surcharge collected pursuant to the provisions of paragraph (1) shall be included as the annual revenue in the special account for environmental improvement provided for in the Act on the Special Accounts for Environment Improvement.

(4) The provisions of Article 41 (7) and (8) shall apply *mutatis mutandis* to the payment of collection expenses in cases where the Minister of Environment delegates his/her authority to the Mayor/Do governor to impose and collect the penalty surcharge pursuant to the provisions of Article 74.

(5) The amount of the penalty surcharge referred to in paragraph (1) determined by categories and extent, etc. of the act of violation on which the penalty surcharge is imposed and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 44 (Closure Measures against Illegal Facilities)

With respect to anyone who installs and uses the discharge facilities without obtaining permission therefor or making a report thereon required under the provisions of Article 33 (1) through

(3), the Minister of Environment shall order him/her to suspend using the relevant discharge facilities: *Provided*, That in cases where even if the relevant discharge facilities are improved or the prevention facilities are installed or improved, the level of water-quality pollutants released by the relevant discharge facilities is deemed impossible to be lowered below the standards for permitting the discharge provided for in Article 32 (in cases of the wastewater non-discharge facilities, referring to cases where the wastewater released by the discharge facilities is deemed possible to be released into public waters) or the place on which the discharge facilities are installed is a place on which the discharge facilities are prohibited from being installed pursuant to the provisions of other Acts, the Minister of Environment shall order the closure of the relevant discharge facilities.

Article 45 (Report on Execution of Order and Its Confirmation)

(1) Any person who is issued an improvement order, an operation suspension order, a use suspension order or a closure order pursuant to the provisions of Article 38-4 (2), 39, 40, 42 or 44 shall, when he/she executes such orders, promptly make a report thereon to the Minister of Environment. *<Amended by Act No. 8466, May 17, 2007>*

(2) The Minister of Environment shall, upon receiving the report made pursuant to the provisions of paragraph (1), get public officials in charge to confirm without delay the execution of such orders and the completion of the improvement, and if it is deemed necessary to test the level of pollution, get the relevant public officials to collect samples and instruct or ask any testing institution that is prescribed by Ordinance of the Ministry of Environment to test the level of such pollution.

Article 46 (Measurement of Water-Quality Pollutants)

Every business operator may measure the water-quality pollutants released by the discharge facilities and the prevention facilities for himself/ herself, which are operated by him/her and may get any measuring business agent provided for in Article 17 of the Development of and Support for Environmental Technology Act to measure the water-quality pollutants in order to properly operate his/her discharge facilities and prevention facilities.

Article 47 (Environmental Engineers)

(1) Each business operator shall appoint environmental engineers and make a report on their appointment to the Minister of Environment under conditions prescribed by Presidential Decree in order to ensure the normal operation and management of his/her discharge facilities and prevention facilities. The same shall apply to cases where the business operator appoints any new environmental engineer after replacing any environmental engineer.

(2) Every environmental engineer shall guide and oversee persons who work in the discharge facilities and the prevention facilities in order to prevent the latter from violating this Act and any order issued under this Act and manage the discharge facilities and the prevention facilities in order to ensure their normal operation.

(3) Every business operator shall oversee management performed by environmental engineers pursuant to the provisions of paragraph (2).

(4) No business operator nor any person who works in discharge facilities and prevention facilities shall obstruct the work of environmental engineers in order to ensure the normal operation and management of such discharge facilities and such prevention facilities. When they shall, upon receiving any request from the environmental engineers for their cooperation with the latter in performing the work, comply with the request unless justifiable grounds exist that prevent them from doing so.

(5) The scope of business places that need to appoint environmental engineers pursuant to the provisions of paragraph (1) and the qualifying standards for environmental engineers

shall be prescribed by Presidential Decree.

SECTION 2 Wastewater Terminal Treatment Facilities

Article 48 (Installation of Wastewater Terminal Treatment Facilities)

(1) The State, local governments and the Environmental Management Corporation under the Environmental Management Corporation Act may, in order to jointly treat water-quality pollutants released by places of business located in areas deemed difficult to maintain environmental standards due to the worsening of water pollution or are deemed necessary to preserve the water quality and then discharge into public waters, install and operate the wastewater terminal treatment facilities (hereinafter referred to as the “the terminal treatment facilities”), and the State and local governments may have a person falling under any of the following subparagraphs install and operate terminal treatment facilities. In such cases, business operators concerned and anyone who directly gives rise to the cause of the water pollution (hereinafter referred to as “causing person”) shall bear, in whole or in part, the expenses required for the installment and operation of the terminal treatment facilities: *<Amended by Act No. 8209, Jan. 3, 2007>*

1. The Environmental Management Corporation under the Environmental Management Corporation Act and the corporation invested by Environmental Management Corporation in accordance with Article 17-4 of the said Act;
2. The executor of the project for industrial sites development under the provisions of Article 16 (1) (excluding subparagraphs 5 and 6) of the Industrial Sites and Development Act;
3. The executor of projects under the provisions of subparagraph 7 of Article 2 of the Act on Private Participation in Infrastructure; or
4. Any person prescribed by Presidential Decree, who is able to establish and operate terminal treatment facilities and corresponds to a person who falls under any of subparagraphs 1 through 3.

(2) The kinds of terminal treatment facilities pursuant to paragraph (1) shall be prescribed by Presidential Decree.

Article 48-2 (Imposition and Collection of Charges for Installment and Operation of Terminal Treatment Facilities)

(1) Any person who installs and operates terminal treatment facilities (hereinafter referred to as “executor”) in accordance with the provisions of Article 48 may impose and collect the charges for installment and operation of the terminal treatment facilities (hereinafter referred to as “charges for the terminal treatment facilities”) from the causing person in order to finance, in whole or in part, the expenses required for such project.

(2) The total charges for the terminal treatment facilities under the provisions of paragraph (1) shall not exceed the amount reimbursed by the executor with regards to the implementation of the relevant project.

(3) The charges for the terminal treatment facilities to be imposed on the causing person shall be determined based on the kind and the scale of business run by the causing person and the level of pollutants being discharged.

(4) The State and local governments may provide tax preferences or financial support with the aim to avoid the slowing of productivity and the weakening of investment incentives of small and medium businesses as a result of the increased expenses under this Act.

(5) The methods of calculating charges for terminal treatment facilities under the provisions

of paragraphs (1) through (3), the methods for imposing and collecting the same, the procedures, and other necessary matters shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8209, Jan. 3, 2007]

Article 49 (Master Plan for Terminal Treatment Facilities)

(1) The Minister of Environment shall, when he/she intends to install the terminal treatment facilities (including making change thereto) pursuant to the provisions of Article 48 (1), develop a master plan therefor.

(2) The executor (excluding the Minister of Environment; hereinafter the same shall apply in Article 49-2 (2) and (4)) shall, in cases where he/she intends to install terminal treatment facilities (including making change thereto) in accordance with the provisions of Article 48 (1), develop a master plan for terminal treatment facilities and then obtain approval therefor from the Minister of Environment under conditions prescribed by Presidential Decree. The same shall apply to cases where he/she intends to change important matters prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 8209, Jan. 3, 2007>*

(3) The Minister of Environment shall, when he/she develops or grants approval (including approval for change; hereinafter the same shall apply in this Article) for the master plan for terminal treatment facilities pursuant to the provisions of paragraphs (1) and (2), designate the area (hereinafter referred to as the "joint treatment area") in which wastewater can be treated through terminal treatment facilities, develop a master plan for terminal treatment facilities in which the designation of the joint treatment area to be included, publish approved contents, and submit a copy of the master plan for the terminal treatment facilities to the head of *Si/Gun/Gu* (referring to the head of the autonomous *Gu*; hereinafter the same shall apply) who has jurisdiction over the relevant scheduled project area. *<Amended by Act No. 8209, Jan. 3, 2007>*

(4) The head of *Si/Gun/Gu* who has received the master plan for the terminal treatment facilities pursuant to the provisions of paragraph (3) shall immediately offer such plan for the perusal of interested person. *<Newly Inserted by Act No. 8209, Jan. 3, 2007>*

(5) Any person who intends to install terminal treatment facilities after obtaining approval for a mater plan under paragraph (2) shall reflect approved matters on the basic design and implementation design of such facilities. *<Newly Inserted by Act No. 8466, May 17, 2007>*

Article 49-2 (Expense Funding Plan)

(1) In cases where the Minister of Environment develops a master plan in accordance with Article 49 (1), he/she shall establish a plan regarding the funding for expenses required for the relevant project (hereinafter referred to as "expense funding plan") as prescribed by Presidential Decree and then notify the causing person thereof.

(2) When the executor has obtained approval for a master plan for terminal treatment facilities pursuant to provisions of Article 49 (2), he/she shall develop an expense funding plan as prescribed by Presidential Decree and then obtain approval therefor from the Minister of Environment. The same shall apply to cases where he/she makes changes to the plan.

(3) In cases where the Minister of Environment grants approval of or approval for change of an expense funding plan pursuant to paragraph (2), he/she shall prescribe an implementation period for the relevant project.

(4) When the executor has obtained approval of, or approval for change of an expense funding plan, he/she shall notify the causing person thereof.

[This Article Newly Inserted by Act No. 8209, Jan. 3, 2007]

Article 49-3 (Succession of Rights and Duties)

Every person who has acquired by transfer any plant or place of business which is subject to the imposition of charges for terminal treatment facilities shall succeed the rights and

duties regarding the charges for the terminal treatment facilities incurred to the transferee under this Act before the time of relevant transfer, unless a special contract has been concluded between interested parties, otherwise.

[This Article Newly Inserted by Act No. 8209, Jan. 3, 2007]

Article 49-4 (Expropriation and Use)

(1) The executor may expropriate or use land and buildings necessary for installing the terminal treatment facilities or articles affixed to such land as well as rights other than the ownership of the land, the buildings and the articles.

(2) The Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply to the expropriation or use referred to in paragraph (1) except as otherwise especially provided for in this Act.

(3) In applying Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor in accordance with paragraph (2), approval of or approval for change of the master plan for terminal treatment facilities under Article 49 shall be deemed the project approval under Article 20 (1) of the said Act and the application for an adjudication shall, notwithstanding the provisions of Articles 23 (1) and 28 (1) of the said Act, be filed within the implementation period prescribed at the time of approval or approval for change of the expense funding plan in accordance with the provisions of Article 49-2.

[This Article Newly Inserted by Act No. 8209, Jan. 3, 2007]

Article 49-5 (Payment of Charges for Terminal Treatment Facilities)

Charges for terminal treatment facilities (limited to cases where the executor is the State) shall become the revenue of the special accounts for environmental improvement under the Act on Special Accounts for Environmental Improvement: *Provided*, That when the State implement the project of installing and operating the terminal treatment facilities by entrusting it in accordance with Article 48 (1), the same shall not apply and, the collected charges for the terminal treatment facilities shall be delivered to the trustee.

[This Article Newly Inserted by Act No. 8209, Jan. 3, 2007]

Article 49-6 ((Forced Collection)

(1) The executor shall, in cases where a person who is liable to pay the charges for the terminal treatment facilities has failed to pay them within the payment deadline, issue a notice of arrears by prescribing a period not shorter than 10 days. In such cases, the additional dues equivalent to 5/100 of the charges shall be added on the charges for the terminal treatment facilities in arrears.

(2) In cases where any person who is served a notice of arrears has failed to pay the charges within the period in accordance with paragraph (1), they may be collected pursuant to precedents on dispositions taken to collect national or local taxes in arrears. In such cases, if the executor is a person falling under any of subparagraphs of Article 48 (1) (hereinafter referred to as the "Environmental Management Corporation, etc."), prior approval from the Minister of Environment shall be secured.

(3) The Environmental Management Corporation, etc. may delegate the business of collection of the charges under paragraph (2) to the head of *Si/Gun/Gu* as prescribed by Presidential Decree, and the head of *Si/Gun/ Gu* entrusted with such business shall collect the charges pursuant to precedents on dispositions taken to collect local taxes in arrears. In such cases, the Environmental Management Corporation, etc. shall deliver a part of collected amount as the expenses for collection under conditions prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8209, Jan. 3, 2007]

Article 49-7 (Report, etc.)

The executor may, in cases where it is necessary for the establishment of a basic plan under Article 49 and the expense funding plan under Article 49-2, demand the causing

person located within a joint treatment area to submit a necessary report or data. In such cases, the causing person shall comply with the request unless justifiable grounds exist that make it impossible for him/her to do so.

[This Article Newly Inserted by Act No. 8209, Jan. 3, 2007]

Article 50 (Operation and Management, etc. of Terminal Treatment Facilities)

(1) Anyone who operates terminal treatment facilities shall be prohibited from engaging in activities falling under any of the following subparagraphs:

1. Releasing water-quality pollutants that flow into the drainage facilities provided for in Article 51 (1) instead of flowing them into the terminal treatment facilities without justifiable grounds, or installing facilities that are capable of releasing water-quality pollutants instead of flowing them into the terminal treatment facilities;
2. Releasing water-quality pollutants that flow into the terminal treatment facilities without getting them to go through the final outlet, or installing facilities that are capable of releasing water-quality pollutants without getting them to go through the final outlet; and
3. Treating water-quality pollutants that flow into the terminal treatment facilities by mixing unpolluted water, and releasing water-quality pollutants by mixing them with water in order to lower the pollution level before water-quality pollutants that exceed the standards for the water quality of released water provided for in Article 12 (3) pass the final outlet.

(2) Anyone who operates terminal treatment facilities shall operate them properly according to the maintenance and management standards that are set by Ordinance of the Ministry of Environment.

(3) The Minister of Environment may, when the terminal treatment facilities are not operated and managed in conformity with the standards referred to in the provisions of paragraph (2), order anyone who operates the relevant facilities to take necessary measures to improve the facilities for the fixed period under conditions prescribed by Presidential Decree.

Article 51 (Installation and Management of Drainage Facilities)

(1) Anyone who intends to install drainage facilities in a joint treatment area pursuant to the provisions of Article 49 (3) and any person who is designated by Presidential Decree from among those who intend to release wastewater shall flow the wastewater that is released by the relevant place of business into the terminal treatment facilities and also install the drainage facilities and drainage conduits, etc. necessary therefor. *⟨Amended by Act No. 8209, Jan. 3, 2007⟩*

(2) Methods of installing drainage facilities that should be installed pursuant to the provisions of paragraph (1) and their structural standards, etc. shall be prescribed by Ordinance of the Ministry of Environment: *Provided*, That in cases where other Acts and subordinate statutes govern them, they shall be governed by such other Acts and subordinate statutes.

SECTION 3 Control of Living Sewage and Livestock Wastewater

Article 52 (Control of Living Sewage and Livestock Wastewater)

The control of the living sewage and livestock wastewater shall be governed by the Act on the Disposal of Sewage, Excreta and Livestock Wastewater and the Sewage Act.

CHAPTER IV CONTROL OF NON-POINT POLLUTION SOURCES

Article 53 (Report on Installation of Non-point Pollution Sources, Matters for Observance and Orders for Improvement, etc.)

(1) Any person falling under any of the following subparagraphs shall report to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment. The same shall apply to cases where he/she intends to change any matters prescribed by Presidential Decree from among reported matters. *<Amended by Act No. 8466, May 17, 2007>*

1. Anyone who intends to undertake a project aimed at developing any city and building any industrial complex the scale of which exceed the scale determined by Presidential Decree and other project that induces pollution by non-point pollutants, which is prescribed by Presidential Decree;
2. A place of business, the scale of which exceeds the scale determined by Presidential Decree, in which iron-making facilities, fiber-dyeing facilities and other wastewater discharge facilities prescribed by Presidential Decree are installed; or
3. Any person who falls under subparagraph 1 or 2 because an incident prescribed by Presidential Decree, such as the resumption of business or the enlargement of place of business, etc. has occurred.

(2) In cases where a report or a report on change has been filed in accordance with paragraph (1), the documents prescribed by Ordinance of the Ministry of Environment, including the reduction plan for non-point pollution including the plan for establishing the reduction facilities for non-point pollution, etc. shall be submitted. *<Newly Inserted by Act No. 8466, May 17, 2007>*

(3) Any person who has made a report or a report for change in accordance with paragraph (1) (hereinafter referred to as “businessman of report on installment of non-point pollution source”) shall install the reduction facilities for non-point pollution in accordance with criteria determined by Ordinance of the Ministry of Environment by deadline prescribed by Ordinance of the Ministry of Environment: *Provided*, That in cases falling under any of the following subparagraphs, the establishment of reduction facilities for non-point pollution may be omitted: *<Amended by Act No. 8466, May 17, 2007>*

1. Cases where the level of pollution of the rainfall outflow water released from places of business falling under paragraph (1) 2 or 3 falls always short of the standards for permitting the discharge and are recognized by the Minister of Environment as prescribed by Presidential Decree; or
2. Cases where rainfall outflow water is treated by flowing it into buffer underflow facilities provided for Article 18 of the Act on the Management of Water and Support for Residents of the *Nakdong* River System.

(4) In cases where the businessman of report on installment of non-point pollution source intends to run business or install and operate facilities, he/she shall observe matters falling under any of the following subparagraphs.: *<Amended by Act No. 8466, May 17, 2007>*

1. He/she shall execute the contents of the reduction plan for non-point pollution;
2. He/she shall operate the reduction facilities for non-point pollution as prescribed by Ordinance of the Ministry of Environment, including the maintenance in compliance with the standards for installment under paragraph (3); or
3. Other matters prescribed by Ordinance of the Ministry of Environment in order to properly manage non-point pollutants.

(5) The Minister of Environment may issue an order for a person who has failed to observe matters under paragraph (4) to implement the reduction plan for non-point pollution or to install or improve reduction facilities for non-point pollution by prescribing a period

as determined by Presidential Decree. *<Amended by Act No. 8466, May 17, 2007>*

(6) The Minister of Environment may, when he/she intends to grant accreditation to any place of business which is to be exempted from the review on the reduction plan for non-point pollution pursuant to paragraph (2) or the installment of reduction facilities for non-point pollution pursuant to paragraph (3) 1, hear the opinions from related specialized agency determined by Ordinance of the Ministry of Environment regarding the appropriateness thereof. *<Newly Inserted by Act No. 8466, May 17, 2007>*

(7) The provisions of Article 36 shall apply *mutatis mutandis* to the succession of right and obligation of the businessman of report on installment of non-point pollutants. In such cases “business operator” shall be deemed “businessman of report on installment of non-point pollutants”; “discharge facility and the prevention facility” shall be deemed “non-point pollutants or reduction facilities for non-point pollution”; “permission, permission for change, a report or a report on change” shall be deemed “report or a report on change”; “letting and hiring” shall be deemed “letting and hiring or a change of the main body in charge of operation and management”; “lessee” shall be deemed “lessee or a changed main body in charge of operation and management”; and “Articles 38 through 41, 42 (excluding cases of license revocation), 43, 46, 47 and 68 (1) 1” shall be deemed “paragraphs (4) and (5) and Article 68 (1) 3”. *<Newly Inserted by Act No. 8466, May 17, 2007>*

(8) The matters necessary for the means of preparing reduction plans for non-point pollution, etc. pursuant to paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 8466, May 17, 2007>*

Article 54 (Designation of Control Area, etc.)

(1) With respect to any area that seriously impede or is feared to seriously impede the objectives of using rivers, lakes and marshes, the health and properties of residents as well as the natural ecosystem due to the rainfall outflow water released by non-point pollution sources, the Minister of Environment may designate the area as the control area of non-point pollution sources (hereinafter referred to as “control area”) after consulting thereon with the Mayor/*Do* governor having jurisdiction over the area.

(2) With respect to any area that is in need of the control of non-point pollution sources from among the jurisdictional areas of the Mayor/*Do* governor, the Mayor/*Do* governor may request the Minister of Environment to designate such area as the control area.

(3) When the grounds of designating the control area are no longer existent, it is impossible to attain the objectives of its designation, or it is deemed necessary to cancel the designation of the control area, the Minister of Environment may cancel the designation of the whole or part of such control area.

(4) Standards for designating such control areas, procedures for designating control areas and other necessary matters shall be prescribed by Presidential Decree.

(5) The Minister of Environment shall, when he/she designates any control area or cancels his/her designation of any control area, publish the location of the control area, the area thereof, the date of his/her designation thereof, the objective of designating it, the date of his/her cancellation thereof, the grounds of cancelling his/her designation thereof and other matters that are prescribed by Ordinance of the Ministry of Environment.

Article 55 (Development of Control Measures)

(1) The Minister of Environment shall, when he/she designates and publishes any control area, develop the control measures for non-point pollution sources, including the following matters (hereinafter referred to as “control measures”) after consulting thereon with the heads of central administrative agencies concerned and the Mayor/*Do* governor:

1. Control goals;
 2. Categories and quantity of water-quality pollutants subject to control;
 3. Prevention of water-quality pollutants subject to control and ways to reduce them;
and
 4. Other matters that are prescribed by Ordinance of the Ministry of Environment as
being necessary to properly manage control areas.
- (2) The Minister of Environment shall, when he/she develops control measures, inform the Mayor/*Do* governor of their development.
- (3) The Minister of Environment may ask the heads of relevant central administrative agencies, the Mayor/*Do* governor and the heads of institutions or organizations concerned to submit material necessary to develop such control measures.

Article 56 (Development of Implementation Plan)

- (1) The Mayor/*Do* governor shall, when he/she is informed of control measures by the Minister of Environment pursuant to the provisions of Article 55 (2), develop a plan to implement the control measures (hereinafter referred to as "implementation plan") that includes the following matters and implement the plan after obtaining approval therefor from the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment. The same shall apply to cases where the Mayor/*Do* governor intends to change the matters that are prescribed by Ordinance of the Ministry of Environment from among the implementation plan:
1. The current development and the development plan of the control area;
 2. The current occurrence of water-quality pollutants in the control area and any change in their quantity that is expected to occur on the grounds of the community development plan;
 3. The prevention of the occurrence of water-quality pollutants, such as the environment-friendly development;
 4. The plan to cut back on water-quality pollutants, including the installation and operation of the prevention facilities and the reduction of impermeable layer area; and
 5. Other matters that are prescribed by Ordinance of the Ministry of Environment as being necessary to implement control measures.
- (2) The Mayor/*Do* governor shall prepare a report on the assessment of the records of the implementation plan in the preceding year under conditions prescribed by Ordinance of the Ministry of Environment and submit the report to the Minister of Environment by the end of March every year.
- (3) The Minister of Environment may, if he/she deems it necessary to smoothly take the control measures and perform the implementation plan after examining the assessment report submitted pursuant to the provisions of paragraph (2), ask the Mayor/*Do* governor to supplement or change the implementation plan. In such cases, the Mayor/*Do* governor concerned shall comply with the request of the Minister of Environment unless special grounds exist that prevent him/her from doing so.
- (4) The Minister of Environment may, if the Mayor/*Do* governor fails to comply with the request referred to in the provisions of paragraph (3), take measures to suspend or cut financial support, etc.

Article 57 (Subsidies from Budget)

The Minister of Environment may wholly or partly subsidize costs needed to develop the implementation plan and implement the plan within budget limits.

Article 58 (Standards for Permitting Agrochemical Residuals)

(1) The Minister of Environment may, when it is deemed necessary to prevent water quality or soil from being polluted, set standards for permitting the agrochemical residuals of water quality or soil.

(2) The Minister of Environment may, when agrochemical residuals in water quality and soil actually are, or are feared to, be in excess of the standards referred to in the provisions of paragraph (1), request the heads of relevant administrative agencies to take measures necessary to prohibit or change manufacturing such agrochemicals or collect and dispose of them, etc. In such cases, the heads of administrative agencies concerned shall comply with the request unless special grounds exist that make it impossible for them to do so.

Article 59 (Recommendation with Respect to Tilling Methods in High Cropland)

(1) The Mayor/*Do* governor may recommend anyone who tills croplands, the degree of slope of which is steeper than the degree of slope prescribed by Ordinance of the Ministry of Environment from among the croplands located in areas at an altitude above sea level, which is prescribed by Ordinance of the Ministry of Environment to change growing methods, cut back on the quantity of agrochemicals and fertilizer used and suspend his/her growing of crops.

(2) The Minister of Environment may pay compensation for any loss that is incurred to any farmer who grows crops or suspends the growing of crops on the recommendation referred to in the provisions of paragraph (1).

CHAPTER V CONTROL OF WATER POLLUTION SOURCES

Article 60 (Report on Creation of Water Pollution Sources, etc.)

(1) Anyone who intends to create and control water pollution sources shall make a report thereon to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment. The same shall apply to cases where he/she intends to change any reported matter.

(2) Anyone who creates and controls water pollution sources shall install facilities and take measures necessary to prevent and curb the release of water-quality pollutants under conditions prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall, when it is deemed inappropriate for the facilities to be installed and measures are taken to curb the release of water-quality pollutants under paragraph (2), order anyone who installs the facilities to take measures to improve them for the fixed period under conditions prescribed by Ordinance of the Ministry of Environment.

(4) The Minister of Environment may, when anyone who makes a he report pursuant to the provisions of paragraph (1) violates an improvement order referred to in paragraph (3), order the operation of the facilities suspended or the relevant water pollution sources closed.

(5) The provisions of Articles 36 and 44 shall apply *mutatis mutandis* to water pollution sources.

Article 61 (Restrictions on Use of Agrochemicals on Golf Courses)

(1) Anyone who opens and operates his/her golf course shall be prohibited from using agrochemicals that are prescribed by Presidential Decree as being fatally or highly poisonous (hereinafter referred to as "fatally or highly poisonous agrochemicals") for the lawns and trees of his/her golf course from among agrochemicals provided for in subparagraph 1 of Article 2 of the Agrochemicals Control Act: *Provided*, That the same shall not apply to cases where the head of competent administrative agency deems it inevitable to control

harmful insects and infectious diseases of trees.

(2) The Minister of Environment shall confirm whether fatally or highly poisonous agrochemicals are used on golf courses under conditions prescribed by Ordinance of the Ministry of Environment.

CHAPTER VI WASTEWATER TREATMENT BUSINESS

Article 62 (Registration of Wastewater Treatment Business)

(1) Anyone who intends to run the business of treating wastewater on commission (hereinafter referred to as "wastewater treatment business") shall have his/her wastewater treatment business registered with the Minister of Environment after securing technical capability, facilities and equipment under conditions prescribed by Ordinance of the Ministry of Environment. The same shall apply to cases where he/she changes any important matters prescribed by Ordinance of the Ministry of Environment from among the registered matters.

(2) Each wastewater treatment business operator shall observe the following matters:
(*Amended by Act No. 8466, May 17, 2007*)

1. He/She is required to receive a commission to treat wastewater, taking into account the capacity and possibility of treating the wastewater;
2. He/She is required to always maintain and check on his/her technical capacity, facility and equipment, etc. under paragraph (1) in order to keep the wastewater treatment business properly operational;
- 2-2. He/She must not install or operate the facilities which fall short of the capacity or the volume for treatment prescribed by Ordinance of the Ministry of Environment;
or
3. He/She is required to observe the matters that are prescribed by Ordinance of the Ministry of Environment in order to ensure the proper treatment of the commissioned wastewater.

Article 63 (Grounds of Disqualification)

Anyone who falls under any of the following subparagraphs shall be prohibited from registering his/her wastewater treatment business:

1. One who is incompetent or quasi-incompetent;
2. One who has yet to be reinstated after having been declared bankrupt;
3. One for whom 2 years have yet to pass after the registration of his/her wastewater treatment business has been revoked pursuant to the provisions of Article 64;
4. One who has actually been sentenced to punishment of imprisonment with prison labor for violating this Act, the Clean Air Conservation Act or the Noise and Vibration Control Act and for whom 2 years have yet to pass from the date on which the execution of the sentence was terminated or the exemption of the sentence was made definite; and
5. A corporation that has any officer on its payroll who falls under any of subparagraphs 1 through 4 from among its officers.

Article 64 (Revocation of Registration, etc.)

(1) In cases where any wastewater treatment business operator falls under any case of the following subparagraphs, the Minister of Environment shall revoke the registration of wastewater treatment business:

1. Where he/she falls under any subparagraphs of Article 63: *Provided*, That the same shall not apply to cases where any person falling under subparagraph 5 of Article 63 works for a corporation as an executive and he/she is replaced within 6 months from

the date on which he/she is found to fall under such provision:

2. Where he/she has registered by false or illegal means;
 3. Where he/she fails to commence the business within 2 years from the date on which he/she has complete the registration or has had no business results at all for a period of not less than 2 consecutive years; or
 4. Where he/she is unable to maintain the technical capacity, the facility, and the criteria for equipment under the former part of Article 62 (1) due to the expiration of designation period of the sea area for discharge under the Prevention of Marine Pollution Act or the revocation of discharge business of waste into the sea.
- (2) In cases where any wastewater treatment business operator falls under any case of the following subparagraphs, the Minister of Environment may revoke his/her registration or order him/her to suspend the business by fixing a period of not more than 6 months:
1. Where he/she lends the registration certificate to any other person;
 2. Where he/she has been subject to a disposition taken to suspend the business on not less than two occasions in a year;
 3. Where he/she unconscientiously performs his/her wastewater treatment business deliberately or by negligence; or
 4. Where he/she has engaged in the business activity during he/she is under the disposition for suspending the business.
- (3) In cases where any wastewater treatment business operator falls under any case of the following subparagraphs, the Minister of Environment may order him/her to suspend the business by fixing a period for not more than 6 months:
1. Cases of the change registration pursuant to the latter part of Article 62 (1);
 2. Where he/she has failed to perform the observance matters under Article 62 (2); or
 3. Cases where impeding a technician who works in the wastewater treatment business from participating in the training under Article 67 without justifiable grounds.

[This Article Wholly Amended by Act No. 8466, May 17, 2007]

Article 65 (Succession of Rights and Duties)

(1) When any wastewater treatment business operator transfers his/her business, dies or corporations are merged, any transferee, any inheritor, any surviving corporation or any corporation that is incorporated by the merger shall succeed the right and duty of the previous wastewater treatment business operator, which are provided for in this Act. In such cases, the transferee, the inheritor or the corporation that falls under any of subparagraphs 1 through 4 of Article 63 may transfer his/her or its business to any other person or any other corporation within 3 months.

(2) Anyone who takes over the facilities of the wastewater treatment business according to the auction provided for in the Civil Execution Act, the conversion provided for in the Bankruptcy Act, the sale of seized property provided for in the National Tax Collection Act, the Customs Act or the Local Tax Act and other procedures corresponding thereto shall succeed the right and duty of the previous wastewater treatment business operator: *Provided*, That the same shall not apply to cases where the person who takes over the facilities of a wastewater treatment business falls under any subparagraph of Article 63.

Article 66 (Penalty Surcharge Disposition)

(1) In cases where the Minister of Environment has to order anyone who has registered his/her wastewater treatment business according to the provisions of Article 62 (1) to suspend his/her business pursuant to the provisions of Article 64 and the suspension of

his/her business is deemed feared to seriously disrupt the lives of residents and undermine the public interest, the Minister of Environment may impose a penalty surcharge not exceeding 200 million won in lieu of the disposition taken to suspend his/her business: *Provided*, That the same shall not apply to cases where he/she falls under the provisions of subparagraphs 1 through 3 of Article 64 (2). *<Amended by Act No. 8466, May 17, 2007>*

(2) The provisions of Article 43 (2) through (5) shall apply *mutatis mutandis* to the imposition and collection, etc. of penalty surcharges referred to in the provisions of paragraph (1).

(3) The amount of a penalty surcharge imposed according to the categories and extent of the violation under the provisions of paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 67 (Training for Environmental Engineers, etc.)

(1) Anyone who employs technicians or environmental engineers engaged in the wastewater treatment business shall get them to undergo training conducted by the Minister of Environment and the Mayor/*Do* governor under conditions prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment and the Mayor/*Do* governor may collect expenses incurred in the training referred to in paragraph (1) from the employers of such trainees under conditions prescribed by Ordinance of the Ministry of Environment.

Article 68 (Report and Check, etc.)

(1) The Minister of Environment or the Mayor/*Do* governor may, in cases where the Ordinance of the Ministry of Environment prescribes, order anyone falling under any of the following subparagraphs to make a necessary report or get him/her to submit material or have the relevant public officials enter the relevant facilities or relevant place of business, etc. in order to collect water-quality pollutants and check relevant documents, facilities and equipment, etc. for the purpose of confirming whether they meet the standards for water quality of released water provided for in Article 12 (3), standards for permitting discharge provided for in Article 32, standards for permission or permission for any change provided for in Article 33, the normal operation of gauges provided for in Article 38-2 or matters for observance provided for in Article 53 (4): *<Amended by Act No. 8466, May 17, 2007>*

1. Any business operator;
2. Any person who installs and operates terminal treatment facilities (including facilities prescribed by Ordinance of the Ministry of Environment from among the public sewage treatment facilities);
3. Any person who falls under the provisions of Article 53 (1);
4. Any person who makes a report on the water pollution sources provided for in the provisions of Article 60;
5. Any person who runs a business of treating wastewater provided for in Article 62 (1); and
6. Any person who is commissioned to perform the work of the Minister of Environment or the Mayor/*Do* governor pursuant to the provisions of Article 74 (2).

(2) The Minister of Environment shall, when he/she collects water-quality pollutants in order to confirm whether to meet the standards for permitting the discharge and the standards for the water quality of released water or whether water-quality pollutants are released from the wastewater non-discharge facilities, commission any testing institution that

is prescribed by Ordinance of the Ministry of Environment to test the level of pollution: *Provided*, That the same shall not apply to cases where it can be judged whether the water-quality pollutants prescribed by Ordinance of the Ministry of Environment are in excess of the standards for permitting the discharge or the standards for the water quality of released water on the site.

(3) The public officials who are tasked to enter and check pursuant to the provisions of paragraph (1) shall carry certificates indicated their authority and produce them to relevant persons.

Article 69 (Subsidies from National Treasury)

The State may provide local governments with subsidies used to cover costs necessary for projects undertaken to preserve water quality within budget limits.

Article 70 (Cooperation by Relevant Institutions)

The Minister of Environment may, when deemed necessary to fulfill the objectives of this Act, ask the heads of relevant institutions to take the measures falling under any of the following subparagraphs. In such cases, the heads of relevant institutions shall comply with the request unless special grounds exist that make it impossible for them to do so:

1. Improvements in the methods of preventing and exterminating noxious insects;
2. Regulation of the use of agrochemicals and fertilizer;
3. Regulation of the use of farming water;
4. The designation of green, scenic and vacant areas;
5. The installation of wastewater or sewage treatment facilities;
6. The dredging of public waters;
7. The revocation of permission for occupying and using any river, the suspension of or the change in any river work or the relocation or removal of any installations;
8. The revocation of permission for occupying and using a public water surface, the suspension of or restrictions on the use of a public water surface or the reinstallation or removal of facilities, etc.;
9. Measures taken to prevent water quality from being polluted in oil pipelines, oil storage facilities, agrochemical storage facilities and other facilities that are all feared to pollute water and the submission of material concerning current facilities; and
10. Other matters prescribed by Presidential Decree.

Article 71 (Standards for Taking Administrative Dispositions)

Standards for taking administrative disposition against violations of this Act or any order given by this Act shall be set by Ordinance of the Ministry of Environment.

Article 72 (Hearing)

The Minister of Environment shall, when he/she intends to take a disposition falling under any of the following subparagraphs, hold a hearing thereon:

1. Revocation of permission or an order given to shut down any discharge facilities pursuant to the provisions of Article 35 (3), 42 or 44;
2. An order given to close water pollution sources pursuant to the provisions of Article 60 (4); and
3. Revocation of registration pursuant to the provisions of Article 64.

Article 73 (Fees)

Anyone who intends to obtain the permission, etc. or make a report, etc. which falls under any of the following subparagraphs, shall pay fees under conditions prescribed by Ordinance of the Ministry of Environment:

1. Permission or permission for any change or the report or the report on any change

- for the discharge facilities provided for in Article 33 (1) through (3);
2. Report and report on any change provided for in Article 53;
 3. Report and report on any change in the creation of the water pollution sources provided for in Article 60 (1); and
 4. Registration or changed registration of the waste treatment business provided for in Article 62 (1).

Article 74 (Delegation and Commission)

(1) The Minister of Environment may delegate part of his/her authority provided for in this Act to the Mayor/*Do* governor and the heads of local environmental administrative agencies under conditions prescribed by Presidential Decree.

(2) The Minister of Environment or the Mayor/*Do* governor may commission part of his/her work provided for in this Act to specialized institutions under conditions prescribed by Presidential Decree.

CHAPTER VIII PENAL PROVISIONS

Article 75 (Penal Provisions)

Anyone who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than 7 years or by a fine not exceeding 50 million won:

1. Anyone who has installed or changed discharge facilities or operated his/her business using discharge facilities without obtaining permission or permission for any such change therefor pursuant to the provisions of Article 33 (1) or (2) or after obtaining permission or permission for any such change by false means;
2. Anyone who has installed discharge facilities or operated his/her business using discharge facilities in an area where the installation of discharge facilities is restricted pursuant to the provisions of Article 33 (5) and (6); and
3. Anyone who has engaged in activities falling under any subparagraphs of Article 38 (2).

Article 76 (Penal Provisions)

Anyone who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than 5 years or by a fine not exceeding 30 million won:
(*Amended by Act No. 8466, May 17, 2007*)

1. Anyone who has failed to perform an order for suspension of operation or order for closure under Article 4-6 (4);
- 1-2. Anyone who has installed discharge facilities or operated his/her business using discharge facilities without making a report thereon as required under the provisions of Article 33 (1) or after making a false report;
2. Anyone who has engaged in activities falling under any subparagraphs of Article 38 (1);
- 2-2. Anyone who has failed to take measures, including the equipment of gauge pursuant to Article 38-2 (1) (excluding those who have failed to affix integrating wattmeters, or integrating flowmeters);
- 2-3. Anyone who has engaged in an activity referred to in Article 38-3 (1) 1 or 3;
3. Anyone who has violated an order issued to suspend his/her business operation pursuant to the provisions of Article 40;
4. Anyone who has violated an order issued to suspend operation of his/her business

- or close his/her place of business pursuant to the provisions of Article 42; and
5. Anyone who has engaged in activities falling under any subparagraphs of Article 50 (1).

Article 77 (Penal Provisions)

Anyone who has leaked, discharged or dumped specific water-quality pollutants, etc. in violation of the provisions of Article 15 (1) 1 shall be punished by imprisonment with prison labor for not more than 3 years or by a fine not exceeding 15 million won:

Article 78 (Penal Provisions)

Anyone who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding 10 million won:
<Amended by Act No. 8466, May 17, 2007>

1. Anyone who has violated an order issued to take measures to improve the facilities, etc. pursuant to the provisions of Article 12 (2);
2. Anyone who has leaked and discharged the specific water-quality pollutants deliberately or by negligence while performing his/her duty in violation of the provisions of Article 15 (1) 1;
3. Anyone who has dumped excreta, livestock wastewater, etc. in violation of the provisions of Article 15 (1) 2;
4. Anyone who has leaked or dumped a large quantity of earth and sand in violation of the provisions of Article 15 (1) 4;
5. Anyone who has violated an order issued to implement the prevention and removal measures pursuant to the provisions of Article 15 (3);
6. Anyone who has violated the traffic restriction provided for in the provisions of Article 17 (1);
7. Anyone who has operated his/her business without making a report on the commencement of his/her business pursuant to the provisions of Article 37 (1);
8. Anyone who has rejected, obstructed or evaded an inspection provided for in Article 37 (4);
- 8-2. Anyone who has failed to implement the order for suspension of business under the provisions of Article 38-4 (2);
9. Anyone who has violated an order issued to improve the facilities, etc. pursuant to the provisions of Article 50 (3);
10. Anyone who has failed to make a report required under the provisions of Article 53 (1) or to install reduction facilities for non-point pollution required under the provisions of paragraph (3) of the same Article;
11. Anyone who has violated an order for the implementation of a plan for reduction of non-point pollution or for the installment or the improvement of the reduction facilities for non-point pollution pursuant to Article 53 (5);
12. Anyone who has installed and controlled water pollution sources without making a report thereon pursuant to the provisions of Article 60 (1);
13. Anyone who has violated the order given to suspend the operation of his/her facilities or close his/her facilities pursuant to the provisions of Article 60 (4) or (5);
14. Anyone who has run a wastewater treatment business without filing registration or changed registration thereon pursuant to the provisions of Article 62 (1); and
15. Any wastewater non-discharge facilities operator who has rejected, obstructed or evaded the entry and inspection by public officials in charge provided for in Article 68 (1).

Article 79 (Penal Provisions)

Anyone who falls under any of the following subparagraphs shall be punished by a fine not exceeding 5 million won: *<Amended by Act No. 8466, May 17, 2007>*

1. Anyone who has failed to implement an order to take measures pursuant to the provisions of Article 38-4 (1);
2. Any wastewater treatment business operator who has failed to observe matters for observance provided for in Article 62 (2) 1 or 2; and
3. Anyone who has rejected, obstructed and evaded the entry and inspection by public officials in charge provided for in Article 68 (1) (excluding any business operator who installs and operates the wastewater non-discharge facilities).

Article 80 (Penal Provisions)

Anyone who falls under any of the following subparagraphs shall be punished by a fine not exceeding 1 million won: *<Amended by Act No. 8466, May 17, 2007>*

1. Anyone who has failed to affix the integrating wattmeters, integrating flowmeters required under the provisions of Article 38-2 (1); and
2. Anyone who has interfered with the work of environmental engineers or rejected the request of any environmental engineer without justifiable grounds in violation of the provisions of Article 47 (4).

Article 81 (Joint Penal Provisions)

If the representative of a corporation or the agent, the employee, the employed of a corporation or an individual commits any violation of Articles 75 through 80 in connection with the business of the corporation or the individual, such corporation or such individual shall each be fined under the respective Articles in addition to the punishment of the actor.

Article 82 (Fines for Negligence)

(1) Anyone who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding 10 million won: *<Amended by Act No. 8466, May 17, 2007>*

1. Anyone who has failed to install or operate the gauge under Article 4-5 (4);
- 1-2. Anyone who has failed to record and keep the results from measurement under Article 4-5 (4) or recorded and kept them falsely;
- 1-3. Anyone who has failed to observe the matters for observance provided for in Article 35 (2);
2. Anyone who has failed to appoint environmental engineers or failed to make a report on their appointments (including appointments after their replacing) in violation of the provisions of Article 47 (1);
3. Anyone who has used fatally or highly poisonous agrochemicals on the lawns and trees of his/her golf course in violation of the provisions of Article 61; and
4. The wastewater treatment business operator who has failed to observe the matters for observance provided for in Article 62 (2) 3.

(2) Anyone who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding 3 million won: *<Amended by Act No. 8466, May 17, 2007>*

1. Anyone who has engaged in fishing in a fishing prohibition area provided for in Article 20 (1);
2. Anyone who has failed to keep records pertaining to the operation of discharge facilities in violation of the provisions of Article 38 (3) or has falsely kept such records;
- 2-2. Anyone who has perform any act falling under Article 38-3 (1) 2;
- 2-3. Anyone who has failed to observe the criteria for operation and management in violation

of Article 38-3 (2);

3. Anyone who has failed to make a report on any change required under the provisions of Article 53 (1); and
 4. Anyone who has failed to install facilities or to take other necessary measures in violation of the provisions of Article 60 (2).
- (3) Anyone who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding 1 million won:
1. Anyone who has violated the provisions of Article 15 (1) 3;
 2. Anyone who has engaged in fishing in a fishing-restriction area in violation of the restriction matters provided for in the provisions of Article 20 (2);
 3. Anyone who has failed to make a report on any change required under the provisions of Article 33 (2) or (3);
 4. Anyone who has failed to make a report on any change required under the provisions of Article 60 (1);
 5. Anyone who has failed to get environmental engineers, etc. to undergo the training in violation of the provisions of Article 67; and
 6. Anyone who has failed to make a report required under the provisions of Article 68 (1) or made a false report or failed to submit material or submitted a false material.
- (4) Fines for negligence referred to in the provisions of paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, the Mayor/*Do* governor or the head of *Si/Gun/Gu* (hereafter in this Article referred to as the "imposition authority") under conditions prescribed by Presidential Decree.
- (5) Anyone who is dissatisfied with a disposition taken to impose a fine for negligence on him/her pursuant to the provisions of paragraph (4) may raise an objection to the imposition authority within 30 days from the date on which he/she is notified of such disposition.
- (6) When anyone who is subject to a disposition taken to impose a fine for negligence under the provisions of paragraph (4) raises an objection thereto pursuant to the provisions of paragraph (5), the imposition authority shall promptly notify the competent court of the fact and the competent court shall, upon receiving such notice, submit the case of fine for negligence in question to trial according to the Non-Contentious Case Litigation Procedure Act.
- (7) When anyone fails to pay a fine for negligence without raising an objection thereto within the period referred to in the provisions of paragraph (5), the fine for negligence in question shall be collected pursuant to precedents on dispositions taken to collect national taxes or local taxes in arrears.

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Application Example Concerning Levy of Discharge Imposition)

The amended provisions of Article 41 shall apply, starting with the first discharge imposition levied after this Act enters into force.

Article 3 (Application Example Concerning Report on Non-point Pollution Sources)

The amended provisions of Article 53 concerning the report on the creation of non-point pollution sources shall apply, starting with the first

business operator who files an application for permission for or makes a report on the installation of the wastewater discharge facilities pursuant to the provisions of Article 33 (1) and with any business operator who submits an assessment statement pursuant to the provisions of Article 17 (1) or (2) of the Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. after this Act enters into force.

Article 4 (Transitional Measures Concerning Application of Penal Provisions, etc.)

The application of the penal provisions and fines for negligence to any activities performed prior to this Act enters into force shall be governed by the former provisions.

Article 5 Omitted.

Article 6 (Relation with Other Acts)

In cases where the provisions of the Water Quality Conservation Act are quoted by other Acts and subordinate statutes at the time this Act enters into force and this Act has any provisions that fall under the quoted provisions, the relevant provisions of this Act shall be deemed quoted in lieu of the former provisions.

ADDENDA <Act No. 8038, Oct. 4, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8209, Jan. 3, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force of six months after the date of its promulgation.

Article 2 (Transitional Measures Concerning Projects Installing Wastewater Terminal Treatment Facilities)

The project installing the terminal treatment facilities implemented in accordance with Article 12 of the Environment Improvement Expenses Liability Act at the time when this Act enters into force shall be deemed the project installing the terminal treatment facilities implemented in accordance with the amended provisions of Article 48.

Article 3 (Transitional Measures Concerning Master Plan for Wastewater Terminal Treatment Facilities)

In cases where approval for the installment of the wastewater terminal treatment facilities and the operational project plan in accordance with Article 15 of the former Environment Improvement Expenses Liability Act at the time when this Act enters into force, approval for a master plan for wastewater terminal treatment facilities under the amended provisions of Article 49 shall be deemed as having been granted.

Article 4 (Transitional Measures Concerning Approval for Expense Funding Plan)

In cases where approval for an expense funding plan has been granted under Article 16 of the former Environment Improvement Expenses Liability Act at the time when this Act enters into force, it shall be deemed that approval has been granted for the expense funding plan under the amended provisions of Article 49-2.

Article 5 (Transitional Measures Concerning Master Plan for Wastewater Terminal Treatment Facilities, etc.)

The project of installing the terminal treatment facilities, the establishment of and approval for a master plan, the establishment of and approval for an expense funding plan, compulsory collection, etc. with regards to acts in progress at the time when this Act enters into force shall be deemed as being in progress in accordance with the amended provisions of Articles 48 (1), 49, 49-2 and 49-6.

Article 6 Omitted.

ADDENDA <Act No. 8260, Jan. 19, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 24 Omitted.

ADDENDA <Act No. 8338, Apr. 6, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 17 Omitted.

ADDENDA <Act No. 8370, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 20 Omitted.

ADDENDA <Act No. 8466, May 17, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 (Transitional Measures Concerning Submission of Reduction Plan for Non-Point Pollution,)

The reduction plan for non-point pollution submitted before this Act enters into force shall be deemed the reduction plan for non-point pollution submitted in accordance with the amended provisions of Article 53 (2): Provided, That any person who has made a report on installing non-point pollution sources in accordance with the former provisions at the time this Act enters into force may newly submit the reduction plan for non-point pollution under the amended provisions of Article 53 (2) within three months from the date when this Act enters into force.

Article 3 (Transitional Measures Concerning Application of Penal Provisions, etc.)

The application of the penal provisions and the fines for negligence to any violation committed before this Act enters into force shall be governed by the former provisions.

Article 4 Omitted.

Article 5 (Relation with Other Acts)

In cases where the provisions of the Water Quality Conservation Act are cited by other Acts and subordinate statutes at the time this Act enters into force and this Act has any provisions that correspond with the cited provisions, the relevant provisions of this Act shall be deemed cited in lieu of the former provisions.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 8976, Mar. 21, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

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Articles 2 through 10 Omitted.

ENFORCEMENT DECREE OF THE WATER QUALITY AND ECOSYSTEM CONSERVATION ACT

Wholly Amended by Presidential Decree No. 20428, Nov. 30, 2007
Amended by Presidential Decree No. 20761, Apr. 3, 2008
Presidential Decree No. 21185, Dec. 24, 2008

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Decree is to provide for matters delegated by the Water Quality and Ecosystem Conservation Act and matters necessary for the enforcement thereof.

Article 2 (Designation and Publishment of Region Subject to Regulation of Total Quantity of Pollutants)

(1) The Minister of Environment shall, when he/she intends to designate and publish an area, the total amount of water quality pollutants of which is to be regulated (hereinafter referred to as “region subject to the regulation of total quantity of pollutants”) in accordance with Article 4 (2) of the Water Quality and Ecosystem Conservation Act (hereinafter referred to as the “Act”), include the following matters:

1. The river system whose water pollutants to be regulated on the basis of the total quantity and the river basin that may have influence on such river system; and
2. The section of river system for which the water quality that serves as the target for the regulation of total quantity of pollutants (hereinafter referred to as “target water quality for regulation of total quantity of pollutants”) shall be determined and the river basin that may have influence on such section of river system (hereinafter referred to as “unit basin for the regulation of total quantity of pollutants”).

(2) The Minister of Environment shall, when he/she intends to designate and publish a region subject to the regulation of total quantity of pollutants in accordance with paragraph (1), hold prior consultation with the heads of relevant local governments.

Article 3 (Publishment, Public Notice, etc. of Target Water Quality for Regulation of Total Quantity of Pollutants)

(1) The Minister of Environment shall, when he/she intends to publish the target water quality for regulation of total quantity of pollutants by section of river systems in accordance with the main sentence of Article 4-2 (1), include the following matters:

1. The target water quality for regulation of total quantity of pollutants at the lower end of the river system pursuant to Article 2 (1) 1;
2. The target water quality for regulation of total quantity of pollutants on the border points of the Special Metropolitan City, a Metropolitan City, a *Do*, or the Special Self-Governing Province (hereinafter referred to as “City/*Do*”); and
3. The target water quality for regulation of total quantity of pollutants by section of river systems pursuant to Article 2 (1) 2.

(2) The Minister of Environment shall, when he/she intends to publish the target water quality for regulation of total quantity of pollutants in accordance with paragraph (1), notify the Mayor/*Do* governor of the deadline for informing the intention of establishing of the target water quality for regulation of total quantity of pollutants by section of river

systems of the jurisdiction area (hereinafter referred to as “target water quality for regulation of total quantity of pollutants of the jurisdiction area”) to the Minister of Environment and the deadline for applying for approval to the Minister of Environment, by the Special Metropolitan City Mayor, a Metropolitan City Mayor, a *Do* governor, or the governor of the Special Self-Governing Province (hereinafter referred to as “Mayor/*Do* governor”) before the publication has been made in accordance with the proviso to Article 4-2 (1) of the Act.

(3) The Mayor/*Do* governor shall, when he/she intends to publish the target water quality for regulation of total quantity of pollutants of the jurisdiction area in accordance with the proviso to Article 4-2 (1) of the Act, determine the target water quality for regulation of total quantity of pollutants of the jurisdiction area with which the target water quality for regulation of total quantity of pollutants pursuant to paragraph (1) 1 and 2 may be achieved and maintained by taking into account the following matters after notifying the intention of establishing of the target water quality for regulation of total quantity of pollutants of the jurisdiction area to the Minister of Environment within the notification deadline under paragraph (2), and shall apply for approval to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment within the deadline for applying for approval under paragraph (2):

1. The current status of the use of water for specific purposes and the quantity of flow by unit basins for the regulation of total quantity of pollutants;
2. The current status and prospect on the natural and geological sources of pollution of the unit basin for the regulation of total quantity of pollutants;
3. The quantity of creating and discharging water pollutants by source of pollution of the unit basin for the regulation of total quantity of pollutants; and
4. Relation between the water quality and the pollutants.

(4) The Minister of Environment shall grant approval only in cases where the target water quality for regulation of total quantity of pollutants paragraph (1) 1 and 2 may be achieved and maintained with the target water quality for regulation of total quantity of pollutants of the jurisdiction area for which the Mayor/*Do* governor applies for approval in accordance with paragraph (3).

(5) The Mayor/*Do* governor shall, when he/she has obtained approval form the Minister of Environment in accordance with paragraph (4), immediately publish the approved target water quality for regulation of total quantity of pollutants of the jurisdiction area.

(6) In cases where falling under any of following subparagraphs, the Minister of Environment shall publish the target water quality for regulation of total quantity of pollutants by section of river systems of the relevant district:

1. Cases where the Mayor/*Do* governor has failed to inform the intention of establishing the target water quality for regulation of total quantity of pollutants of the jurisdiction area or to apply for approval within the deadline under paragraph (2); and
2. Cases where the approved target water quality for regulation of total quantity of pollutants of the jurisdiction area has failed to be published in accordance with paragraph (5).

(7) The Minister of Environment shall, in order to confirm whether the target water quality for regulation of total quantity of pollutants has been achieved or maintained, measure the water quality of the lower end of the unit basin for the regulation of total quantity of pollutants under conditions prescribed by Ordinance of the Ministry of Environment.

Article 4 (Basic Guidelines for Regulation of Total Quantity of Pollutants)

The basic guidelines for regulation of total quantity of pollutants under Article 4-2 (2)

of the Act (hereinafter referred to as “basic guidelines”) shall include the following matters:

1. The purposes of the regulation of total quantity of pollutants;
2. The kinds of water quality pollutants subject to regulation of total quantity of pollutants;
3. Surveys on pollution sources and methods of calculating the loading quantity for contamination;
4. The subjects, contents, means and deadline of the basic plan for regulation of total quantity of pollutants pursuant to Article 4-3 of the Act; and
5. The contents and means of the implementation plan for regulation of total quantity of pollutants pursuant to Article 4-4 of the Act.

Article 5 (Subject to Approval for Change of Basic Plan for Regulation of Total Quantity of Pollutants)

The term “important matters prescribed by Presidential Decree” in the latter part of the main body of Article 4-3 (1) of the Act means the matters falling under Article 4-3 (1) 2 and 4 of the Act.

Article 6 (Approval, etc. on Implementation Plan for Regulation of Total Quantity of Pollutants)

(1) The Special Metropolitan City Mayor, a Metropolitan City Mayor, or the governor of the Special Self-Governing Province shall establish an implementation plan for regulation of total quantity of pollutants (hereinafter referred to as the “implementation plan for regulation of total quantity of pollutants”) which includes each of the following subparagraphs, in accordance with Article 4-4 (1) of the Act and shall obtain approval thereon from the Minister of Environment:

1. The current status of the river basin subject to the implementation plan for regulation of total quantity of pollutants;
2. The current status and forecast on pollution sources;
3. The loading quantity for contamination to be additionally discharged subsequent to the regional development plan by year and the detailed contents of the relevant annual development plan;
4. The target for the reduction of the loading quantity for contamination by year and the specific scheme for reduction;
5. The reduction quantity by facility allotted with the loading quantity for contamination in accordance with Article 4-5 of the Act and the time for implementation thereof; and
6. The calculated data for the forecast of the water quality and the plan for monitoring the implementations thereof.

(2) The head of *Si/Gun* (excluding the head of *Gun* under the jurisdiction of any Metropolitan City; hereafter the same shall apply in this Article and Article 12) shall establish an implementation plan for regulation of total quantity of pollutants, which includes matters of each subparagraph of paragraph (1), and obtain approval thereon from the Minister of Environment or the *Do* governor in compliance with the following classifications:

1. The area for which the target water quality for regulation of total quantity of pollutants by section of river systems has been published by the Minister of Environment shall be approved by the Minister of Environment after going through the competent *Do* governor; and
2. The area for which the target water quality for regulation of total quantity of pollutants by section of river systems has been published by the Mayor/*Do* governor shall be approved by the *Do* governor after holding prior consultation with the Minister of Environment.

(3) Matters necessary for the procedures, criteria, etc. for approval under paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 7 (Changes of Implementation Plan for Regulation of Total Quantity of Pollutants Subject to Approval)

The term “cases where important matters prescribed by Presidential Decree are to be changed” in the latter part of Article 4-4 (1) of the Act means cases falling under each of the following subparagraphs:

1. Increases in the annual loading quantity for contamination pursuant to Article 6 (1) 3;
2. Decreases in the reduction target for the annual loading quantity for contamination pursuant to Article 6 (1) 4; and
3. Changes in the reduction quantity by the allotment facility of the loading quantity for contamination and the time for implementation thereof pursuant to Article 6 (1) 5.

Article 8 (Facilities Alloted with Loading Quantities for Contamination, etc.)

The term “facilities prescribed by Presidential Decree” in the former part of the main body of Article 4-5 (1) of the Act means the following facilities:

1. Wastewater terminal treatment facilities under Article 48 of the Act (hereinafter referred to as “wastewater terminal treatment facilities”);
2. Public sewer treatment facilities under subparagraph 9 of Article 2 of the Sewerage Act (hereinafter referred to as “public sewer treatment facilities”) and excreta treatment facilities under subparagraph 10 of Article 2 of the said Act; and
3. Public treatment facilities under subparagraph 9 of Article 2 of the Act on the Management and Use of Livestock Excreta.

Article 9 (Gauges for Measuring Loading Quantities for Contamination or Discharge Quantities)

(1) Any person who installs and operates a facility (hereinafter referred to as “person running business of allotted contamination, etc.”) for which the loading quantity for contamination has been allotted or the discharge quantity has been designated in accordance with Article 4-5 (4) of the Act shall equip with each of the following gauges:

1. Devices capable of automatically recording the water pollutants allotted in accordance with Article 4-5 (1) or (2) of the Act;
2. Integrating flowmeters that can automatically measure discharge quantities; and
3. Devices capable of automatically transmitting the results of measurement to the Tele-Monitoring System Control Center under Article 37.

(2) Persons running business of allotted contamination, etc. shall install the gauges in accordance with Article 4-5 (1) and (2) of the Act, by 90 days before the date of observing the loading quantities for contamination or the discharge quantities and measure the discharge quantities of the water pollutants, etc. and preserve the results of measurement for two years.

(3) Kinds of gauges and methods of installing them under paragraph (1) and methods of recording the results of measurement and methods of preserving these results under paragraph (2) shall be determined and published by the Minister of Environment.

Article 10 (Methods and Criteria for Calculating Charges for Release of Pollutants in Excess of Total Quantity)

(1) Charges for release of pollutants in excess of the total quantity under Article 4-7 (1) of the Act (hereinafter referred to as “charges for release of pollutants in excess of

the total quantity”) shall be calculated by multiplying the profits obtained by excess release by imposition coefficients by excess rates, by frequency of violations, and by area, and the detailed methods of calculation shall be set out in annexed Table 1.

(2) The frequency of violations under paragraph (1) shall be the frequency for receiving orders to take measures, orders for the suspension of operation, or orders for the closure of facilities under Article 4-6 (1) and (4) of the Act for the preceding two years and shall be calculated by place of business.

Article 11 (Notice of Payment of Charges for Release of Pollutants in Excess of Total Quantity)

(1) The notice of payment of charges for release of pollutants in excess of the total quantity calculated in accordance with Article 10 shall be served within 60 days from the date when the grounds for imposition arise.

(2) The notice of payment of charges for release of pollutants in excess of the total quantity under paragraph (1) shall be served in writing by prescribing the quality of water pollutants, the amount imposed, the deadline and place for payment, and other necessary matters. In such cases, the deadline for payment of charges for release of pollutants in excess of the total quantity shall be 30 days from the date the notice of payment is issued.

Article 12 (Application for Adjustment of Charges for Release of Pollutants in Excess of Total Quantity)

(1) Any person who has been served a notice of payment of charges for release of pollutants in excess of the total quantity in accordance with Article 11 may apply for an adjustment of the amount of charges for release of pollutants in excess of the total quantity to the Minister of Environment, or the Special Metropolitan City Mayor, a Metropolitan City Mayor, the governor of the Special Self-Governing Province, or the head of *Si/Gun* who executes the implementation plan for regulation of total quantity of pollutants (hereinafter referred to as “head of local government in charge of regulation of total quantity of pollutants”) within 30 days from the date when such notice has been served.

(2) The Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants shall, upon receiving an application under paragraph (1), inform the applicant of the decision on the matter under consideration within 30 days following the date on which the application is received, and such Minister or head shall, in cases where falling under any subparagraph of Article 13 (1), recalculate and adjust the charges for release of pollutants in excess of the total quantity, and reimpose or refund the relevant difference.

(3) Applications for adjustment as referred to in paragraph (1) shall not affect the payment deadline for charges for release of pollutants in excess of the total quantity.

Article 13 (Adjustment of Charges for Release of Pollutants in Excess of Total Quantity)

(1) The Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants shall, in cases where falling under any of the following subparagraphs, adjust the charges for release of pollutants in excess of the total quantity:

1. In cases where the discharge period of water pollutants that serves as the basis for the computation of the charges for release of pollutants in excess of the total quantity has been changed because orders to take measures, orders for the suspension of operation, or orders for the closure of facilities under Article 4-6 (1) or (4) of the Act, has not been performed until the scheduled date for implementing orders or has been completed before such date;
2. In cases where the discharge quantity of water pollutants has been changed from the

- originally measured quantity as a result of the improvement of relevant facilities after imposing the charges for release of pollutants in excess of the total quantity; and
3. In cases where an error is detected in the computation of charges for release of pollutants in excess of the total quantity.
- (2) The Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants shall, when he/she intends to adjust the charges for release of pollutants in excess of the total quantity in accordance with paragraph (1), recalculate the charges for release of pollutants in excess of the total quantity according to the following classifications:
1. In cases falling under paragraph (1) 1, the discharge period of the water pollutants shall be recalculated by counting the number of days between the scheduled date for implementing orders and the actually completed date for implementing orders; or
 2. In cases falling under paragraph (1) 2, the discharge quantity of the water pollutants shall be recalculated on the basis of the water pollutants newly measured for the period after the date when a reinspection on the relevant facilities has been made.
- (3) The Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants shall, when the charges for release of pollutants in excess of the total quantity which are calculated in accordance with paragraph (2) differs from the amount already paid, reimpose or refund the relevant difference: *Provided*, That in cases where the discharge period has been adjusted in accordance with paragraph (1) 1, the recalculated charges for release of pollutants in excess of the total quantity shall be imposed or refunded within 30 days from the date when the implementation of orders to take measures, orders for suspension of operation, or orders for closure has been confirmed.
- (4) The Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants shall, when he/she intends to reimpose or refund the relevant difference after adjusting the charges for release of pollutants in excess of the total quantity calculated in accordance with paragraph (3), serve the payment obligor a written notice by prescribing the amount, grounds, place for payment or refund, and other necessary matters.

Article 14 (Deferment of Collection, Installment Payments and Procedures for Collection of Charges for Release of Pollutants in Excess of Total Quantity)

- (1) In cases falling under any of the following subparagraphs, the person responsible for paying the charges for release of pollutants in excess of the total quantity may file an application to defer the relevant collection or to pay the charges for release of pollutants in excess of the total quantity in installments to the Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants:
1. In cases where the property of the person running business is affected by serious harm due to natural disasters or other calamity;
 2. In cases where the person running business faces a considerable crisis due to apparent losses occurred to his/her business; and
 3. In cases where any reason similar to those prescribed in subparagraphs 1 and 2 occurs.
- (2) The Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants may, when he/she has accepted an application as provided for in paragraph (1), and recognized that the charges for release of pollutants in excess of the total quantity can not be paid due to a reason falling under any subparagraph of paragraph (1), allow the deferred collection of charges for release of pollutants in excess of the total quantity or their installment payments. In such cases, the period for the deferment

of collection shall be within one year from the date immediately following the date on which the deferment of collection is decided upon; the number of instalments into which the payment is divided within the said period shall not exceed six.

(3) In cases where the imposed amount to be paid by the person who is subject to the deferment of collection of the charges for release of pollutants in excess of the total quantity or the installment payments pursuant to paragraph (2), exceeds the capital or the total equity investment of the payment obligor (in cases of a sole proprietorship, referring to the total amount of assets) by not less than two times the latter and where it is deemed that the said amount of charges for release of pollutants in excess of the total quantity cannot be paid even within one year for such reasons as fall under any subparagraph of paragraph (1) continue, the Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants may prescribed the period for deferred collection within the scope of three years from the day immediately following the date on which the deferment of collection is decided upon; the number of instalments into which the payment is divided within the said period shall not exceed 12, notwithstanding the provisions of paragraph (2).

(4) The Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants may, when he/she has decided upon the deferment of collection in accordance with the provisions of paragraph (2) or (3), order the provision of collateral or measures necessary for the preservation of collateral, the value of which corresponds to the deferred amount to the person for whom the deferment of collection has been decided.

(5) In cases where a person responsible for paying the charges for release of pollutants in excess of the total quantity falls under any of the following subparagraphs, the Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants may cancel the deferment of collection and collect the delinquent dues:

1. In cases where the relevant person has not paid the outstanding amount by the expiration date of the designated period;
2. In cases where the relevant person has not complied with the order from the Minister of Environment or the head of local government in charge of regulation of total quantity of pollutants, necessary for an alteration of the relevant collateral or preservation of the relevant collateral; and
3. In cases where deferment of collection is deemed to be unnecessary on account of a change in the property or other relevant circumstances.

(6) Necessary matters regarding the imposition, collection, refund, deferment of collection, and installment payments of charges for release of pollutants in excess of the total quantity shall be prescribed by Ordinance of the Ministry of Environment.

Article 15 (Punishment on Local Government which Defaults on Establishment and Implementation of Basic Plans for Regulation of Total Quantity of Pollutants)

The term “structures including buildings of a scale not smaller than that prescribed by Presidential Decree” in Article 4-8 (2) 4 of the Act means a facility falling under any of following subparagraphs, the area of which on the business plan is not smaller than the area on the business plan by region under subparagraph 2 of annexed Table 2 of the Enforcement Decree of the Framework Act on Environmental Policy:

1. Places of business falling under classes 1 through 3 according to the classification by scale of places of businesses under annexed Table 13; and
2. Facilities falling under any subparagraph of Article 3 of the Seoul Metropolitan Area Readjustment Planning Act.

CHAPTER II PRESERVATION OF WATER QUALITY AND AQUATIC ECOSYSTEMS IN PUBLIC WATERS

SECTION 1 General Provisions

Article 16 (Function of Committee for Deliberation of Policy on Water Quality and Aquatic Ecosystems)

The term “matters prescribed by Presidential Decree” in Article 10-3 (1) 7 of the Act means the following matters:

1. Matters on the basic direction for the establishment of plans by wide area under Article 24 of the Act;
2. Matters required for consultations between the relevant agencies regarding policies for water quality and aquatic ecosystems;
3. Matters on the implementation and evaluation of international treaties regarding water quality and aquatic ecosystems; and
4. Other matters recognized by the chairperson of the Committee for the Deliberation of Policy on Water Quality and Aquatic Ecosystems as necessary and submitted to the meeting of the Committee.

Article 17 (Composition of Committee for Deliberation of Policy on Water Quality and Aquatic Ecosystems)

The term “relevant agencies or organizations prescribed by Presidential Decree” in Article 10-3 (4) 4 of the Act means an agency or organization falling under any of following subparagraphs:

1. Non-profit civic organizations under Article 2 of the Assistance for Non-profit, Non-governmental Organizations Act;
2. The Korea Water Resources Corporation under the Korea Water Resources Corporation Act;
3. The Korea Rural Community & Agricultural Corporation under the Korea Rural Community & Agricultural Corporation and Farmland Management Fund Act; and
4. The Environmental Management Corporation under the Environmental Management Corporation Act.

Article 18 (Operation of Committee for Deliberation of Policy on Water Quality and Aquatic Ecosystems)

(1) The chairperson (hereinafter referred to as the “chairperson”) of the Committee for the Deliberation of Policy on Water Quality and Aquatic Ecosystems (hereinafter referred to as the “Committee”) under Article 10-3 (1) of the Act shall represent the Committee and exercise overall control of the works of the Committee.

(2) When the chairperson is unable to perform his/her duties on grounds of inevitability, the vice-chairperson shall act on behalf of the chairperson in performing the latter’s duties and when the chairperson and vice-chairperson are both unable to perform their duties, a member who has been nominated by the chairperson in advance shall act on behalf of the chairperson in performing the latter’s duties.

(3) Committee’s meetings shall be convened by the chairperson and shall open with the attendance of a majority of the total members on the register and pass resolutions with the concurrent vote of a majority of those present.

(4) In cases where the chairperson intends to convene a Committee meeting in accordance with paragraph (3), the date and time, meeting venue, and its agenda shall be known to Committee members at least three days before the opening of each meeting: *Provided*,

That the same shall not apply to cases of urgent situations.

(5) The chairperson may, in cases where he/she recognizes it as necessary, request the head of the relevant administrative agency to submit necessary data and may hear opinions from relevant public officials and non-official specialists by having them attend a meeting.

(6) The Committee shall have one secretary for dealing with affairs of the Committee, who shall be appointed by the chairperson from among public officials belonging to the Minister of Environment.

(7) The secretary of the Committee shall prepare minutes for each meeting, report them during the next meeting and keep them.

(8) Necessary matters concerning the operation of the Committee, other than the provisions of paragraphs (1) through (7), shall be prescribed by the chairperson after going through a resolution thereof by the Committee.

Article 19 (Allowances, etc.)

Members who are present at Committee meetings may be paid allowances within budget limits: *Provided*, That the same shall not apply to cases where members who are public officials are present at a Committee meeting in connection with their official business.

Article 20 (Term of Office for Committee Members)

(1) The term of office for each committee member, other than public officials, shall be two years, and any committee member may be reappointed.

(2) A person appointed to fill a vacancy shall hold office for the remainder of the predecessor's term.

Article 21 (Matters to be Reflected in Plan for National Land)

In cases where the Mayor/*Do* governor or the head of *Si/Gun* establishes comprehensive plans for *Do*, or comprehensive plans for *Si/Gun* in accordance with the provisions of Article 13 of the Act, he/she shall reflect installation plans of facilities under the following subparagraphs in such plans:

1. Wastewater terminal treatment facilities;
2. Public sewer treatment facilities;
3. Excreta treatment facilities under subparagraph 10 of Article 2 of the Sewerage Act; and
4. Public treatment facilities under subparagraph 9 of Article 2 of the Act on the Management and Use of Livestock Excreta.

Article 22 (Details of Conditions for Preventing Water Pollution of Public Waters)

In the conditions attached to prevent water pollution of public waters as provided for in Article 18 (1) of the Act, the following matters shall be included:

1. Wastes shall be treated in accordance with Article 13 of the Wastes Control Act; and
2. If public waters are to be filled with wastes, such filling shall be carried out only after such wastes are disposed of in conformity with the criteria and methods for disposal of wastes as provided for in Article 13 of the Wastes Control Act.

Article 23 (Compensation of Loss from Growing Recommendation of Specific Agricultural Products)

The Mayor/*Do* governor shall, where he/she compensates for a loss suffered by any farmer in accordance with Article 19 (2) of the Act, compute the amount of such compensation according to the standards published by the Minister of Environment by taking into account the area of farmland, kinds of agricultural produce, income per unit of area, etc.

Article 24 (Standards of Measures for Preservation of Water Quality and Aquatic Ecosystems, etc.)

The Minister of Environment shall, when he/she intends to recommend a person to manage

public waters in accordance with Article 19-2 of the Act on the measures necessary for the preservation of water quality and aquatic ecosystems, include the following matters:

1. Matters on objectives of preserving water quality and aquatic ecosystems;
2. Matters on concrete methods of preserving water quality and aquatic ecosystems;
3. Matters on the raising of funds necessary for preserving water quality and the aquatic ecosystems; and
4. Other matters necessary for the preservation of water quality and aquatic ecosystems.

Article 25 (Criteria, etc. for Purchase, etc. of Riverine Ecological Zone)

(1) The Minister of Environment may purchase or ecologically create and manage riverine wetlands and riverine land (hereinafter referred to as "riverine ecological zone") which satisfy all of the following subparagraphs in accordance with Article 19-3 (1) of the Act:

1. It is to be located within one kilometer from the borderlines of rivers, lakes and marshes:
Provided, That preservation forests, forests for genetic resource protection, test forests under Articles 43 and 47 of the Creation and Management of Forest Resources Act shall be excluded from the purchase, or creation and management, and forests under subparagraph 1 of Article 2 of the Act shall be excluded from creation and management; and
2. It is to be fall under any of the following items, to purchase a riverine ecological zone or to ecologically create and manage such zone:
 - (a) Cases where riverine land is to be ecologically managed in order for the protection of water supply source;
 - (b) Cases where relevant riversides of rivers, lakes, marshes, etc. are to be systematically managed for the preservation or the restoration of aquatic ecology, etc. which are worthy of protection; and
 - (c) Cases where riverine land is necessarily to be managed in order to control non-point pollutants, etc.

(2) The Mayor/*Do* governor may, in cases falling under any of the following subparagraphs, purchase a riverine ecological zone or ecologically create and manage it in accordance with Article 19-3 (2) of the Act:

1. Cases where the Minister of Environment recognizes that the purchase, or the creation and management of land located on the fringe of relevant public waters is necessary to implement the measures for preservation of water quality and aquatic ecosystems pursuant to Article 19-2 of the Act; and
2. Cases where it is necessary for the implementation of a plan for reduction of water pollutants, including the installment or operation of reduction facilities for non-point pollution, from among implementation plans established in accordance with Article 56 of the Act.

Article 26 (Calculation of Purchase Price and Means and Procedures for Purchase, etc.)

(1) The owner of land or any fixture on such land (hereinafter referred to as the "land, etc.") located in a riverine ecological zone which the Minister of Environment or the Mayor/*Do* governor intends to purchase in accordance with Article 19-3 (1) and (2) of the Act, may apply for the purchase of land, etc. to the Minister of Environment or the Mayor/*Do* governor as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment or the Mayor/*Do* governor shall, when he/she has received an application for purchase in accordance with paragraph (1), determine whether to purchase the relevant land, etc. according to the priority order for purchase published or publicly announced by the Minister of Environment or the Mayor/*Do* governor, and inform the

owner of the relevant land, etc. of the determined matters (in cases where the relevant land has been determined to be purchased, the determined matters and the purchase price calculated under paragraph (3)).

(3) The purchase price of land, etc. under paragraph (2) shall be the amount appraised, based on the standard official land price under the Public Notice of Values and Appraisal of Real Estate Act, by taking into account the location, shape, environs, and status of use of the relevant land, and it shall be the arithmetic mean of the amounts evaluated by two or more appraisers under subparagraph 9 of Article 2 of the said Act.

Article 27 (Designation, etc. of Angling-Prohibited or Angling-Restricted Area)

(1) The head of *Si/Gun/Gu* (referring to autonomous *Gu*; hereinafter the same shall apply) shall, in cases where he/she intends to designate an angling-prohibited area or an angling-restricted area, take into account matters the following matters:

1. The objective of water for a specific use;
2. The current status of sources of pollution;
3. The level of water pollution;
4. The current presence of litter around angling areas and conditions for the disposal thereof;
5. The number of people enjoying the fishing on a yearly basis; and
6. The current status of underwater ecosystem, such as the species and number of fish inhabiting the relevant water.

(2) The head of *Si/Gun/Gu* shall, when he/she designates an angling-prohibited area or an angling-restricted area in accordance with Article 20 (1) of the Act, immediately publish the matters of the following subparagraphs in the public bulletin of the relevant local government, prepare the drawing, etc. for public inspection and install a signboard making the details of such announcement known to the public in the relevant angling-prohibited area or the angling-restricted area:

1. The name and location of an angling-prohibited area or an angling-restricted area;
2. Restricted matters, such as methods of and times for angling (limited to angling-restricted areas) under Article 20 (2) of the Act;
3. The fines for negligence to be levied on any person who violates the prohibition of or restriction on angling under Article 82 (2) 1 or (3) 2 of the Act;
4. The amount of fees to be levied to meet costs involved in removing litter, etc., and the method of and the place for paying such fees under Article 20 (3) of the Act;
5. The method of disposing of litter, etc. accumulating from angling-restricted areas; and
6. Other matters necessary to prohibit or restrict angling.

(3) The standards and details for the signboard referred to in paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 28 (Warnings against Water Pollution)

(1) The types of warnings against water pollution under Article 21 (5) of the Act shall be as follows:

1. Warnings against algae; and
2. Warnings to watch for water pollution.

(2) The objects for issuance of alerts for water pollution, persons who may issue alerts, and water pollutants for issuing alerts shall be as set out in annexed Table 2.

(3) The phases by which alerts for water pollution are issued according to kind, and standards for issuing and canceling alerts, etc. shall be as set out in annexed Table 3.

(4) Measures to take by kind of warning and at various stages of warnings against water pollution shall be as set out in annexed Table 4.

Article 29 (Recommendation for Restrictions on Activities in Contaminated Public Waters)

(1) The term “activities prescribed by Presidential Decree” in Article 21-2 (1) of the Act means any activity falling under any of the following subparagraphs:

1. Drinking water from the relevant rivers, lakes, marshes, etc. or using it for cooking;
2. Eating any aquatic produce, including fishes and shell fishes, of the relevant rivers, lakes, marshes, etc.; and
3. Drawing water from the relevant rivers, lakes, marshes, etc. for agricultural use.

(2) The criteria for selecting rivers, lakes, marshes, etc. for which the restriction of activities may be recommended in accordance with Article 21-2 (3) of the Act shall be as follows:

1. Cases where it has exceeded the target quality of water by river-system spheres of influence published by the Minister of Environment in accordance with Article 22 (2) of the Act and may hinder the intended purpose for use of water; or
2. Cases where it has exceeded the criteria prescribed in annexed Table 5 other than subparagraph 1 and may have a great effect on the health and livelihood of people.

SECTION 2 Preservation of Water Quality and Aquatic Ecosystems in Lakes and Marshes

Article 30 (Survey and Measurement of Water Use in Lakes and Marshes)

(1) The Minister of Environment shall designate and publicly announce lakes and marshes which fall under any of the following subparagraphs and require the preservation of water quality and aquatic ecosystems in accordance with Article 28 of the Act and shall survey and measure water quality and aquatic ecosystems of such lakes and marshes on a regular basis:

1. Any lake or marsh from which raw water is collected in excess of 300,000 tons per day;
2. Any lake or marsh which is a habitat for animals and plants, including migratory birds, or which is so rich in biological diversity that it specially needs to be conserved; and
3. Any lake or marsh, the water pollution of which is so severe to the extent that it specially needs to be managed.

(2) The Mayor/*Do* governor shall survey and measure water quality and aquatic ecosystems in lakes and marshes on a regular basis, the area of which at the time of full water level is not less than 500,000 square meters, other than lakes and marshes designated and publicly announced by the Minister of Environment in accordance with paragraph (1).

(3) Matters to be surveyed and measured under paragraphs (1) and (2) shall be as follows:

1. Basic data necessary for managing a lake or a marsh, such as the year it came into being or was created, the area of basin and the quantity of water stored in the lake or marsh;
2. The use of water in a lake or marsh, such as the objective for using the water of a lake or a marsh, the location of a place of intake and the quantity of water collected;
3. The degree of water pollution, the current status of the distribution of sources of pollution, and the occurrence, treatment and influx of pollutants; and
4. The current status of aquatic ecosystems, such as the biological diversity and ecosystem of a lake or marsh.

(4) The Minister of Environment or the Mayor/*Do* governor shall, in principle, survey and measure the matters in paragraph (3) 1 and 2 every three years and the matters in paragraph (3) 3 every five years, and if necessary, he/she may survey and measure such matters annually. In such cases, the Mayor/*Do* governor shall report the results of such survey and measurement to the Minister of Environment by the end of February of the following year.

CHAPTER III CONTROL OF POINT-POLLUTION SOURCES

SECTION 1 Regulation of Discharge of Industrial Wastewater

Article 31 (Scope, etc. of Wastewater Discharge Facilities Subject to Permit for, and Report on Establishment)

(1) The wastewater discharge facilities, for which permit for the establishment must be obtained in accordance with the main sentence of Article 33 (1) of the Act (hereinafter referred to as “discharge facilities”), shall be as follows:

1. The discharge facilities which discharge the specified substances hazardous to water quality;
2. The discharge facilities installed on the zone for special countermeasures under Article 22 of the Framework Act on Environmental Policy (hereinafter referred to as “zone for special countermeasures”);
3. The discharge facilities which are established within an area in which the establishment of the discharge facilities has been restricted, that is publicly notified by the Minister of Environment in accordance with Article 33 (6) of the Act;
4. The discharge facilities which are installed on the protection zone for water supply source (hereinafter referred to as “protection zone for water supply source”) under Article 7 of the Water Supply and Waterworks Installation Act or which are established within a 10km flow-distance upstream from its boundary;
5. In cases of an area, among the areas in which no protection zone for water supply source has been designated, where water collection facilities are installed, the discharge facilities established within a 15km flow-distance upstream from the said water collection facilities; and
6. The discharge facilities for which a report on installment shall be made under the main sentence of Article 33 (1) of the Act and which newly begin to discharge the specified substances hazardous to water quality as a result of changes in the raw material, constituent raw materials, the manufacturing process, etc.

(2) In any of the following cases, the report on the establishment of discharge facilities shall be filed in accordance with the main sentence of Article 33 (1) of the Act:

1. Cases where discharge facilities are established, other than those for which permit for installment shall be obtained under paragraph (1);
2. Cases where the whole quantity of wastewater discharged from discharge facilities falling under any subparagraph of paragraph (1), is treated on entrustment and the entrusted wastewater treatment facilities are located outside areas or districts under paragraph (1) 2 through 5; and
3. Cases where discharge facilities which does not discharge the specified substances hazardous to water quality from among discharge facilities under paragraph (1) 2 through 5 and flow the whole quantity of discharged wastewater into wastewater terminal treat-

ment facilities or public sewer treatment facilities.

(3) In any of the following cases, a person who has obtained a permit for establishment of discharge facilities shall obtain a permit for modification of discharge facilities in accordance with the main sentence of Article 33 (2) of the Act: *<Amended by Presidential Decree No. 20761, Apr. 3, 2008>*

1. In cases where the quantity of discharged wastewater increases by not less than 50/100 (in cases of facilities which discharge specified substances hazardous to water quality, 30/100) of the quantity of discharged wastewater measured at the time of the permit, or where the quantity of discharged wastewater increases by not less than 700m³ per day;
2. In cases where the improvement of discharge facilities or water pollution preventative facilities as provided for in Article 35 (1) of the Act (hereinafter referred to as “prevention facilities”) is necessary due to the generation of new water pollutants to such extent in excess of the standards for permissible discharge under Article 32 of the Act (hereinafter referred to as “standards for permissible discharge”); and
3. In cases where an alteration is required for the method of disposals in a solid state under paragraph (7) 2 in wastewater non-discharge facilities for which a permit has been obtained in accordance with the proviso to Article 33 (1) of the Act.

(4) In all of the following cases, the permit for modification under paragraph (3) may be replaced by a report on modification, notwithstanding paragraph (3):

1. Cases where consultation with the representative of joint prevention facilities as provided for in Article 35 (4) of the Act (hereinafter referred to as “joint prevention facilities”) or persons who operate waste-water terminal treatment facilities has been held with regards to the treatment of wastewater and the bearing of expenses therefor; and
2. Cases of the alternation of discharge facilities within the scope not exceeding wastewater treatment capacity or treatable volume.

(5) A person who intends to obtain a permit for establishment or modification of discharge facilities or to make a report on establishment thereof in accordance with Article 33 (1) or (2) of the Act, shall submit (including submission by means of computer network under subparagraph 7 of Article 2 of the Electronic Government Act) to the Minister of Environment the written application for the permit for establishment or modification of discharge facilities or written report on establishment thereof together with the following documents:

1. A map indicating the locations of discharge facilities and a flow chart for the process of wastewater discharge;
2. A detailed statement of raw materials to be used (including water to be used for specific purposes), the quantity of goods to be produced, and water pollutants anticipated to be generated;
3. A detailed statement of the establishment of prevention facilities and a drawing thereof: *Provided*, That such drawing may be replaced by a plot-plan in cases of a report on establishment; and
4. The permit certificate on establishment of discharge facilities (limited to cases of a permit for modification).

(6) The Minister of Environment shall, in cases where he/she has granted a permit for installation of discharge facilities or accepted a written report on installation of discharge facilities, issue to the relevant applicant a permit certificate for installation of such discharge facilities or a report certificate on installation of such discharge facilities: *Provided*, when the Minister of Environment has granted a permit for modification of the installation of

discharge facilities, the modified matters shall be stated on the existing permit certificate.
(7) The term “facilities prescribed by Presidential Decree” in Article 33 (9) 3 of the Act means a facility falling under any of the following subparagraphs, and the term “criteria prescribed by Presidential Decree” shall be as prescribed by annexed Table 6:

1. Facilities to separate or collect wastewater generated from wastewater non-discharge facilities so as to prevent such wastewater from mixing with wastewater generated from other discharge facilities;
2. Prevention facilities to dispose of substances hazardous to water quality in wastewater, in the form of solid wastes; and
3. Interception or storage facilities that prevent wastewater from emitting or leaking out into public waters due to defects or accidents in facilities or rainwater, etc.

Article 32 (Areas Where Installation of Discharge Facilities is Restricted)

The scope of areas where the installation of discharge facilities may be restricted under Article 33 (6) of the Act shall be as follows:

1. Protection zones for water supply sources in which water collection facilities are installed and zones for special countermeasures;
2. Catchment areas under subparagraph 1 (referring to areas surrounded by adjacent ridge lines and beside which rainwater flows naturally; hereinafter the same shall apply), located within 10 kilometers of flow-distance upstream from the point in which the environmental standard for rivers, lakes and marshes does not fall under Class-Ia (Very Good) as shown in subparagraph 3 of annexed Table 1 of the Enforcement Decree of the Framework Act on Environmental Policy;
3. Catchment areas within a 15-kilometer flow-distance upstream from water collection facilities of an area which is not a protection zone for water supply source; and
4. An upstream area of the regions falling under any of subparagraphs 1 through 3, which may affect the contamination of water supply sources due to the discharge of the specified substances hazardous to water quality (limited to cases of the discharge facilities of the specified substances hazardous to water quality).

Article 33 (Criteria for Exemption from Establishment of Prevention Facilities)

The term “discharge facilities (excluding wastewater non-discharge facilities) which meet the criteria determined by Presidential Decree” in the proviso to Article 35 (1) of the Act means cases under any of the following subparagraphs:

1. Cases where water pollutants are always discharged below the standards for permissible discharge owing to the function of and the work procedures for such discharge facilities;
2. Cases where the whole quantity of the wastewater prescribed by Ordinance of the Ministry of Environment is treated entirely under consignment by a person who has registered for a wastewater treatment business in accordance with Article 62 of the Act or a specialized agency that is acknowledged and publicly announced by the Minister of Environment; and
3. Other cases where the proper treatment of water pollutants is possible, without installing prevention facilities, by such means as, for instance, recycling all of the wastewater to occur and, at the same time, which are determined by Ordinance of the Ministry of Environment.

Article 34 (Cases Subject to Report on Commencement of Operations, Subsequent to Modification Report)

The term “cases of alteration prescribed by Presidential Decree” in the former part of Article 37 (1) of the Act means cases falling under any of the following subparagraphs:

1. Cases where quantity of the discharged wastewater increases by not less than 50/100 of the quantity of wastewater discharged at the time when the report was made;
2. Cases where discharge facilities or prevention facilities need to be improved due to the generation of new water pollutants from the relevant discharge facilities to such extent as exceeds the standards for permissible discharge;
3. Cases where the method of wastewater treatment at prevention facilities established in discharge facilities is altered; and
4. Cases where prevention facilities are newly established in the discharge facilities in which any prevention facilities have not been established pursuant to the proviso to Article 35 (1) of the Act.

Article 35 (Object, Methods and Period for Installing of Gauges, etc.)

(1) Discharge quantities or treatment quantities of wastewater and kinds of gauges to be installed at the places of business, the prevention facilities (including joint prevention facilities), the wastewater terminal treatment facilities, and the public sewer treatment facilities (hereinafter referred to as “place of business, etc. equipped with gauges”) under Article 38-2 (1) of the Act shall be set out in annexed Table 7.

(2) Any persons who are obliged to install the gauges pursuant to Article 38-2 (1) of the Act (hereinafter referred to as “person running gauge-installing business, etc.”) shall install the relevant gauge according to the methods in annexed Table 8 within the time periods classified as the following subparagraphs:

1. Any person who installs and operates wastewater terminal treatment facilities: Before the installation of wastewater terminal treatment facilities under Article 48 (1) of the Act has been completed: *Provided*, That in cases where the relevant person becomes the place of business, etc. equipped with gauges as a result of an increased quantity of discharge wastewater, the gauges shall be installed by the end of September of the following year;
2. Any person who installs and operates public sewer treatment facilities: Before the publication for use of public sewers under Article 15 of the Sewerage Act: *Provided*, That in cases where the relevant person becomes a place of business, etc. equipped with gauges as a result of an increase in quantity treated, the gauges shall be installed within nine months from the date when the publication for use of public sewers has been made; and
3. A person other than subparagraphs 1 and 2: Within two months after the report on the commencement of operation has been made pursuant to Article 37 of the Act: *Provided*, That in cases where the relevant person becomes a place of business, etc. equipped with gauges as a result of an increased quantity of discharge wastewater, the gauges shall be installed within nine months from the date when permit for alternation has been obtained or report on alternation has been made pursuant to Article 33 (2) and (3) of the Act.

(3) In cases where the person running a gauge-installing business, etc. has equipped with gauges in accordance with the provisions of paragraph (2), he/she shall immediately notify the Mayor/*Do* governor, the head of a river basin environmental office, or the head of a regional environmental office (hereinafter referred to as “Mayor/*Do* governor, etc.”) of such fact. In such cases, the Mayor/*Do* governor, etc. shall verify as to whether the equipped gauges are installed in conformity with the official testing method with respect to environmental pollution processes under Article 6 of the Environmental Examination and Inspection Act.

(4) The Mayor/*Do* governor, etc. may use the data automatically transmitted from the relevant gauge to the Tele-Monitoring System Control Center under Article 37 (hereinafter referred to as the “automatically measured data”) as administrative data falling under any of the following subparagraphs, after six months from the date when it has been confirmed as to whether the gauge has been properly installed in accordance with paragraph (3): *Provided*, That in cases where there are errors in the automatically measured data, due to intentional operation of gauges, disorder, unexpected event such as thunder, electromagnetic waves, etc., a malfunction in the computer network, etc., the data that may be substituted therefor (hereinafter referred to as “alternative automatically measured data”) may be created and used:

1. Data for calculating the charges for release of pollutants in excess of the total quantity according to each of the following items:
 - (a) Article 13 of the Act on the Management of Water and Support of Residents in the Gum River Basin;
 - (b) Article 13 of the Act on the Management of Water and Support of Residents in the Yeongsan and Seomjin River Basins;
 - (c) Article 13 of the Act on the Management of Water and Support of Residents in the Nakdong River Basin; and
 - (d) Article 10;
2. Data for confirming as to whether the standards for the quality of discharged water of the wastewater terminal treatment facilities are exceeded in accordance with Article 12 (3) of the Act;
3. Data for confirming as to whether the standards for permissible discharge are exceeded in accordance with Article 32 of the Act;
4. Data for calculating discharge dues in accordance with Article 41 of the Act; and
5. Data for confirming as to whether the standards for the quality of discharged water of the public sewer treatment facilities are exceeded in accordance with Article 7 of the Sewerage Act.

(5) The procedures and ways for confirmation under paragraph (3), the specific means of utilizing administrative data under paragraph (4), the kinds, the ways of selection, and the ways of treating abnormal automatically measured data, and the ways of creating alternative automatically measured data, etc. shall be determined and published by the Minister of Environment.

Article 36 (Improvement Period for Person under Order to Take Measures regarding Gauges, etc.)

(1) The Minister of Environment shall, when he/she issues orders to take measures pursuant to Article 38-4 (1) of the Act, prescribe the improvement period within the scope of six months.

(2) The Minister of Environment may, in cases where a person who has been served an order to take measures pursuant to Article 38-4 (1) of the Act may not complete the relevant measures within the period for improvement due to natural disasters or other inevitable grounds, extend, upon the application from the person who has been served an order to take measures, the period for improvement within the scope of six months.

Article 37 (Establishment and Operation of Tele-Monitoring System Control Center)

(1) The Minister of Environment may, with the aim to operate the computer network under Article 38-5 (1) of the Act, establish and operate the Tele-Monitoring System Control Center (hereinafter referred to as “Control Center”) in the Environmental Management

Corporation under the Environmental Management Corporation Act.

(2) The functions, operation of the Control Center and necessary matters for the management of automatically measured data, etc. shall be determined and published by the Minister of Environment.

Article 38 (Exemption from Reporting or Inspection of Place of Business, etc. Equipped with Gauges)

The Minister of Environment may, in cases where automatically measured data might be utilized as administrative data pursuant to Article 35 (4), exempt from the reporting or the inspection performed in order to confirm the following matters in accordance with Article 38-5 (4) of the Act:

1. Whether the standards for the quality of discharged water of the wastewater terminal treatment facilities are exceeded in accordance with Article 12 (3) of the Act; and
2. Whether the standards for permissible discharge are exceeded in accordance with Article 32 of the Act.

Article 39 (Improvement Period, etc.)

(1) The Minister of Environment shall, when he/she intends to issue an order for improvement in accordance with Article 39 of the Act, determine the improvement period within the range of one year, taking into consideration measures necessary for the improvement or installation period for necessary facilities.

(2) In cases where a person who has been served an order for improvement under Article 39 of the Act may not implement such order within the period due to natural disasters or other inevitable grounds, he/she may apply for the extension of period to the Minister of Environment within the scope of six months before the prescribed period expires.

Article 40 (Improvement of Person Running Business not Subject to Order for Measures or Improvement)

(1) In cases where a person running business, for whom an order to take measures under Article 38-4 (1) of the Act or for improvement under Article 39 of the Act has not been issued, recognizes that the gauges may not be operated normally or the pollutants are feared to be discharged in excess of the standards for permissible discharge owing to a reason falling under any of the following subparagraphs, and intends to improve gauges, discharge facilities, or prevention facilities (hereafter referred to as "discharge facilities, etc." in this Article), he/she may improve his/her discharge facilities, etc. after filing a facility improvement plan stating the grounds for improvement, the improvement period, the details of such improvement, the anticipated quantity and concentration of the water pollutants to be discharged during the improvement period, to the Minister of Environment:

1. Cases where an emergency measure falling under any of the following items has been taken after the relevant public officials collect pollutants of water quality under Article 68 (1) of the Act, and the improvement of discharge facilities, etc. is needed:
 - (a) Measures to cease the discharge of water pollutants in cases where the operation of the discharge facilities, etc. has been completely suspended for the improvement, alteration or repair thereof or the operation of discharge facilities, etc. ceases completely due to *force majeure*, such as natural disaster, fire or sudden breakdown; and
 - (b) Measures to reduce the discharge of water pollutants by consigning the treatment of the wastewater to be treated in the prevention facilities as provided for in subparagraph 2 of Article 33; and
2. Cases other than subparagraph 1, falling under any of the following items:
 - (a) Cases where it is necessary to improve, alter or repair the discharge facilities,

etc.;

- (b) Cases where he/she is unable to operate the discharge facilities, etc. properly due to a sudden breakdown in the main mechanical devices of such facilities, etc., a power outage, a suspension of water supply, or *force majeure*, such as natural disaster or fire; and
- (c) Cases where he/she is unable to operate his/her discharge facilities, etc. properly due to weather changes or an inflow of abnormal substances when treating water pollutants through the biochemical method.

(2) In cases where any person who has filed an improvement plan pursuant to paragraph (1) completes the improvement of the discharge facilities, etc. within the improvement period, he/she may file an improvement completion report with the Minister of Environment and commence operation: *Provided*, That in cases where the measures for improvement may not be completed within the period for improvement due to natural disasters or other inevitable grounds, an application for extension of period for improvement may be submitted to the Minister of Environment before the prescribed period expires.

(3) The Minister of Environment shall, with regard to the person who files an improvement plan pursuant to paragraph (1), or the person who files an improvement completion report pursuant to paragraph (2), without delay, instruct the competent public officials to confirm the details and results of improvement, and quantity of discharged water pollutants, etc. and may collect samples to entrust the test of their pollution levels to a testing institution prescribed by Ordinance of the Ministry of Environment.

Article 41 (Criteria and Method for Computing Basic Discharge Dues)

(1) The basic discharge dues as prescribed in Article 41 (1) 1 (a) and (b) of the Act (hereinafter referred to as “basic discharge dues”) shall be the amount computed by the following formula on the basis of the quantity and concentration of water pollutants discharged:

Quantity discharged below the criteria × Amount imposed per kilogram of water pollutants × Computation index of dues by year × Imposition coefficient by place of business × Imposition coefficient by area × Imposition coefficient by rate exceeding standards for quality of discharged water.

(2) The quantity discharged below the criteria under paragraph (1) shall be the quantity discharged according to the following classifications:

- 1. Cases of Article 41 (1) 1 (a) of the Act: The quantity discharged exceeding the standards for the quality of discharged water of wastewater terminal treatment facilities under Article 12 (3) of the Act within the scope of the standards for permissible discharge; or
- 2. Cases of Article 41 (1) 1 (b) of the Act: The quantity discharged exceeding the standards for the quality of discharged water of the wastewater terminal treatment facilities under Article 12 (3) of the Act.

(3) The provisions of Article 45 (5) shall apply *mutatis mutandis* to the imposed amount per kilogram of water pollutants necessary for computation of basic discharge dues, and those of Article 49 (1) shall apply *mutatis mutandis* to the computation index of dues by year; and the imposition coefficient by place of business shall be that set in annexed Table 9, the imposition coefficient by area shall be that set in annexed Table 10, and the imposition coefficient by rate exceeding standards for the quality of discharged water shall be that set in annexed Table 11.

(4) The basic discharge dues of the joint prevention facilities shall be the amount added by respective place of business computed under the provisions of paragraphs (1) through

(3).

(5) In cases of places of business, etc. equipped with gauges to which gauges have been affixed in accordance with Article 38-2 of the Act, and transmits the automatically measured data to the Control Center, the quantity and concentration of water pollutants discharged under paragraph (1) shall be calculated according to the following classifications:

1. Cases where the automatically measured data has been measured and transmitted normally: The value obtained by calculating the arithmetic mean of the automatically measured data transmitted for each three-hour period (hereinafter referred to as “average value for each three-hour period”); or
2. Cases where the automatically measured data has not been measured and transmitted normally:
 - (a) When the period of an order to take measures under Article 38-4 of the Act or the improvement period expressly prescribed in the improvement plan (limited to improvement plans for gauges) under Article 40 remains current: The value obtained by calculating the arithmetic mean of average value for each three-hour period of the normally measured and transmitted automatically measured data during the recent three months: *Provided*, That in cases where only the normally and automatically measured data for a period shorter than three month are available, it shall be obtained by calculating the arithmetic mean of average value for each three-hour period for the available period; or
 - (b) When the period of an improvement order under Article 39 of the Act or the improvement period expressly prescribed in the improvement plan (limited to the improvement plan for gauges of discharge facilities or prevention facilities) under Article 40 remains current: The value obtained by calculating the arithmetic mean of average values for each three-hour period of the normally measured and transmitted automatically measured data for the recent three months during the period of improvement order or the improvement period: *Provided*, That where no normal automatically measured data exists, it shall be calculated by using the quantity and concentration of water pollutants discharged, expressly prescribed on the improvement order or the quantity and concentration of water pollutants discharged, surveyed after collecting them in accordance with Article 40 (3) at the time when the improvement plan has been filed pursuant to Article 40 (1).

Article 42 (Kinds of Water Pollutants Subject to Imposition of Basic Discharge Dues)

The kinds of water pollutants subject to imposition of basic discharge dues shall be as follows:

1. Organic substances; and
2. Suspended solids.

Article 43 (Period for Imposition of Basic Discharge Dues, etc.)

Basic discharge dues shall be imposed on a semi-annual basis, and the reference date for imposition and imposition period shall be set by annexed Table 12.

Article 44 (Calculation of Quantity Discharged below Criteria, etc.)

(1) The Minister of Environment may, in cases where it is necessary to confirm the quantity discharged below the criteria under Article 41 (1), have the relevant person running business to submit (including submission by means of computer network under subparagraph 7 of Article 2 of the Electronic Government Act) data falling under each of the following subparagraphs in accordance with Article 68 (1) of the Act within 30 days from the last day of the imposition period:

1. Data on the quantity discharged below the criteria (hereinafter referred to as the “fixed discharge quantity”) that has been actually discharged during the relevant imposition period of the basic discharge dues; or
 2. Data on the quantity of the water pollutants discharged by persons running business who send the wastewater into the joint prevention facilities (only the person running business who has established and operated the joint prevention facilities shall submit).
- (2) The fixed discharge quantity shall be computed by the methods falling under any of the following subparagraphs:
1. The fixed discharge quantity shall be the quantity obtained by multiplying the average daily quantity discharged below the criteria during the imposition period by the actual days of operation during the relevant imposition period, and indicated in kilograms as a unit;
 2. The average daily quantity discharged below the criteria under subparagraph 1 shall be computed by the methods defined in each of the following items on the basis of the result of measurement of the water pollutants under Article 46 of the Act:
 - (a) The discharge quantity discharged within the daily criteria shall be the remaining quantity obtained by deducting the quantity discharged, computed by multiplying the standard concentration of discharged water quality by the daily average volumes of flow, from the average daily quantity discharged;
 - (b) The average daily quantity discharged shall be computed by dividing the average daily quantity of pollutants discharged that has been measured by discharge openings in accordance with Article 46 of the Act, and this by the frequency of measuring the water pollutants: *Provided*, That in cases where a notice on the results of inspection under Article 68 of the Act has been received during the imposition period, it shall be computed after adding the daily average quantity discharged, computed in accordance with the results of measuring water pollutants in accordance with Article 46 of the Act to the notified average daily quantity discharged of pollutants, and by dividing this by the value obtained from adding one to the number of inspections;
 - (c) The daily quantity discharged of pollutants shall be computed by multiplying the discharge concentration at the time of measurement by the total quantity of wastewater of that day (hereinafter referred to as “daily volumes of flow”), and Article 47 (4) shall apply *mutatis mutandis* to the computation of daily volumes of flow: however, in cases where an operator of public sewer treatment facilities measures the quantity of wastewater that has flowed from places of business of Classes I through IV under annexed Table 13 into such facilities from the zone of sewage treatment, the daily volumes of flow shall be the quantity of wastewater measured and in cases where an operator of public sewer treatment facilities does not measure, the daily volumes of flow shall be based on the data that have been submitted by places of business of Classes I through IV at the time when an application for a permit for installing or modifying the discharge facilities or a report or modification thereon has been filed under the provisions of Article 33 (1) through (3) of the Act, the recording books of operations of discharge facilities and prevention facilities under Article 38 (3) of the Act and the results of inspections under Article 68 of the Act; and
 - (d) The methods of computations under item (b) shall apply *mutatis mutandis* to the calculation of the average daily volume of flow; and
 3. The fixed discharge quantity of a place of business, etc. equipped with gauges shall be calculated by multiplying the excess concentration (in cases of Article 41 (1) 1

(a) of the Act, referring to the excess concentration of standards for quality of discharged water under the standards for permissible discharge concentration) of the standards for quality of discharged water for three hours during which the average value of the relevant three hours of the imposition period exceeds the standards for quality of discharged water (including the alternative automatically measured data and data falling under each item of Article 41 (5) 2; hereafter the same shall apply in this Article and Article 47), by the relevant average discharge volumes of flow of the relevant three hours.

(3) Necessary matters regarding the kinds of data to be submitted in accordance with paragraph (1) and ways of preparing them shall be prescribed by Ordinance of the Ministry of Environment.

Article 45 (Computation Criteria and Methods for Excess Discharge Dues)

(1) The excess discharge dues under Article 41 (1) 2 of the Act (hereinafter referred to as “excess discharge dues”) shall be the amount obtained from adding the amount classified under each subparagraph of paragraph (3) to the amount computed by the following formula on the basis of the quantity and concentration of water pollutants discharged: *Provided*, That in cases where excess discharge dues under Article 41 (1) 2 (a) of the Act are to be imposed, if the person running business has submitted a plan for improvement under Article 40 (1) 2 and has implemented any improvements, the imposition coefficients by excess rate of the standards for permissible discharge and the imposition coefficients by frequency of violations shall not be applied and the amount of paragraph (3) 1 shall not be added:

Quantity discharged in excess of standards × Amount imposed per kilogram of water pollutants × Computation index of dues by year × Imposition coefficients by area × Imposition coefficients by excess rate of the standards for permissible discharge (emission/leakage coefficients in cases of Article 41 (1) 2 (b) of the Act) × Imposition coefficients by frequency of violation of the standards for permissible discharge.

(2) When the computation criteria under paragraph (1) applies to a person running business who has submitted the improvement plan and makes improvements under Article 40 (1) 1, he/she shall be deemed to have been subject to an order for improvement under Article 39 of the Act.

(3) The amount to be added to the amount computed under the formula pursuant to paragraph (1) for the computation of the excess discharge dues shall be as follows:

1. In cases of excess discharge dues under Article 41 (1) 2 (a) of the Act, the amount to be added shall be four million won for Class-I place of business under annexed Table 13, three million won for Class-II place of business, two million won for Class-III place of business, one million won for Class-IV place of business, and one half million won for Class-V place of business; and
2. In cases of excess discharge dues under Article 41 (1) 2 (b) of the Act, the amount to be added shall be five million won.

(4) The quantity discharged in excess of the standards under the formula of paragraph (1) shall be the quantity discharged according to the following classifications:

1. In cases of Article 41 (1) 2 (a) of the Act: The quantity exceeding the standards for permissible discharge; and
2. In cases of Article 41 (1) 2 (b) of the Act: The quantity of water pollutants discharged.

(5) The amount imposed per kilogram of the water pollutants, the imposition coefficients by excess rate of the standards for permissible discharge, the emission and leakage co-

efficients, and the imposition coefficients by area necessary for a computation of the excess discharge dues under paragraphs (1) and (4), shall be as set out in annexed Table 14.

(6) Excess discharge dues of the joint prevention facilities shall be the total amount computed in accordance with the provisions of paragraphs (1) through (4) by respective place of business.

(7) Article 41 (5) shall apply *mutatis mutandis* to the discharge quantity and concentration of the water pollutants necessary for the calculation of excess discharge dues to be imposed on the place of business, etc. equipped with gauges.

Article 46 (Kinds of Water Pollutants Subject to Imposition of Excess Discharge Dues)

The kinds of water pollutants subject to the imposition of the excess discharge dues shall be as follows:

1. Organic substances;
2. Suspended solids;
3. Cadmium and its compounds;
4. Cyanide;
5. Organo posohoric compounds;
6. Lead and its compounds;
7. Hexavalent chromium compounds;
8. Arsenic and its compounds;
9. Mercury and its compounds;
10. Polychlorinated biphenyl;
11. Copper and its compounds;
12. Chrome and its compounds;
13. Phenols;
14. Trichloroacetic ethylene;
15. Tetrachloroethylene;
16. Manganese and its compounds;
17. Zinc and its compounds;
18. Total nitrogen; and
19. Total phosphorous.

Article 47 (Computation of Quantity Discharged in Excess of Standards of Discharge Facilities)

(1) The quantity discharged in excess of the standards under Article 45 (1) (excluding cases of discharge from wastewater non-discharge facilities) shall be the quantity of water pollutants discharged by making operations in excess of the standards for permissible discharge during the discharge period pursuant to the classification under any of the following subparagraphs, and the said quantity shall be computed by multiplying the quantity discharged in excess of the daily standards by the number of days in the discharge period: *Provided*, That the quantity discharged in excess of the standards of the place of business, etc. equipped with gauges shall be calculated by multiplying the excess concentration (referring to the value obtained by deducting the concentration of standards for permissible discharge from the average value during three hours during which the standards for permissible discharge has been exceeded) of the standards for permissible discharge for the three hours during which the average value of the relevant three hours exceeds the standards for permissible discharge by the relevant average discharge volumes of flow of the relevant three hours:

1. In cases where an improvement has been made in accordance with Article 40 (1) 1

after an improvement plan has been submitted: The period from the date when the water pollutants begin being discharged (referring to the date when the relevant public officials collect water pollutants in accordance with Article 68 (1) of the Act, if the date when the water pollutants begin being discharged is unknown) to the date when the operation ceases or when the entire quantity is treated under consignment (in cases where the treatment is made under consignment in accordance with Article 40 (1) 1 (b), but part of wastewater not designated by subparagraph 2 of Article 33 is partly discharged, the expiration date of the improvement period stipulated in the improvement plan) prescribed in the improvement plan:

2. In cases where an improvement has been made in accordance with Article 40 (1) 2 after the improvement plan has been submitted: The period from the date when the standards for permissible discharge clarified in the improvement plan has been exceeded to the expiration date of the improvement period: and
3. In cases other than those falling under subparagraphs 1 and 2: The period from the date a discharge of water pollutants has been commenced (referring the date when the relevant public officials collect water pollutants for examination as to whether the standards for permissible discharge have been exceeded, if the date when the water pollutants begin being discharged is unknown) to the scheduled date the order for improvement, the order for suspension of operation, the order for suspension of use, or the order for closure is completely fulfilled, or the date of revocation of permission under Article 39, 40, 42 or 44 of the Act, or the date when the infringing activities have been suspended in cases where any subparagraph of Article 38 (1) of the Act has been violated.

(2) The quantity discharged in excess of the daily criteria under paragraph (1) shall be the quantity indicated in kilograms as a unit, being the quantity computed by multiplying the concentration of water pollutants discharged in excess of the standards for permissible discharge on the collection date of discharged pollutants forming grounds for the order for improvement, order for suspension of operation, revocation of permit, order for suspension of use, or order for closure under Article 39, 40, 42 or 44 of the Act (in cases where the improvement plan has been submitted in accordance with Article 40 (1) 1, referring to the date when the water pollutants are collected under Article 68 (1) of the Act by the relevant public officials. Where the improvement plan has been submitted in accordance with Article 40 (1) 2, referring to the date when the test samples are collected by the relevant public officials under Article 68 (3) of the Act) by the daily volumes of flow computed in accordance with the waste-water volumes of flow at the time of measuring the relevant concentration (hereinafter referred to as "measured volumes of flow").

(3) The discharge period under paragraph (1) shall be indicated by the number of days, after calculating as prescribed in the Civil Act, including the first day.

(4) The quantity discharged in excess of the daily standards and the daily volumes of flow under paragraph (2) shall be computed in accordance with annexed Table 15. The measured volumes of flow shall be computed in accordance with the official testing method with respect to environmental pollution processes under Article 6 of the Environmental Examination and Inspection Act: *Provided*, That in cases where the volume of flow cannot be measured or measured volumes of flow are deemed to be remarkably different from the actual volumes of flow, the volume of flow shall be computed by the method falling under any of the following subparagraphs:

1. Computation by integrating flowmeters:

2. Where the method under subparagraph 1 is deemed to be inadequate, it shall be computed by the average volumes of flow for 30 working days immediately preceding the collection date of test samples on the daily record of operation of the prevention facilities; and
3. Where the methods under both subparagraphs 1 and 2 are deemed to be inadequate, it shall be computed by reducing the quantity of water used for living, product contents and other water not generating any wastewater from the quantity of water used at the relevant place of business (including all water used at the relevant place of business, such as tap water, water used for industrial purposes, groundwater, river water, sea water, etc.).

Article 48 (Computation of Quantity Discharged in Excess of Standards for Wastewater Non-discharge Facilities)

(1) The quantity discharged in excess of the standards under Article 45 (1) (limited to cases of discharges from wastewater non-discharge facilities) shall be the quantity of pollutants discharged by emissions or leakage from wastewater non-discharge facilities from the date when the discharge of water pollutants is commenced in contravention of Article 38 (2) of the Act (where the date the discharges commenced cannot be ascertained, referring to the collection date of water pollutants) until the date the said activities cease. However, the said quantity shall be computed by multiplying the quantity discharged in excess of the daily standards by the number of days in the discharge period.

(2) The quantity discharged in excess of the daily criteria under paragraph (1) shall be the quantity indicated in kilograms as a unit, being the quantity computed by multiplying the discharge concentration of the water pollutants on the collection date of discharged pollutants by the daily volumes of flow calculated by the measured volumes of flow.

(3) Article 47 (3) and (4) shall apply *mutatis mutandis* to the computation of the discharge period, quantity discharged in excess of the daily criteria and daily volumes of flow under paragraphs (1) and (2).

Article 49 (Computation Index of Dues by Year and Imposition Coefficients by Frequency of Violations)

(1) The computation index of dues by year under Article 45 (1) shall be derived by multiplying the computation index of dues of the preceding year by the price fluctuation index publicly announced by the Minister of Environment by taking into account the rates of price increase, etc. of the preceding year.

(2) The imposition coefficients by frequency of violations under Article 45 (1) shall be as set out in annexed Table 16.

Article 50 (Adjustment of Quantity Discharged below Criteria)

The Minister of Environment may, in cases where the data as prescribed in Article 44 (1) are not submitted or the said data, having been submitted, are deemed to be unfair, for example, the fixed discharge quantity is remarkably different from that of other places of business with the similar size, adjust the quantity discharged below the criteria under conditions prescribed in the following subparagraphs:

1. Where the relevant person running business does not submit data concerning the fixed discharge quantity as provided for in Article 44 (1), the discharge quantity of water pollutants (hereinafter referred to as "discharge quantity of inspection") shall be computed as prescribed in the following items, deeming that pollutants have been, so far, discharged in the same state as the discharge concentration and the daily volumes of flow at the time of inspection prescribed in Article 68 of the Act; and the discharge quantity equivalent to 120/100 of the discharge quantity of inspection shall be regarded

as the quantity discharged below the criteria:

- (a) The daily discharge quantity of inspection shall be calculated by multiplying the discharge concentration at the time of inspection by daily volume of flow at the time of inspection;
 - (b) The average daily discharge quantity of inspection shall be calculated by, first, adding the daily discharge quantities of inspection, computed according to item (a), and then, dividing the sum thereof by the number of inspections carried out; and
 - (c) The discharge quantity of inspection shall be calculated by, first, subtracting the quantity discharged within the standards for quality of discharged water from the average daily discharge quantity of inspection, and then, multiplying the valance thereof by the number of working days; and
2. In cases where the fixed quantity of discharge submitted by the person running business in accordance with Article 44 (1) is less than the discharge quantity of inspection by not less than 20/100 of the latter, the discharge quantity equivalent to 120/100 of the discharge quantity of inspection shall be regarded as the quantity discharged below the criteria.

Article 51 (Request for Submission of Data on Adjustment of Quantity Discharged below Criteria, etc.)

- (1) The Minister of Environment may, in cases where it is necessary for the adjustment of the quantity discharged below the criteria pursuant to Article 50, have the person running business submit related data in accordance with Article 68 (1) of the Act.
- (2) The Minister of Environment shall, in order to confirm the matters concerning the discharge quantity of water pollutants, etc., submitted by the relevant person running business in accordance with Article 44 (1), or to adjust the quantity discharged below the criteria under Article 50, carry out an inspection on the level of pollution under conditions prescribed by Ordinance of the Ministry of Environment or entrust the inspection on the level of pollution to an inspection agency designated by Ordinance of the Ministry of Environment.

Article 52 (Reduction or Exemption of Discharge Dues, etc.)

- (1) The term “person running business who discharges water pollutants in not more than such quantity as determined by Presidential Decree” in the former part of Article 41 (3) of the Act means the person running business falling under any of following subparagraphs:
 1. Any person running business, the place of business of which is Class-V under annexed Table 13;
 2. Any person running business who sends wastewater into wastewater terminal treatment facilities;
 3. Any person running business who sends wastewater into public sewer treatment facilities;
 4. Any person running business who has not discharged water pollutants in excess of the standards for quality of discharged water during six months preceding the imposition date of the discharge dues; and
 5. Any person running business who reuses wastewater discharged from discharge facilities prior to discharging such wastewater through the final outlet.
- (2) The kinds of dues to be abated or exempted under Article 41 (3) of the Act shall be the basic discharge dues, and the scope of the abatement or exemption shall be as follows:
 1. In cases of the person running business falling under any of paragraph (1) 1 through

- 3, basic discharge dues shall be exempted;
 2. In cases of the person running business falling under paragraph (1) 4, basic discharge dues shall be reduced according to the period falling under any of the following items, during which he/she discharges pollutants not exceeding the standards for quality of discharged water, and the corresponding reduction rate:
 - (a) Between not less than six months and not more than one year: 20/100;
 - (b) Between not less than one year and not more than two years: 30/100;
 - (c) Between not less than two years and not more than three years: 40/100; and
 - (d) Not less than three years: 50/100; and
 3. In cases of the person running business falling under paragraph (1) 5, basic discharge dues shall be reduced according to the reduction rate computed by the reuse rate of wastewater falling under any of the following items:
 - (a) In cases where the reuse rate is between not less than 10 percent and less than 30 percent: 20/100;
 - (b) In cases where the reuse rate is between not less than 30 percent and less than 60 percent: 50/100;
 - (c) In cases where the reuse rate is between not less than 60 percent and less than 90 percent: 80/100; and
 - (d) In cases where the reuse rate is not less than 90 percent: 90/100.
- (3) Any person running business who desires a reduction of or exemption from basic discharge dues in accordance with Article 41 (3) of the Act shall submit relevant documents that can prove his/her entitlement to such reduction or exemption, by no later than the last day of the month following the month in which the imposition period expires under conditions prescribed by Ordinance of the Ministry of Environment: *Provided*, That the person running business falling under paragraph (2) 1 or 2 may be exempted from the submission of such data.

Article 53 (Payment Notices of Discharge Dues)

- (1) Payment notices of discharge dues shall be served within the period falling under any of the following subparagraphs: *Provided*, That in cases of places of business, etc. equipped with gauges, payment notices may be served by summing up excess discharge dues on a quarterly basis:
1. In cases of basic discharge dues, within sixty days after the date on which the period for submission of documents concerning the fixed discharge quantity of the relevant imposition period expires; and
 2. In cases of excess discharge dues, at the time an incidence for imposition of excess discharge dues occurs.
- (2) In cases where discharge dues are decided to be imposed in accordance with paragraph (1) (including cases where discharge dues are imposed after undergoing adjustment pursuant to Article 54), payment notices shall be issued by indicating the quantity of the water pollutants subject to imposition, the amount imposed, the deadline and place for payment, and other necessary matters therefor. In such cases, the payment period for discharge dues shall be 30 days from the date when the payment notice has been issued.

Article 54 (Adjustment of Discharge Dues)

- (1) The Minister of Environment shall, in cases falling under any of the following cases, recalculate and adjust the amount of discharge dues and where there is a difference between the amount already paid and the adjusted amount, the Minister of Environment shall re-impose or refund an amount equivalent to the difference:

1. In cases where the discharge period of water pollutants on the basis of which the computation of the excess discharge dues is made has changed due to the fact that, until the expiration date of the improvement period (including suspension of operation and treatment of the entire quantity on consignment), the scheduled date of fulfilling performance of orders, date of revoking permission or date of suspending infringing activities as provided for in Article 47 (1) 1 through 3, the relevant improvement, performance of the relevant order or suspension of infringing activities has not been fulfilled or the fact that, before the said periods expire, the relevant improvement, performance of the relevant order or suspension of violative activities has been fulfilled;
 2. In cases where the discharge quantity of water pollutants or as turned out to have changed from the originally measured quantity as a result of the remeasurement thereof according to acknowledgement of the fact that the state of pollutants, etc. being discharged after imposition of the excess discharge dues changed from the state thereof at the time of the original measurement; and
 3. In cases where an error is detected in the computation of fixed discharge quantity submitted by the relevant person running business in accordance with Article 44 (1) or where an error is detected in the adjustment of quantity discharged below the criteria performed by the Minister of Environment in accordance with Article 50.
- (2) In cases of adjustment of excess discharge dues for a reason prescribed in paragraph (1) 1, the final day of the discharge period of water pollutants or discharged material necessary for a computation of excess discharge dues shall be as follows:
1. In cases where an improvement plan under Article 40 (1) has been submitted: The day of fulfillment of the relevant improvement as determined by Ordinance of the Ministry of Environment;
 2. In cases where an order for improvement, order for suspension of operation, order for suspension of use, or order for closure under Article 39, 40, 42 or 44 of the Act has been issued: The day on which the report on performance of the relevant order is made in accordance with Article 45 (1) of the Act (limited to cases where completion of improvement is confirmed under Article 45 (2) of the Act); and
 3. All cases other than subparagraphs 1 and 2: The day of ceasing infringing activities under any subparagraph of Article 38 (1) of the Act or the day of revoking permission under Article 42 of the Act.
- (3) In cases of adjustment of excess discharge dues for a reason prescribed in paragraph (1) 2, the amount of excess discharge dues shall be computed on the basis of the discharge quantity remeasured during the period following the day of reinspection.
- (4) The impositions subsequent to adjustment or refunds of excess discharge dues as prescribed in paragraph (1) 1 shall be made within 30 days following the date on which it is confirmed as to whether improvement of relevant discharge facilities or prevention facilities, the performance of the relevant order or the suspension of infringing activities has been fulfilled.
- (5) In cases where basic discharge dues must be adjusted for a reason prescribed in paragraph (1) 3, the basic discharge dues shall be computed on the basis of the documents submitted at the time the permit for the establishment or modification of discharge facilities was applied for or the report or modification report thereon was made in accordance with Article 33 (1) through (3) of the Act, the record on operation of the discharge facilities and prevention facilities as prescribed in Article 38 (3) of the Act, the results of the inspection as prescribed in Article 68 of the Act, etc.

(6) The Minister of Environment shall, in cases where he/she has decided to impose or refund the difference in accordance with paragraph (1), notify the relevant person in writing by indicating the relevant amount, date, place and other necessary matters.

Article 55 (Application for Adjustment of Discharge Dues)

(1) Any person running business for which a payment notice for discharge dues has been issued (hereinafter referred to as "payment obligor") may, in cases where he/she falls under any subparagraph of Article 54 (1), apply for the adjustment of the discharge dues.

(2) An application for adjustment of discharge dues pursuant to paragraph (1) shall be filed within 30 days from the date when a payment notice for discharge dues has been served.

(3) The Minister of Environment shall, when he/she has accepted an application for adjustment, notify the applicant of his/her decision on the matter under consideration within 30 days following the date on which the application is received.

(4) The application for adjustment as referred to in paragraph (1) shall not affect the payment deadline for discharge dues.

Article 56 (Deferment of Collection, Installment Payments and Procedures for Collection of Discharge Dues)

(1) In cases falling under any of the following subparagraphs, the payment obligor of discharge dues may file an application to the Minister of Environment to defer the collection thereof or to pay the dues in installments:

1. In cases where the property of the person running business is affected by serious harm due to natural disaster or other calamity;
2. In cases where the person running business faces a considerable crisis due to apparent losses; and
3. In cases where any reason similar to those prescribed in subparagraphs 1 and 2 occurs.

(2) The Minister of Environment may, when he/she has accepted an application as provided for in paragraph (1) and recognized that the discharge dues may not be paid due to any reason falling under any subparagraph of paragraph (1), allow the deferred collection of discharge dues or payment installments. In such cases, the period for deferment of collection shall be within one year from the day immediately following the date on which the deferment of collection is decided upon and the number of installments into which the payment may be divided within the said period shall not exceed six.

(3) In cases where the originally imposed amount to be paid by the person who is subject to deferment of collection of the discharge dues or the installment payments pursuant to paragraph (2), exceeds the capital or the total equity investment of the payment obligor (in cases of a sole proprietorship, referring to the total amount of assets) by not less than two times the latter. Where it is deemed that the said amount of discharge dues cannot be paid even within one year as a reason falling under any subparagraph of paragraph (1) continues, the Minister of Environment may prescribe the period for deferred collection within the scope of three years from the day immediately following the date on which the deferment of collection is decided upon; the number of installments into which the payment may be divided within the said period shall not exceed 12, notwithstanding paragraph (2).

(4) The Minister of Environment may, when he/she has decided upon the deferment of collection in accordance with paragraph (1) or (3), order the provision of collateral or the measures necessary for the preservation of collateral, the value of which corresponds to the deferred amount to the person for whom the deferment of collection has been decided.

(5) In cases where a payment obligor falls under any of the following subparagraphs, the Minister of Environment may cancel the deferment of collection and collect the outstanding dues:

1. In cases where the relevant person has not paid the outstanding amount until the expiration date of the designated period;
2. In cases where the relevant person has not complied with the order of the Minister of Environment necessary for an alteration of the relevant collateral or preservation of the relevant collateral; and
3. In cases where the deferment of collection is deemed to be unnecessary on account of a change in the property or other relevant circumstances.

(6) Necessary matters regarding the imposition, collection, refund and installment payments of the discharge dues shall be prescribed by Ordinance of the Ministry of Environment.

Article 57 (Grant of Collection Expenses)

(1) In cases where the Minister of Environment has entrusted collection of discharge dues and additional dues to a Mayor/*Do* governor in accordance with Article 81 (1) 10, he/she shall grant to the Mayor/*Do* governor the amount equivalent to 10/100 of the discharge dues and the additional dues or the adjusted discharge dues and additional dues as provided for in Article 54 collected by the Mayor/*Do* governor as collection expenses.

(2) The Minister of Environment shall, when he/she intends to grant the collection expenses under paragraph (1), calculate, monthly, the collection expenses out of the discharge dues and the additional dues paid into the Special Accounts for Environment Improvement as prescribed by the Act on the Special Accounts for Environment Improvement, and then, pay the said collection expenses to the relevant Mayor/*Do* governor by the end of each upcoming month.

Article 58 (Discharge Facilities Subject to Disposition of Imposing Penalty Surcharge)

The term “discharge facilities determined by Presidential Decree” in Article 43 (1) 5 of the Act means any of the following facilities:

1. Discharge facilities of the defence businesses under subparagraph 9 of Article 3 of the Defense Acquisition Program Act;
2. Discharge facilities acknowledged by the Minister of Environment to be susceptible to such accidents as an explosion or a fire due to the fact that raw materials, auxiliary raw materials, water for a specific purpose, products (including semi-finished goods), etc. placed into the said discharge facilities manifest chemical responses, etc., in cases where the said discharge facilities cease operating;
3. Waterworks under subparagraph 17 of Article 3 of the Water Supply and Waterworks Installation Act;
4. Facilities for reserving petroleum installed in accordance with the plan for reserving petroleum under Article 15 (1) of the Petroleum and Petroleum Substitute Fuel Business Act; and
5. Bases in which liquefied natural gases of gas supply facilities under subparagraph 5 of Article 2 of the Urban Gas Business Act are taken over.

Article 59 (Report on Appointment and Qualification of Environmental Engineers, etc.)

(1) In cases where the relevant person running business makes a report on appointment of an environmental engineer in accordance with Article 47 (1) of the Act, the former shall make the said report according to the classifications of the following subparagraphs:

1. In cases where the relevant person running business has installed the discharge facilities for the first time, at the same time as the report is made on commencing operation

- of the said discharge facilities; and
2. In cases where an environmental engineer is to be replaced, within five days from the date on which the grounds for such replacement occurred.
- (2) Qualification standards of environmental engineers who shall be employed at different types of places of business in accordance with Article 47 (5) of the Act shall be as shown in annexed Table 17.

SECTION 2 Wastewater Terminal Treatment Facilities

Article 60 (Matters for Consultation of Establishment and Operation of Wastewater Terminal Treatment Facilities, etc.)

(1) The State or a local government shall, in cases where it intends to have a person falling under any subparagraph of Article 48 (1) of the Act establish and operate wastewater terminal treatment facilities in accordance with Article 48 (1) of the Act, consult with the person who is to establish and operate the relevant facilities on each of the following subparagraphs:

1. The scale of project for the establishment and operation of wastewater terminal treatment facilities (hereinafter referred to as “project for wastewater terminal treatment facilities”);
2. The means of raising and managing the expenses for project;
3. Implementation period of the project and means of implementation;
4. Expenses to be paid subsequent to establishment and operation; and
5. Other matters prescribed by Ordinance of the Ministry of Environment.

(2) The term “person prescribed by Presidential Decree” in Article 48 (1) 4 of the Act means a person falling under any of the following subparagraphs. In such cases, the scope of project for the wastewater terminal treatment facilities shall be limited to projects operated by wastewater terminal treatment facilities:

1. The Korea Rural Community & Agricultural Corporation under the Korea Rural Community & Agricultural Corporation and Farmland Management Fund Act;
2. The Korea Water Resources Corporation under the Korea Water Resources Corporation Act;
3. The local public enterprises and local industrial complexes under the Local Public Enterprises Act;
4. The Korea Industrial Complex Corporation or the council for moved-in enterprises (in cases where the requirements for the establishment of a council for moved-in enterprises has not been satisfied due to the move-in of a single place of business, etc., referring to relevant moved-in company) established in accordance with Article 31 of the Industrial Cluster Development and Factory Establishment Act;
5. Any person who has registered a business of prevention facilities in accordance with Article 18 of the Development of and Support for Environmental Technology Act; and
6. Other persons who are allowed to operate wastewater terminal treatment facilities pursuant to other Acts.

Article 61 (Kinds of Wastewater Terminal Treatment Facilities)

The kinds of wastewater terminal treatment facilities pursuant to Article 48 (2) of the Act shall be as follows:

1. The wastewater terminal treatment facilities for industrial complexes: Industrial complexes designated in accordance with Articles 6, 7, and 7-2 of the Industrial Sites

and Development Act or wastewater terminal treatment facilities to be established on the manufacturing area designated in accordance with Article 36 (1) 1 (c) of the National Land Planning and Utilization Act;

2. The wastewater terminal treatment facilities for agricultural or industrial complexes: Wastewater terminal treatment facilities to be established on agricultural or industrial complexes designated in accordance with Article 8 of the Industrial Sites and Development Act; and
3. The wastewater terminal treatment facilities other than subparagraphs 1 and 2: Waste-water terminal treatment facilities installed in an area designated and publicly announced by the Minister of Environment as deemed necessary for them to be installed for preservation of the water quality of rivers, lakes, and marshes.

Article 62 (Calculation of Expenses Required for Project for Wastewater Terminal Treatment Facilities)

(1) The expenses required for the project for wastewater terminal treatment facilities under Article 48-2 (1) of the Act shall be determined within the scope of expenses falling under the following subparagraphs, necessary for implementing the relevant project:

1. Plan and survey expenses;
2. Main and accessory construction expenses;
3. Land acquisition costs (including indemnification costs);
4. Operation and administrative and maintenance expenses;
5. Equipment acquisition cost and installation cost; and
6. Office management expenses, interest paid, and other incidental costs.

(2) The expenses incurred in the project for the wastewater terminal treatment facilities under paragraph (1) shall be calculated by subtracting revenues from disposing of land, buildings, other articles, etc.

Article 63 (Total Expenses for Project of Wastewater Terminal Treatment Facilities Borne by Causing Person)

(1) The charges for the establishment and operation of the wastewater terminal treatment facilities (hereinafter referred to as "charges for wastewater terminal treatment facilities") to be borne by the person who has performed the business activity that causes project for wastewater terminal treatment facilities in the relevant area, in accordance with Article 48-2 of the Act or has directly caused the water pollution (hereinafter referred to as "causing person") shall be determined by taking into account any of the following subparagraphs:

1. The level of pollution related to the relevant project for wastewater terminal treatment facilities of the causing person under consideration;
2. The period during which the substance responsible for causing contamination has accumulated;
3. The quantity causing water pollutants; and
4. The expenses for using facilities related to the project for wastewater terminal treatment facilities by persons other than the causing person.

(2) Expenses to be borne by the causing person in accordance with paragraph (1) shall be the amount obtained by subtracting the subsidies under the Act on the Budgeting and Management of Subsidies and other Acts from the total expenses for the project for wastewater terminal treatment facilities.

(3) In cases where the causing person bears only a part of the total expenses incurred in the project for wastewater terminal treatment facilities under paragraphs (1) and (2), the person who installs and operates the wastewater terminal treatment facilities (hereinafter

referred to as “implementing person”) in accordance with Article 48 of the Act shall devise a plan for stocking deficient financial resources.

Article 64 (Criteria for Apportionment of Expenses Bearing by Causing Person)

The amount of charges for wastewater terminal treatment facilities to be borne by each causing person in accordance with Article 48-2 of the Act, shall be the distributed amount of the total amount of the charges for the wastewater terminal treatment facilities to be borne by the relevant causing person by taking into account matters falling under the following subparagraphs which have contributed to the water pollution, and the relation between the relevant business activities and the project of wastewater terminal treatment facilities under consideration:

1. Kinds and scale of facilities that have caused water pollution;
2. Quantity and quality of the water pollutants discharged;
3. Expenses for the treatment of water pollutants; and
4. Scale of business in view of the capital, the number of employees, annual production volumes, sales, etc.

Article 65 (Procedures for Imposition and Collection of Charges for Wastewater Terminal Treatment Facilities, etc.)

In cases where the implementing person intends to impose and collect the total amount of charges for the wastewater terminal treatment facilities in accordance with Article 48-2 of the Act, he/she shall inform the person subject to the imposition of the amount of dues, the deadline and place for payment, and other necessary matters in writing.

Article 66 (Approval on Basic Plan for Wastewater Terminal Treatment Facilities)

Each implementing person (excluding the Minister of Environment) shall, when he/she intends to establish or alter wastewater terminal treatment facilities in accordance with Article 49 (2) of the Act, establish a basic plan in which the matters falling under each of the following subparagraphs are included and obtain approval from the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment:

1. Matters on the area subject to treatment by the relevant wastewater terminal treatment facilities;
2. Matters on the dispersion of pollution sources, the quantity of discharge wastewater and a forecast thereof;
3. Matters concerning the wastewater treatment process diagrams, treatment capacity and treatment methods of the wastewater terminal treatment facilities under consideration;
4. An evaluation of the effects of the wastewater to be treated at the wastewater terminal treatment facilities under consideration on the water quality of the waterways into which the treated waste-water is to be discharged;
5. Matters concerning persons who install and operate the wastewater terminal treatment facilities under consideration;
6. Matters on the apportionment of the charges for the wastewater terminal treatment facilities;
7. Total expense for project, the expense for project by field and the grounds for calculation thereof under Article 62;
8. An annual investment plan and fund raising plan;
9. Matters on the exploitation and use of land, etc.; and
10. Other matters necessary for the installment and operation of the wastewater terminal treatment facilities.

Article 67 (Establishment of Expense Apportionment Plan and Application for Approval)

(1) In cases where the Minister of Environment establishes an expense apportionment plan in accordance with Article 49-2 (1) of the Act, the following matters shall be included therein:

1. The total expenses for project required for the project of the wastewater terminal treatment facilities;
2. Persons who bear the expenses incurred in the project and the standards for apportionment;
3. The scope of causing persons and the standards for selection;
4. The total amount to be borne by the causing person and the standards for calculation;
5. The standards for expense bearing by the causing person;
6. Means of and timing for imposing and collecting charges for wastewater terminal treatment facilities; and
7. Other matters necessary for expense funding.

(2) The implementing person (excluding the Minister of Environment) shall, when he/she has established the basic plan in accordance with Article 66, establish an expense apportionment plan in which the matters falling under each subparagraph of paragraph (1) in accordance with Article 49-2 (2) of the Act are included and obtain approval from the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment.

Article 68 (Notification of Expense Apportionment Plan)

The implementing person (excluding the Minister of Environment) shall, when he/she has obtained approval or approval for modification on the expense apportionment plan shall immediately inform each causing person of the purports of expense apportionment plan in which the matters falling under each subparagraph of Article 67 (1) are indicated.

Article 69 (Entrustment of Collection of Charges for Wastewater Terminal Treatment Facilities)

(1) In cases where the person falling under any subparagraph of Article 48 (1) of the Act intends to entrust the collection of charges for wastewater terminal treatment facilities to the head of *Si/Gun/Gu* in accordance with Article 49-6 (3) of the Act, he/she shall send a written notice of entrustment for collection in which the name and address of the person who bears the charges, the amount imposed, the reason for and the deadline of payment, and other necessary matters.

(2) The head of *Si/Gun/Gu* who has been entrusted with the collection in accordance with paragraph (1) shall reserve an amount equivalent to 5/100 of the collected charges as expenses for collection, and immediately pay the balance to the entrusting person.

Article 70 (Deadlines for Taking Measures for Performing Orders such as Improvement of Wastewater Terminal Treatment Facilities, etc.)

(1) The Minister of Environment shall, in cases where he/she has decided to issue an order to take necessary measures, such as the improvement of facilities in accordance with Article 50 (3) of the Act, set the improvement deadline within the scope of one year, by taking into consideration the period necessary for the improvement, etc.

(2) Anyone who received an order to take measures as provided for in Article 50 (3) of the Act may, in cases where he/she cannot fulfill performance of the order within the period prescribed in paragraph (1) due to natural disaster or other unavoidable grounds, file an application, before the improvement deadline expires, with the Minister of Environment for extension of the improvement period within the scope of one year.

Article 71 (Scope of Persons Required to Send Wastewater into Wastewater Terminal Treatment Facilities)

The term “person determined by Presidential Decree” in Article 51 (1) of the Act means the person who seeks to discharge wastewater in excess of the standards for the quality of water discharged for purposes of discharging water pollutants to be treated at the relevant wastewater terminal treatment facilities.

CHAPTER IV CONTROL OF NON-POINT SOURCES OF POLLUTION

Article 72 (Projects and Facilities Subject to Report on Non-Point Sources of Pollution)

(1) Projects for urban development and projects for creation of industrial complexes under Article 53 (1) 1 of the Act shall be limited to projects falling under the annexed Table 1 (1) and (2) of the Enforcement Decree of the Environmental Impact Assessment Act. *<Amended by Presidential Decree No. 21185, Dec. 24, 2008>*

(2) The term “other projects by Presidential Decree” in Article 53 (1) 1 of the Act means projects falling under the annexed Table 1 (3) through (17) of the Enforcement Decree of the Environmental Impact Assessment Act. *<Amended by Presidential Decree No. 21185, Dec. 24, 2008>*

(3) The term “places of business of a scale not smaller than that prescribed by Presidential Decree” in Article 53 (1) 2 of the Act means places of business the site areas of which are not less than 10,000 square meters.

(4) The term “wastewater discharge facilities prescribed by Presidential Decree” in Article 53 (1) 2 of the Act means wastewater discharge facilities installed in places of business falling under any of the following subparagraphs, from among in the standard classifications under Article 22 of the Statistics Act:

1. Manufacture of wood and products of wood;
2. Manufacture of pulp, paper and paper products;
3. Manufacture of coke, refined petroleum products and nuclear fuel;
4. Manufacture of chemicals and chemical products;
5. Manufacture of rubber and plastic products;
6. Manufacture of non-metallic mineral products;
7. Manufacture of primary metal industry;
8. Mining of charcoal, petroleum, and uranium;
9. Metal mining;
10. Non-metallic mineral mining (excluding those for fuel);
11. Manufacture of drinks and foods;
12. Electricity, gas and steam supply business;
13. Wholesale trade and commission trade; and
14. Wastewater treatment business, waste disposal business, and cleaning-related service provider.

(5) The term “cases prescribed by Presidential Decree” in Article 53 (1) 3 of the Act means any of the following subparagraphs: *<Amended by Presidential Decree No. 21185, Dec. 24, 2008>*

1. Cases that fall under Article 31 of the Enforcement Decree of the Environmental Impact Assessment Act and are subject to re-writing and re-consultation of the assessment in accordance with Article 21 of the same Act; and
2. Cases of places of business which has obtained permission for change or made a report on change in accordance with Article 33 (2) and (3) of the Act, and the area of site of which has increased by not less than 30/100.

Article 73 (Reports for Change on Non-point Sources of Pollution)

Cases where a report on change is required under the latter part, other than subparagraphs of Article 53 (1) of the Act, shall be as follows:

1. Change of trading name, representative person, title of project or type of business;
2. Where the whole land area of the project, the land area for development or the land area of the site for the place of business increases by not less than 15/100 of the initially reported land area;
3. Where the types, locations and volumes of reduction facilities for non-point pollution have been changed; and
4. Where the non-point sources of pollution or reduction facilities for non-point pollution have been closed in whole or in part.

Article 74 (Person Running Business Exempted from Installation of Reduction Facilities for Non-Point Pollution)

Any person running business who has reported the establishment of non-point sources of pollution in accordance with Article 53 (3) 1 of the Act may be exempted from the installation of reduction facilities for non point pollution, in cases where the Minister of Environment recognized that the pollution level of rainfall runoff does not exceed the standards for permissible discharge of the relevant place of business at all times by taking into account the following matters:

1. The location of the place of business;
2. The status of use and management of the land within the place of business; and
3. The occurrence and flow of runoff from the non-point sources of pollution, etc.

Article 75 (Period of Execution of Orders for Implementation, Installment or Improvement)

(1) The Minister of Environment shall, when he/she orders the implementation of the plan for reduction of non-point pollution, or the installation or improvement of facilities in accordance with Article 53 (5) of the Act (hereafter referred to as "order for implementation, etc." in this Article), determine the period for such implementation, installation or improvement within each scope of the following subparagraphs, by taking into consideration the period necessary for the implementation of the plan for reduction of non-point pollution, or the installation or improvement of facilities:

1. Cases of the implementation of the plan for reduction of non-point pollution (excluding cases of the installation or improvement of facilities): Two months;
2. Cases of the installation of facilities: One year; or
3. Cases of the improvement of facilities: Six months.

(2) In cases where a person who has been served an order for implementation, etc. may not complete the ordered measures within the period under paragraph (1) due to natural disasters or other inevitable grounds, he/she may apply for the extension of period to the Minister of Environment within the scope of six months before the prescribed period expires.

(3) In cases where a person who has been served an order for implementation, etc. has finished measures for implementation, he/she shall report the result thereof to the Minister of Environment without delay.

(4) The Minister of Environment shall, in cases where he/she has received a report pursuant to paragraph (3), have the relevant public official to confirm the outcome of taking measures for the order for implementation, etc.

Article 76 (Criteria and Procedure for Designation of Control Areas)

(1) Criteria for designating control areas under Article 54 (1) and (4) of the Act shall

be as follows:

1. Basin areas falling short of environmental standards concerning the water quality and the aquatic ecosystems of rivers, lakes and marshes under Article 2 of the Enforcement Decree of the Framework Act on Environmental Policy, where the non-point pollution contribution ratio out of the delivery pollutant load exceeds 50 percent;
2. Areas where significant damage has been, or is expected to be, caused to the natural ecosystems by non-point pollutants;
3. Cities with a population of not less than one million, for which the management of the non-point sources of pollution is necessary;
4. Areas designated as a national industrial complex or general industrial complex under the Industrial Sites and Development Act, for which the management of the non-point sources of pollution is necessary;
5. Areas acknowledged for which special management is necessary due to peculiar geological features and strata; and
6. Other areas determined by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall, when he/she intends to designate control areas under Article 54 (1) of the Act, develop a designation plan including details of the following subparagraphs and publicly announce such control areas in accordance with Article 54 (5) of the Act after consulting with the relevant Mayor/Do governor:

1. Reasons why the designation of control areas is necessary;
2. Impact of the non-point sources of pollution on water pollution in the relevant area;
3. Detailed scope of area where the designation of control areas is necessary; and
4. Other matters necessary for the designation of control areas, prescribed by Ordinance of the Ministry of Environment.

(3) When requesting designation of control areas under Article 54 (2) of the Act, any Mayor/Do governor shall prepare the request form of designation, including details of each subparagraph of paragraph (2) and submit it to the Minister of Environment. In such cases, if the Minister of Environment acknowledges that the area requested to be designated as a control area falls under any subparagraph of paragraph (1), he/she shall publicly announce the relevant area as a control area under Article 54 (5) of the Act.

Article 77 (Compensation of Loss from Discontinuous Cultivation, etc.)

Any Mayor/Do governor shall, where he/she compensates for any loss suffered by any highland farmer in accordance with Article 59 (2) of the Act, compute the amount of such compensation according to the standards published by the Minister of Environment, taking into account the area of farmland, kinds of agricultural products, income per unit of area, etc.

CHAPTER V CONTROL OF OTHER WATER SOURCES OF POLLUTION

Article 78 (Agricultural Chemicals Whose Use Is Restricted in Golf Courses)

The term "agricultural chemicals prescribed by Presidential Decree" in the main sentence of Article 61 (1) of the Act means deadly or highly poisonous agricultural chemicals under subparagraph 1 of annexed Table 1 of the Enforcement Decree of the Agrochemicals Control Act.

CHAPTER VI WASTEWATER TREATMENT BUSINESS

Article 79 (Types of Wastewater Treatment Businesses)

The types of wastewater treatment businesses, as prescribed in Article 62 (1) of the Act, and the business activities of each type shall be as follows:

1. Entrusted wastewater treatment businesses: Referring to businesses equipped with wastewater treatment facilities, which treat the entrusted wastewater in ways other than recycling or using; and
2. Wastewater reuse businesses: Referring to businesses which recycle or reuse entrusted wastewater as a raw material and resource for goods.

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 80 (Matters of Cooperation with Relevant Agencies)

The term "matters prescribed by Presidential Decree" in subparagraph 10 of Article 70 of the Act means matters of the following subparagraphs:

1. Designation of the urban development-restricted zones;
2. Restoration, into its original state, of the land damaged by installment of tourism facilities, industrial facilities, etc.; and
3. Control of the water quantity to be discharged, in cases where the water stored in a dam is required to be discharged because the collection of water to be used as tap water is not possible due to accidents of water pollution or the deterioration of water quality.

Article 81 (Delegation of Authority)

(1) The Minister of Environment shall delegate the authority falling under the following subparagraphs to a Mayor/*Do* governor in accordance with Article 74 (1) of the Act:

1. Investigation of sources of pollution by river-system spheres of influence under Article 23 of the Act;
2. Permission to install discharge facilities, acceptance of a report thereon, permission to install wastewater non-discharge facilities under Article 33 (1) of the Act, permission to modify discharge facilities, acceptance of a report thereon, and permission to modify wastewater non-discharge facilities under paragraphs (2) and (3) of the same Article;
3. Revocation of permits and the permit for modification, orders for closure, orders for improvement, and orders for the suspension of business under Article 35 (3) of the Act;
4. Acceptance of a report on commencement of operation of discharge facilities and prevention facilities under Article 37 (1) of the Act, the inspection and entrustment of tests of pollution levels under paragraph (3) of the same Article, and the investigation of wastewater non-discharge facilities under paragraph (4) of the same Article;
5. Recognition of the dilution treatment of water pollutants under the proviso to Article 38 (1) 3 of the Act;
6. Orders to take measures (excluding orders to take measures issued to the person who has installed and operated wastewater terminal treatment facilities and public sewerage treatment facilities) under Article 38-4 (1) of the Act;
7. Orders to suspend the operation (excluding orders to suspend the operation issued to the person who has installed and operated wastewater terminal treatment facilities and public sewerage treatment facilities) under Article 38-4 (2) of the Act;

8. Orders for improvement under Article 39 of the Act;
9. Orders to suspend operation issued against discharge facilities under Article 40 of the Act;
10. Imposition and collection of discharge dues (excluding discharge dues for wastewater terminal treatment facilities and public sewerage treatment facilities) under Article 41 of the Act;
11. Revocation of a permit, issuance of an order for suspension of operation, or the order for closure under Article 42 of the Act;
12. Imposition and collection of penalty surcharges under Article 43 of the Act;
13. Issuance of orders to suspend the use of unlawful facilities or for closure of such facilities under Article 44 of the Act (including cases to be applied *mutatis mutandis* under Article 60 (5) of the Act);
14. Acceptance of reports on performance of orders, confirmation, and instruction and entrustment of inspecting pollution levels under Article 45 of the Act;
15. Acceptance of reports on appointment or replacement of an environmental engineer under Article 47 (1) of the Act;
16. Acceptance of reports on installation of other water pollution sources or reports on the alteration thereof under Article 60 (1) the Act;
17. Issuance of orders for improvement under Article 60 (3) the Act;
18. Issuance of orders for suspension of operation or orders for closure under Article 60 (4) of the Act;
19. Confirmation on the use of agricultural chemicals under Article 61 (2) of the Act;
20. Registration of wastewater treatment businesses and modification registration thereof under Article 62 (1) of the Act;
21. Revocation of registration and business suspension of a wastewater treatment business under Article 64 of the Act;
22. Imposition and collection of penalty surcharges under Article 66 of the Act;
23. Issuance of orders for report, request for submission of data, entrance and exit, collection and inspection under Article 68 (1) 1, 4 and 5 of the Act;
24. Request for the inspection of the pollution level under Article 68 (2) of the Act;
25. Hearing on the delegated authority from among those falling under any subparagraph of Article 72 of the Act;
26. Imposition and collection of fines for negligence under Article 82 of the Act (excluding fines for negligence under Article 82 (2) 3 of the Act; and in cases of fines for negligence under Article 82 (3) 6 of the Act, it shall be limited to cases of persons who are stipulated in Article 68 (1) 1, 4 and 5 of the Act and of persons who are commissioned with the affairs of a Mayor/Do governor under Article 68 (1) 6 of the Act);
27. Acceptance of applications for extension of the improvement period under Article 39 (2);
28. Receipt and confirmation of improvement plans or improvement completion reports, entrustment of inspecting pollution levels, and acceptance of applications for extension of the improvement period under Article 40;
29. Request for submission, and receipt of data relating to the calculation of the quantity discharged below the criteria under Article 44 (1);
30. Adjustment of the quantity discharged below the criteria under Article 50;
31. Request for submission of documents and inspection of pollution levels under Article 51; and

32. Acknowledgement of discharge facilities under subparagraph 2 of Article 58.
- (2) The Minister of Environment shall delegate the authority listed in the following subparagraphs to the head of a river basin environmental office or the head of a regional environmental office in accordance with Article 74 (1) of the Act:
1. Granting of an approval and an approval for modification for the implementation plan for regulation of total quantity of pollutants under Article 4-4 (1) of the Act and the consultation on the implementation plan under Article 6 (2) 2;
 2. Allotting of the loading quantity for contamination and the designation of discharge quantity under Article 4-5 (1) of the Act;
 3. Orders to take measures under Article 4-6 (1) of the Act;
 4. Orders for the suspension of operation or orders for the closure of facilities under Article 4-6 (4) of the Act;
 5. Disposition of penalty surcharges under Article 4-6 (5) of the Act;
 6. Imposition and collection of charges for release of pollutants in excess of the total quantity under Article 4-7 (1) of the Act;
 7. Installation of measuring networks of the degree of water pollution and the regular measurement thereof under Article 9 (1) of the Act;
 8. Requests for taking measures under Article 12 (2) of the Act;
 9. Issuance and cancellation of pollution of water quality warnings under Article 21 of the Act;
 10. Granting of approval on the small influence area under Article 26 of the Act;
 11. Establishment of small influence area plans under Article 27 (1) of the Act;
 12. Inspection and measurement under Article 28 of the Act;
 13. Orders to take measures under Article 29 of the Act;
 14. Establishment of the standards for permissible discharge with regard to the discharge facilities of the zone for special countermeasures and the special standards for permissible discharge with regard to the newly established discharge facilities under Article 32 (5) of the Act;
 15. Publication of facilities subject to installation restriction in each area where discharge facilities are restricted from being installed under Article 33 (6) of the Act and of areas and facilities within the area where discharge facilities are restricted from being installed in which the installment of wastewater non-discharge facilities is allowed under paragraph (8) of the said Article;
 16. Orders issued to take measures issued against the person who establishes and operates the wastewater terminal treatment facilities and the public sewer treatment facilities from among the orders to take measures under Article 38-4 (1) of the Act;
 17. Imposition and collection of the discharge dues with regard to the wastewater terminal treatment facilities and the public sewer treatment facilities under Article 41 of the Act;
 18. Approval on the basic plan for the wastewater terminal treatment facilities under Article 49 (2) and (3) of the Act (including approval for modification) and the designation and publication of the joint treatment area;
 19. Granting of an approval and an approval for modification on the expense apportionment plan under Article 49-2 (2) and (3) of the Act (excluding cases where the implementing person is the State);
 20. Orders issued to take measures including the improvement of facilities under Article 50 (3) of the Act, and acceptance of applications for extension of the improvement

period under Article 70 (2):

21. Acceptance of the report on the installation and modification of the non-point sources of pollution under Article 53 (1) of the Act and the acknowledgement as to whether the standards for permissible discharge have been exceeded under Article 74;
22. Issuance of orders for the implementation of plans for reduction of non-point pollution or for the installment or improvement of the reduction facilities for non-point pollution under Article 53 (5) of the Act, the acceptance of applications for extension of orders for implementation, etc. under Article 75 (2), the acceptance of reports on implementation and the confirmation on the state of implementation under paragraphs (3) and (4) of the said Article;
23. Issuance of orders for report, request for submission of data, entrance and exit, collection and inspections under Article 68 (1) 2 and 3 of the Act;
24. Hearings on the delegated authority from among those falling under any subparagraph of Article 72 of the Act; and
25. Imposition and collection of fines for negligence under Article 82 (2) 3 and (3) 6 of the Act (limited to cases of persons stipulated in Article 68 (1) 2 and 3 of the Act).

Article 82 (Supervision, etc. following Delegation of Authority)

(1) In cases where it is deemed to be particularly necessary for proper management of water pollution affecting a wide area, the Minister of Environment may check or confirm, or may have the head of a river basin environmental office or the head of a regional environmental office check or confirm, whether there are any such violations of the Acts and subordinate statutes under any subparagraph of Article 81 (1).

(2) In cases where the Minister of Environment, or the head of a river basin environmental office or the head of a regional environmental office has discovered any instances of violation of the Acts and subordinate statutes with regard to a place of business as a result of checks and confirmations as provided for in paragraph (1), he/she shall notify the competent Mayor/Do governor of what he/she has discovered and what measures he/she considers should be taken under such circumstances.

(3) The Mayor/Do governor who has been notified in accordance with paragraph (2) shall take necessary measures, and then, report to or notify the results of the measures taken to the Minister of Environment, the head of a river basin environmental office, or the head of a regional environmental office.

Article 83 (Reports)

(1) The Mayor/Do governor, the head of a river basin environmental office or the head of a regional environmental office shall, when he/she performs business entrusted in accordance with Article 74 (1) of the Act, report the details thereof to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment.

(2) The Mayor/Do governor shall, when he/she has issued an order for suspension of operations, revocation of permission, or order for closure in accordance with Articles 40 and 42 of the Act, report, without delay, such fact to the Minister of Environment and the head of the relevant central administrative agency.

Article 84 (Entrustment of Business)

(1) The Minister of Environment or the Mayor/Do governor may entrust the training of environmental engineers and the collection of required expenses under Article 67 of the Act to the president of the Korea Environmental Preservation Association under Article 38 of the Framework Act on Environmental Policy in accordance with Article 74 (2) of the Act.

(2) The Minister of Environment or the Mayor/*Do* governor shall entrust business regarding the operation of computer network and the technological support for the person running business under Article 38-5 of the Act, the check on appropriateness of gauges under Article 35 (3), in accordance with Article 74 (2) of the Act, to the CEO of the Environmental Management Corporation under the Environmental Management Corporation Act.

(3) The president of the Korea Environmental Preservation Association and the CEO of the Environmental Management Corporation shall, when they perform the business entrusted in accordance with paragraph (1) or (2), report the details thereof to the Minister of Environment or the Mayor/*Do* governor under conditions prescribed by Ordinance of the Ministry of Environment.

CHAPTER VIII PENAL PROVISIONS

Article 85 (Imposition of Fines for Negligence)

(1) The Minister of Environment, the Mayor/*Do* governor or the head of *Si/Gun/Gu* (hereinafter referred to as "imposing authority") shall, when he/she imposes fines for negligence under Article 82 (4) of the Act, examine and confirm any instances of violation under consideration, and then notify in writing the fact of violation, and the method and period for raising objections to the person who is subject to the disposition of fine for negligence.

(2) Having decided to impose any fine for negligence as provided for in paragraph (1), the imposing authority shall set a period of not less than ten days during which the person, who is subject to the disposition of fine for negligence, has the opportunity to state his/her opinion either orally or in writing (including electronic documents). In such cases, where no statement of opinion is made by the end of the designated period, the person who is subject to the disposition of fine for negligence shall be regarded as having no intention to make an appeal.

(3) In determining the amount of a fine for negligence, the imposing authority shall take into consideration the motives, results, etc. of the violation under consideration.

(4) The procedures for collecting fines for negligence shall be determined by Ordinance of the Ministry of Environment.

ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 (Applicability to Report on Installment of Non-point Sources of Pollution)

The amended provisions of Article 72 (2), (4) 8 through 14 and (5) shall apply starting from the person running business who has applied for permission for establishment of wastewater discharge facilities and permission for change thereof, or filed a report or a report for change in accordance with Article 33 (1) through (3) of the Act after this Decree enters into force, the person running business for which a written evaluation shall be submitted in accordance with Article 17 (1) or (2) of the Act on Assessment of Impacts of Works on Environment, Traffic, Disasters, etc. and the person running business who is again required to prepare a written evaluation pursuant to Article 23 of the same Act.

Article 3 (Transitional Measures for Deadline for Attachment of Gauges)

(1) Any person who has obtained permission for or has made a report on establishing discharge facilities, or who has established or is establishing wastewater terminal treatment facilities or public sewer treatment facilities at the time when this Decree enters into

force shall equip with the gauges pursuant to Article 35 (1) by the deadlines classified in the following table, notwithstanding the amended provisions of Article 35 (1):

| Classification for Places of Business | Discharge Quantity of Wastewater or Treatment Volumes | Deadlines for Equipment |
|--|---|-------------------------|
| Place of business of Class I under annexed Table 13 and place of business requiring installment and operation of joint prevention facilities | Place of business of 2,000m ³ or more per day | by September 30, 2008 |
| Place of business of Class II under annexed Table 13 and place of business requiring installment and operation of joint prevention facilities | Place of business of not less than 700m ³ and less than 2,000m ³ per day | by September 30, 2009 |
| Place of business of Class III under annexed Table 13 and place of business requiring installment and operation of joint prevention facilities | Place of business of not less than 200m ³ and less than 700m ³ per day | by September 30, 2010 |
| Public sewer treatment facilities | Facility of not less than 100,000m ³ per day | by May 19, 2008 |
| | Facility of not less than 10,000m ³ and less than 100,000m ³ per day | by November 19, 2008 |
| | Facility of not less than 2,000m ³ and less than 10,000m ³ per day | by November 19, 2009 |
| Wastewater terminal treatment facilities | Facility whose treatment volume is not less than 10,000m ³ per day | by May 19, 2008 |
| | Facility whose discharge volume is not less than 700m ³ per day and treatment volume is less than 10,000m ³ per day | by November 19, 2008 |

(2) In cases of places of business which have newly obtained permission for establishing discharge facilities or filed a report on the establishment thereof after this Decree enters into force, the wastewater terminal treatment facilities the construction of which will start after this Decree enters into force, and the public sewer treatment facilities the authorization for establishment of which has been granted after this Decree enters into force, and the deadlines for equipping the gauges under Article 35 (2) for such facilities are earlier than the deadlines falling under each of the following subparagraphs, the deadlines for installing the gauges of the relevant facilities shall be any of the following deadlines:

1. Any person who installs and operates wastewater terminal treatment facilities and public sewer treatment facilities: May 19, 2008; and
2. Any person who installs and operates discharge facilities and prevention facilities: September 30, 2008.

Article 4 (Transitional Measures for Attachment of Gauges)

(1) Gauges which have failed to obtain type approval under Article 9 of the Environmental Examination and Inspection Act from among the gauges which are installed in accordance

with the relevant Acts and statutes at the time when this Decree enters into force shall be replaced by gauges for which type approval has been granted by the deadline for equipment under Article 3 of Addenda.

(2) Gauges for measuring biological oxygen demand and chemical oxygen demand from among gauges which are installed in accordance with the relevant Acts and statutes at the time when this Decree enters into force shall be deemed the gauges equipped in accordance with the amended provisions of Note 5 of annexed Table 7.

(3) The integrating wattmeters and integrating flowmeters which are installed in accordance with the former provisions at the time when this Decree enters into force shall be deemed as integrating wattmeters and integrating flowmeters installed in accordance with the amended provisions of annexed Table 8: *Provided*, That the integrating flowmeters for sewage and wastewater shall be connected by the deadline for equipment under Article 3 (1) of Addenda so that the measured and recorded data may be transmitted to the Control Center.

Article 5 (Transitional Measures for Time for Utilizing Automatically Measured Data as Administrative Data)

Places of business, etc. which have been equipped with gauges and connected them with the Control Center before the deadline for equipment under Article 3 of Addenda, may utilize the automatically measured data as the administrative data from the date six months have elapsed since the time of equipment under Article 3 of Addenda notwithstanding the amended provisions of Article 35 (4).

Article 6 Omitted.

Article 7 (Relation to Other Acts and Subordinate Statutes)

Where the Enforcement Decree of the Water Quality Conservation Act or the provisions thereof are cited by other Acts and subordinate statutes at the time when this Decree enters into force and this Decree has any provisions that correspond to the cited provisions, this Decree or the relevant provisions of this Decree shall be deemed cited in lieu of the former provisions.

ADDENDUM *<Presidential Decree No. 20761, Apr. 3, 2008>*

This Decree shall enter into force on the date of its promulgation.

ADDENDA *<Presidential Decree No. 21185, Dec. 24, 2008>*

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2009. (Proviso Omitted.)

Articles 2 through 5 Omitted.