

## INDOOR AIR QUALITY CONTROL IN PUBLIC USE FACILITIES, ETC. ACT

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Act No. 6911, May 29, 2003  
Amended by Act No. 7562, May 31, 2005  
Act No. 8011, Sep. 27, 2006  
Act No. 8038, Oct. 4, 2006  
Act No. 8155, Dec. 30, 2006  
Act No. 8654, Oct. 17, 2007

### Article 1 (Purpose)

The purpose of this Act is to protect health of the people using the following facilities and to prevent environmental hazards, by adequately maintaining and controlling the indoor air quality of the public use facilities and the newly-built collective housing.

### Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: *<Amended by Act No. 7562, May 31, 2005>*

1. The term “public use facilities” means the facilities used by many unspecified persons;
2. The term “collective housing” means the collective housing under the provisions of Article 2 (2) 2 of the Building Act;
3. The term “pollutants” means gases and floating matters in the form of particles, etc., which cause air pollution in the indoor spaces, and are prescribed by the Ordinance of the Ministry of Environment;
4. The term “ventilation equipment” means equipments which let out the polluted indoor air, and let in fresh outdoor air, and maintain the air of indoor space in the comfortable status; and
5. The term “equipment for purifying air” means equipments which eliminate or reduce the pollutants of indoor space, and have been installed either within the ventilation equipment or separately from the said equipment.

### Article 3 (Objects of Application)

(1) The public use facilities, which shall be governed by this Act, mean those of a size as prescribed by the Presidential Decree from among the facilities falling under each of the following subparagraphs: *<Amended by Act No. 7562, May 31, 2005; Act No. 8011, Sep. 27, 2006; Act No. 8654, Oct. 17, 2007>*

1. Subway stations (including passages for entrance, waiting rooms, station platforms and passages for transfer, and facilities attached thereto);
2. Underground road shopping districts (including the facilities of underground floor attached to a building on the ground);
3. Waiting rooms in the passenger terminals under the Passenger Transport Service Act;
4. Passenger terminals from among airport facilities under the Aviation Act;
5. Waiting rooms from among harbor facilities under the Harbor Act;
6. Libraries under the Libraries and Reading Promotion Act;
7. Museums and art galleries under the Museum and Art Gallery Support Act;
8. Medical institutions under the Medical Service Act;

9. Indoor parking lots;
  10. Waiting rooms in the railway stations;
  - 10-2. National and public nurseries, corporation nurseries, workplace nurseries and private nurseries under Article 10 of the Infant Care Act; and
  11. Other facilities as prescribed by the Presidential Decree.
- (2) Collective housing subject to application of this Act shall be those falling under each of the following subparagraphs, and those newly built above the size as prescribed by the Presidential Decree: *<Amended by Act No. 7562, May 31, 2005>*
1. Apartment houses;
  2. Tenement houses; and
  3. Boarding houses.

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

Article 5 (Standards for Maintenance of Indoor Air Quality, etc.)

- (1) Persons liable for managing the public use facilities, such as their owners, occupants or managers (hereinafter referred to as the “owners, etc.”) shall manage the facilities by satisfying the standards for maintenance of comfortable air quality within the public use facilities.
- (2) Standards for maintenance of air quality under the provisions of paragraph (1) shall be prescribed by the Ordinance of the Ministry of Environment.
- (3) When it is deemed necessary by taking account of the peculiarities of local environments, the Special Metropolitan City, Metropolitan City or *Do* (hereinafter referred to as the “City/*Do*”) may lay down the standards for maintenance of air quality to be applied to the relevant City/ *Do* by the Municipal Ordinance of the said City/*Do* in a way stricter than the standards for maintenance of air quality as referred to in paragraph (1).
- (4) When the standards for maintenance of air quality as referred to in paragraph (3) are laid down or altered, the Special Metropolitan City Mayor, Metropolitan City Mayor or *Do* governor (hereinafter referred to as the “Mayor/*Do* governor”) shall promptly file a report thereon with the Minister of Environment.

Article 6 (Standards for Recommendation of Indoor Air Quality)

The Mayor/*Do* governor may make a recommendation to the owners, etc. of public use facilities so as to have them manage the facilities by satisfying the standards for recommendation as set by the Ordinance of the Ministry of Environment for maintaining a comfortable air quality, separately from the standards for maintenance of air quality under the provisions of Article 5 (1) in accordance with the peculiarity of the public use facilities. *<Amended by Act No. 8155, Dec. 30, 2006>*

Article 7 (Education, etc. for Owners, etc. of Public Use Facilities)

- (1) Owners, etc. of the public use facilities shall undergo the education concerning a control of indoor air quality to be conducted by the Minister of Environment under the conditions as set by the Ordinance of the Ministry of Environment.
- (2) The Minister of Environment may collect the expenses for education under the provisions of paragraph (1) from persons subject to the education, under the conditions as set by the Ordinance of the Ministry of Environment.
- (3) The Minister of Environment may entrust the education under the provisions of paragraph (1) to the head of specialized institution concerned under the conditions as prescribed by the Presidential Decree.

Article 8 Deleted. *<by Act No. 8155, Dec. 30, 2006>*

Article 9 (Control of Indoor Air Quality of Newly-Built Collective Housing)

(1) Work executors of newly-built collective housing shall measure the indoor air quality of collective housing whose construction has been completed, and submit the results of said measurement to the head of *Si/Gun/Gu* (referring to the head of autonomous *Gu*; hereinafter the same shall apply), and make a publication thereof at the place of easy sights by the occupants, before commencing their occupation.

(2) Matters necessary for the items and methods of measurement of indoor air quality and the submission of measurement results and publication period and places, etc. under the provisions of paragraph (1) shall be prescribed by the Ordinance of the Ministry of Environment.

(3) Criteria for recommending the indoor air quality for maintaining the comfortable air quality of newly-built collective housing shall be provided by the Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 7562, May 31, 2005>*

Article 10 (Improvement Order)

In case where the public use facilities are not managed in conformity with the standards for maintaining the comfortable air quality provided for in Article 5, the Mayor/*Do* governor may order the owner, etc. of the relevant public use facilities to take measures necessary to improve or replace air cleaners or ventilation equipment in the public use facilities (hereinafter referred to as the "improvement order") for a fixed period under the conditions as prescribed by the Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8155, Dec. 30, 2006]*

Article 11 (Restriction on Use of Construction Materials Generating Pollutants)

(1) The Minister of Environment may determine the construction materials which generate a lot of pollutants as prescribed by the Ordinance of the Ministry of Environment (hereinafter referred to as the "construction materials generating pollutants") in consultation with the heads of related central administrative agencies, and make a publication thereof under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(2) Persons who establish the public use facilities (including the improvement and repairs of existing facilities) shall not use the construction materials generating pollutants which have been publicly announced by the Minister of Environment in accordance with paragraph (1).

Article 12 (Measurement of Indoor Air Quality)

(1) Owners, etc. of the public use facilities shall either measure the indoor air quality by themselves or have the persons as prescribed by the Ordinance of the Ministry of Environment measure it, and shall record and preserve the relevant results.

(2) The pollutants subject to measurement of indoor air quality, the frequency of measurements under paragraph (1), and other matters necessary for a measurement of indoor air quality shall be prescribed by the Ordinance of the Ministry of Environment.

Article 13 (Report and Inspection, etc.)

(1) When the Mayor/*Do* governor or the head of *Si/Gun/Gu* deems it necessary for the control of indoor air quality, he may have the owners etc. of the public use facilities or the work executors of newly-built collective housing file the necessary reports or submit the data, and may have the related public officials gain access to the relevant public use facilities or the newly-built collective housing and gather the pollutants, or inspect the related documents and facilities or equipments etc.

(2) When the Mayor/*Do* governor or the head of *Si/Gun/Gu* has gathered the pollutants under the provisions of paragraph (1), he shall entrust inspection agencies as referred to in the Ordinance of the Ministry of Environment with the inspection of polluted levels: *Provided*, That the same shall not apply to the case where the results of inspection may

be judged on the spot.

(3) Public officials who gain access thereto or perform investigations under paragraph

(1) shall carry a voucher indicating their authority and present it to the interested parties.

Article 14 (Penal Provisions)

(1) Any person who fails to execute the improvement orders under the provisions of Article 10 shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding 10 million won.

(2) Any person who has committed any acts of refusal, obstruction or avoidance of the access, inspection or gathering of pollutants by the related public officials under the provisions of Article 13 (1) shall be punished by a fine not exceeding two million won.

Article 15 (Joint Penal Provisions)

If the representative of a corporation, or an agent, an employee or any other employed person of a corporation or an individual has committed an act in violation of Article 14 in connection with the affairs of said corporation or individual, not only shall such an actor be punished accordingly, but the corporation or individual shall be punished by a fine as prescribed in the same Article.

Article 16 (Fine for Negligence)

(1) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding 10 million won:

1. Person who has failed to comply with the standards for maintenance of air quality in contravention of provisions of Article 5; and
2. Person who has used the construction materials generating pollutants in contravention of provisions of Article 11 (2).

(2) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding five million won:

1. Person who has failed to undergo the education concerning the control of indoor air quality in contravention of provisions of Article 7;
2. Person who has failed to submit and publicize the results of measurement of indoor air quality of the newly-built collective housing in contravention of provisions of Article 9, or has submitted and publicized in falsity;
3. Person who has failed to measure the indoor air quality in contravention of provisions of Article 12 (1), or failed to record and preserve the results of measurement, or recorded and preserved in falsity; and
4. Person who has failed to make a report or to submit the data under the provisions of Article 13 (1), or made a report or a data submission in falsity.

(3) Fine for negligence under the provisions of paragraphs (1) and (2) shall be imposed and collected by the Mayor/Do governor or the head of *Si/Gun/Gu* (hereinafter referred to as the "imposing authority") under the conditions as prescribed by the Presidential Decree.

(4) Any person who is dissatisfied with a disposition of the fine for negligence as referred to in paragraph (3) may appeal to the imposing authority within 30 days from the date of receiving a notice of the said disposition.

(5) When any person subjected to a disposition of the fine for negligence under paragraph (3) raises an objection under paragraph (4), the imposing authority shall promptly notify the competent court thereof, and the court in receipt of said notice shall bring the case to a trial for the fine for negligence under the Non-Contentious Case Litigation Procedure Act. <Amended by Act No. 7562, May 31, 2005>

(6) If neither an objection is raised nor is a fine for negligence paid within the period as referred to in paragraph (4), it shall be collected by referring to the practices of dispositions on default of local taxes.

#### ADDENDA

- (1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation.
- (2) (Transitional Measures on Existing Public Use Facilities) The owners etc. of the public use facilities at the time of enforcement of this Act shall be deemed to have installed the air cleaners and ventilation equipments under the amended provisions of Article 8: *Provided*, That the Mayor/*Do* governor may issue the improvement order under the provisions of Article 10 to the public use facilities managed not to meet the maintenance standards for air quality under the provisions of Article 5 to install the air cleaners and ventilation equipments under the provisions of Article 8. *<Amended by Act No. 7562, May 31, 2005>*
- (3) (Application Example concerning Control of Indoor Air Quality of Collective Housing) The amended provisions of Article 9 concerning a control of indoor air quality of the collective housing shall apply starting with the portion of first applications after the enforcement of this Act for the approval of business plan under the provisions of Article 16 of the Housing Act, or for the permission of construction under the provisions of Article 8 of the Building Act.
- (4) (Transitional Measures on Fine for Negligence) Previous provisions shall govern any imposition of fine for negligence on the offenses committed prior to the enforcement of this Act.
- (5) (Amendment of Other Acts) Omitted.
- (6) (Relations with Other Acts and Subordinate Statutes) In case where the previous Air Quality Control in Underground Locations Act or its provisions are quoted in other Acts and subordinate statutes at the time of enforcement of this Act, if there exist any corresponding provisions in this Act, this Act or the corresponding provisions in this Act shall be deemed to have been quoted in lieu of the previous provisions.

#### ADDENDA *<Act No. 7562, May 31, 2005>*

- (1) (Enforcement Date) This Act shall enter into force on January 1, 2006.
- (2) (Application Example to Control of Indoor Air Quality of Boarding House) In applying the provisions of Article 9 (1) and (2) and the amended provisions of paragraph (3) of the same Article, the amended provisions of Article 3 (2) 3 shall apply starting from the boarding house applying for an approval for project plans under Article 16 of the Housing Act or for construction permit under Article 8 of the Building Act.

#### ADDENDUM *<Act No. 8011, Sep. 27, 2006>*

This Act shall enter into force on January 1, 2008.

#### ADDENDUM *<Act No. 8038, Oct. 4, 2006>*

Article 1 (Enforcement Date)

This Act shall come into force one year after the date of its promulgation. (Proviso Omitted.)  
Articles 2 through 11 Omitted.

ADDENDA <Act No. 8155, Dec. 30, 2006>

- (1) (Enforcement Date) This Act shall enter into force on January 1, 2007.
- (2) (Transitional Measures concerning Penal Provisions for Violating Improvement Order)  
The application of the penal provisions to the violation of the improvement order prior to the enforcement of this Act [including the improvement order provided for in the proviso of paragraph (2) of the Addenda of the Air Quality Control in Underground Locations Act amended by Act No. 6911 (referring to the contents of the Indoor Air Quality Control in Public Use Facilities, etc. Act, which are partially amended by Act No. 7562)] shall be governed by the previous provisions.

ADDENDA <Act No. 8654, Oct. 17, 2007>

- (1) (Enforcement Date) This Act shall enter into force on the date of its promulgation. (Proviso omitted.)
- (2) Omitted.

# CLEAN AIR CONSERVATION ACT

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Wholly Amended by Act No. 8404, Apr. 27, 2007  
(Act No. 8260, Jan. 19, 2007)  
Amended by Act No. 8466, May 17, 2007  
Act No. 8852, Feb. 29, 2008  
Act No. 8956, Mar. 21, 2008  
Act No. 8957, Mar. 21, 2008  
Act No. 8976, Mar. 21, 2008

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purposes)

The purposes of this Act are to prevent air pollution which causes harm to people and the environment, and manage and preserve the atmospheric environment in a proper and sustainable manner, thereby to enabling all people to live in a healthy and comfortable environment.

### Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term “air pollutants” means gas or granular matter causing air pollution, as determined by Ordinance of the Ministry of Environment;
2. The term “climate/ecosystem-changing substances” means gaseous matter which may cause any change in the ecosystem due to global warming, including greenhouse gases and other matters as determined by Ordinance of the Ministry of Environment;
3. The term “greenhouse gases” means gaseous matter in the air, which induces the greenhouse effect by absorbing or re-emitting infrared heat radiation, including carbon dioxide, methane, nitrous oxide, hydrofluorocarbon, perfluorocarbon, and sulfur hexafluoride;
4. The term “gas” means gaseous matter produced at the time of combustion, synthesis and decomposition of matter, or because of the physical properties of matter;
5. The term “granular matter” means solid or liquid fine matter produced when matter is crushed, sorted, piled, reloaded, mechanically treated, burned, synthesized or decomposed;
6. The term “dust” means granular matter floating in the air or falling down out of the air;
7. The term “exhaust fumes” means fine granular matter mainly composed of free carbon produced at the time of burning;
8. The term “soot” means granular matter which is condensed free carbon produced at the time of burning, and the granules of which are one micron or more in diameter;
9. The term “specified hazardous air pollutants” means air pollutants which are feared to directly or indirectly inflict any harm or injury on the health and property of humans or on the birth and breeding of animals and plants, as determined by Ordinance of the Ministry of Environment;
10. The term “volatile organic compound” means the petrochemicals, organic solvents, and other materials from among hydrocarbons, as published by the Minister of

Environment in consultation with the heads of central administrative organs;

11. The term “air pollutant-emitting facilities” means facilities, machines, apparatus and other things which emit air pollutants into the air, as determined by Ordinance of the Ministry of Environment;
12. The term “air pollution preventive facilities” means facilities which eliminate or reduce air pollutants emitted from air pollutant-emitting facilities, as determined by Ordinance of the Ministry of Environment;
13. The term “automobiles” means those falling under any of the following items:
  - (a) Automobiles provided for in subparagraph 1 of Article 2 of the Automobile Management Act, as determined by Ordinance of the Ministry of Environment; and
  - (b) Construction machines provided for in subparagraph 1 of Article 2 of the Construction Machinery Management Act, as determined by Ordinance of the Ministry of Environment;
14. The term “ships” means those provided for in subparagraph 8 of Article 2 of the Prevention of Marine Pollution Act;
15. The term “additives” means chemical substances which are added to automobile fuel in order to improve the performance of automobiles or reduce gas emissions, with the exception of substances consisting of only carbon and hydrogen, and satisfy the requirements in all of the following items:
  - (a) Substance required to be added to automobile fuel in less than one percent of the volume of the automobile fuel: *Provided*, That the restriction on the addition ratio shall not apply to the substances added by petroleum refining business operators and petroleum import and export business operators provided for in subparagraphs 7 and 8 of Article 2 of the Petroleum and Petroleum Substitute Fuel Business Act in the course of manufacturing petroleum products for automobile fuel or enhancing the quality thereof; and
  - (b) Substances which are not categorized as pseudo-petroleum products provided for in subparagraph 10 of Article 2 of the Petroleum and Petroleum Substitute Fuel Business Act;
16. The term “low-pollution automobile” means a low-pollution motor vehicle provided for in subparagraph 6 of Article 2 of the Special Act on the Improvement of Air and Environment for Seoul Metropolitan Area;
17. The term “exhaust gas reduction device” means a device installed to automobiles in order to reduce air pollutants emitted from the automobiles, which meets the efficiency of reduction set by Ordinance of the Ministry of Environment; and
18. The term “low-pollution engine” means an engine (including parts used to remodel an engine) designed to reduce air pollutants emitted from automobiles, which meet the permissible emission levels set by Ordinance of the Ministry of Environment.

Article 3 (Regular Measurement)

- (1) The Minister of Environment shall install measuring networks and constantly measure the level of air pollution, etc. under conditions determined by Ordinance of the Ministry of Environment in order to ascertain the actual conditions of air pollution and climate/ecosystem-changing substances nationwide.
- (2) The Seoul Metropolitan City Mayor, Metropolitan City Mayor, *Do* governor, or Special Self-Governing Province governor (hereinafter referred to as the “Mayor/*Do* governor”) shall install measuring networks and constantly measure the level of air pollution under conditions determined by Ordinance of the Ministry of Environment in order to ascertain the actual

conditions of air pollution within the regions under his/her jurisdiction, and report the results thereof to the Minister of Environment.

Article 4 (Determination on Measuring Network Installation Plan, etc.)

(1) The Minister of Environment shall determine a measuring network installation plan specifying the location, area, etc. of measuring networks under paragraph (1) of Article 3 in detail and announce it publicly under conditions determined by Ordinance of the Ministry of Environment, and enable whomever to inspect the drawings thereof. The same shall apply to the alteration thereof.

(2) Paragraph (1) shall apply *mutatis mutandis* to cases where the Mayor/*Do* governor installs a measuring network under Article 3 (2).

(3) The State may provide necessary financial and technical assistance for the accomplishment of any measuring network installation plan determined and published by the Mayor/*Do* governor under paragraph (2) within a target period.

Article 5 (Expropriation and Use of Land, etc.)

(1) The Minister of Environment or the Mayor/*Do* governor may expropriate or use land, buildings or things fixed in the land necessary for the installation of measuring networks according to any measuring network installation plan announced under Article 4.

(2) The procedures for expropriation or use under paragraph (1), compensation for loss, etc. shall comply with the conditions prescribed by the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor.

Article 6 (Relation with Other Acts)

(1) When the Minister of Environment or the Mayor/*Do* governor has determined and announced a measuring network installation plan under Article 4, the permission for occupation and use of roads as prescribed in Article 38 of the Road Act shall be considered to have been granted. *<Amended by Act No. 8976, Mar. 21, 2008>*

(2) The Minister of Environment or the Mayor/*Do* governor shall, if a measuring network installation plan under Article 4 contains matters concerning permission for occupation and use of roads as referred to in paragraph (1), consult with the head of the relevant road management agency before he/she makes a determination and announcement thereof.

Article 7 (Official Air Pollution Test Method)

The Minister of Environment shall determine and announce official air pollution test methods for accurate and uniform measurement of pollutants.

<The amended provisions of this Article shall be effective until October 4, 2007, pursuant to Article 3 of the Addenda of Act No. 8404, on April 27, 2007.>

Article 8 (Air Pollution Alerts)

(1) The Mayor/*Do* governor may, when it is deemed that the degree of air pollution which exceeds the environmental standards for air as prescribed in Article 10 of the Framework Act on Environmental Policy (hereinafter referred to as the "environmental standards") is feared to seriously harm the health and property of the residents or to the birth and breeding of animals and plants, issue an air pollution alert to the relevant area. In addition, the Mayor/*Do* governor shall cancel it as soon as the grounds on which the air pollution alert is issued cease to exist.

(2) The Mayor/*Do* governor may, when it is deemed necessary to urgently reduce air pollution in an area in which an air pollution alert is issued, restrict the operation of automobiles, order for the curtailment of working hours in places of business, or take other measures in such area, within a fixed period of time.

(3) A person who is subject to an order for the restriction on the operation of automobiles,

the curtailment of working hours in places of business, etc. under paragraph (2) shall comply therewith, unless there is any justifiable reason otherwise.

(4) Matters necessary for areas, pollutants and criteria for issuing air pollution alerts, steps for alerts, measures to be taken in each step, etc. shall be determined by Presidential Decree.

Article 9 (Suppression of Emissions of Climate/Ecosystem-Changing Substances)

The Government shall participate positively in international efforts, such as the exchange of environmental information and technologies with other nations, and devise policies for research and surveys, recovery and recycling, development of substitutes, etc. for the reduction of emissions of climate/ ecosystem-changing substances.

Article 10 (Prevention of Hindrance to Air Circulation)

The heads of relevant central administrative organs, the heads of local governments, and business operators shall, when establishing or implementing various kinds of development plans, take into consideration topography, direction and velocity of wind, arrangement of buildings and intervals between them, the passage of wind, etc. in a planned area and its neighboring areas to prevent any hindrance to the circulation of air pollutants.

Article 11 (Establishment, etc. of Comprehensive Plans for Improvement of Atmospheric Environment)

(1) The Minister of Environment shall establish and implement a comprehensive plan for the improvement of the atmospheric environment (hereinafter referred to as a "comprehensive plan") every 10 years in order to improve the atmospheric environment by reducing air pollutants and greenhouse gases.

(2) Comprehensive plans shall include matters in each of the following subparagraphs:

1. Current status of emission of air pollutants and prospects therefor;
2. Current status of change in the density of greenhouse gases in the air and prospects therefor;
3. Setting of goals for the reduction of air pollutants and measures to be taken in each field and step to attain such goals;
4. Setting of goals for the reduction of emission of greenhouse gases in the field of environment and measures to be taken in each field and step to attain such goals;
5. Matters concerning the assessment of the impacts of climatic change and measures to adapt to the climatic change;
6. Establishment of an integrated atmospheric environment management system linked to air pollutants and greenhouse gases;
7. Matters concerning international harmony and cooperation in connection with climatic change; and
8. Other matters necessary for the improvement of the atmospheric environment.

(3) The Minister of Environment shall, when establishing comprehensive plans, consult in advance with the heads of relevant central administrative organs with regard thereto.

(4) The Minister of Environment may, when five years have elapsed since a comprehensive plan was established or it is deemed necessary to amend a comprehensive plan, alter the comprehensive plan, examining the propriety of its amendment. In such cases, the Minister of Environment shall consult in advance with the heads of relevant central administrative organs with regard thereto.

Article 12 (Development and Management of Greenhouse Gas Emission Factors)

The Minister of Environment may develop and manage emission factors used to calculate

the emission quantity of greenhouse gases per unit in order for the Government to compile the statistics of the emission of greenhouse gases.

Article 13 (Establishment, etc. of Comprehensive Measure for Prevention of Damage Caused by Yellow Dust)

(1) The Minister of Environment shall consult with the heads of relevant central administrative organs and consider the opinions of the Mayors/*Do* governors every five years for the prevention of damage caused by yellow dust in order to work out comprehensive measures for the prevention of damage caused by yellow dust (hereinafter referred to as “comprehensive measures”), undergoing deliberation by the Yellow Dust Prevention Committee under Article 14. The same shall apply to cases of alteration of important matters contained in the comprehensive measures, as prescribed by Presidential Decree.

(2) The comprehensive measures shall include matters in each of the following subparagraphs:

1. Current status of creation of yellow dust and prospect therefor;
2. Records of promotion of comprehensive measures and evaluation thereof;
3. Domestic measures for the prevention of damage caused by yellow dust;
4. International cooperation for the reduction of creation of yellow dust; and
5. Other necessary matters for the prevention of damage caused by yellow dust.

(3) The Minister of Environment shall, when he/she has established comprehensive measures, notify the heads of relevant central administrative organs and the Mayors/*Do* governors thereof.

(4) The heads of relevant central administrative organs and the Mayors/*Do* governors shall establish and implement programs within the scope of their authority each year under conditions prescribed by Presidential Decree. In such cases, the heads of relevant central administrative organs and the Mayors/*Do* governors shall submit the programs and the results thereof to the Minister of Environment.

Article 14 (Yellow Dust Prevention Committee)

(1) The Yellow Dust Prevention Committee (hereinafter referred to as the “Committee”) shall be established within the Minister of Environment to deliberate on and arbitrate matters concerning the prevention of damage caused by yellow dust in each of the following subparagraphs:

1. Matters concerning the establishment and alteration of comprehensive measures;
2. Matters concerning policies by field, related to the prevention of damage caused by yellow dust;
3. Matters concerning the current status of promotion of comprehensive measures and measures for cooperation between the public and private sectors; and
4. Other matters as deemed by the chairperson necessary for the prevention of damage caused by yellow dust.

(2) The Committee shall be comprised of not more than 25 members, including one chairperson.

(3) The Minister of Environment shall be the chairperson of the Committee, and the persons in each of the following subparagraphs, as commissioned or appointed by the Minister of Environment, shall be members of the Committee:

1. Public officials of central administrative organs determined by Presidential Decree; and
2. Experts with ample knowledge and experience in fields determined by Presidential Decree.

(4) A working committee shall be established within the Committee for the efficient operation

of the Committee and support of smooth deliberation on matters.

(5) Necessary matters concerning the composition, operation, etc. of the Committee and working committee shall be determined by Presidential Decree.

Article 15 (International Cooperation for Prevention of Damage Caused by Yellow Dust)

The Government shall make endeavors to cooperate with relevant nations for the prevention of damage caused by yellow dust.

## CHAPTER II REGULATION OF EMISSIONS OF AIR POLLUTANTS IN PLACES OF BUSINESS, ETC.

Article 16 (Permissible Emission Levels)

(1) The permissible emission levels of air pollutants (hereinafter referred to as "pollutants") emitted from air pollutant emission facilities (hereinafter referred to as "emission facilities") shall be determined by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall, when drafting an Ordinance of the Ministry of Environment as referred to in paragraph (1), consult with the heads of relevant central administrative organs.

(3) The Seoul Metropolitan City, Metropolitan City, *Do*, or Special Self-Governing Province (hereinafter referred to as the "City/*Do*") may, when it is deemed difficult to maintain regional environmental standards under Article 10 (3) of the Framework Act on Environmental Policy, or when it is deemed necessary for the improvement of air quality in an air quality-regulated area under Article 18, establish permissible emission levels (including the addition of standard items and the time frame for applying the standards) more intensified than those under paragraph (1) by Municipal Ordinance of the City/*Do*: *Provided*, That this shall be limited to cases where the authority of the Minister of Environment as prescribed in Articles 23, 30, 33 and 35 through 37 is delegated to the Mayors/*Do* governors under Article 87 (1).

(4) The Mayor/*Do* governor shall, when the permissible emission levels as referred to in paragraph (3) have been established or altered, report to the Minister of Environment thereon without delay and take necessary measures to make it known to interested persons.

(5) The Minister of Environment may, when he/she deems necessary for the prevention of air pollution in a special measures area as prescribed in Article 22 of the Framework Act on Environmental Policy (hereinafter referred to as a "special measures area"), establish more strict permissible emission levels than those referred to in paragraph (1) with respect to emission facilities installed in such area and establish special permissible emission levels for emission facilities newly installed in such area.

(6) If any area exists which is not subject to the permissible emission levels prescribed by Municipal Ordinance under paragraph (3) within the City/*Do* which is subject to such permissible emission levels, the emission facilities installed or to be installed in such area shall also be subject to the permissible emission levels prescribed by Municipal Ordinance.

Article 17 (Survey of Emission Source and Emission Quantity of Air Pollutants)

(1) The Minister of Environment shall conduct a survey of the emission sources and emission quantities of air pollutants nationwide for the rational establishment and implementation of comprehensive plans, mid-term comprehensive plans for the preservation of the environment under Article 14-2 of the Framework Act on Environmental Policy, and the basic plan for the management of the atmospheric environment of the Seoul

Metropolitan area under Article 8 of the Special Act on the Improvement of Air and Environment for Seoul Metropolitan Area.

(2) The Mayor/*Do* governor and the head of a local environmental government office shall conduct a survey of emission sources and emission quantities of air pollutants from emission facilities, etc. in the areas under their jurisdictions under conditions determined by Ordinance of the Ministry of Environment.

(3) The Minister of Environment or the Mayor/*Do* governor may request the heads of relevant organs to submit materials or provide assistance needed to conduct surveys of emission sources and emission quantities of air pollutants under paragraph (1) or (2). In such cases, the heads of relevant organs shall comply with such request unless there are reasons that make them unable to do so.

(4) Necessary matters concerning methods and procedures for surveys of emission sources and emission quantities of air pollutants under paragraphs (1) and (2), calculation methods of emission quantities, etc. shall be determined by Ordinance of the Ministry of Environment.

Article 18 (Designation of Air Quality-Regulated Areas)

(1) The Minister of Environment may designate and announce areas deemed to require improvement of air quality from among areas which exceed or are feared to exceed the environmental standards as an air quality-regulated area.

(2) The Minister of Environment may, when the influx of air pollutants from neighboring areas is deemed to have exerted a considerable influence on the excess of the environmental standards in light of topography, weather conditions, etc. at the time of the designation and announcement of an air quality-regulated area under paragraph (1), include such neighboring areas in the air quality-regulated areas, in consideration of the opinions of the Mayors/*Do* governors having jurisdiction over such areas in which such air pollutants are generated.

(3) Matters concerning detailed criteria, procedures, etc. necessary for the designation of air quality-regulated areas under paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

Article 19 (Establishment, Implementation, and Evaluation of Action Plans)

(1) The Mayor/*Do* governor who has jurisdiction over an air quality-regulated area shall draw up a plan (hereinafter referred to as an "action plan") to attain and maintain the environment standards applicable to the air quality-regulated area, according to the contents and procedures determined by Ordinance of the Ministry of Environment within two years from the date of its designation and announcement as an air quality-regulated area, and implement such plan after obtaining the approval of the Minister of Environment. The same shall apply to the alteration thereof.

(2) When the Minister of Environment intends to approve an action plan under paragraph (1), he/she shall consult in advance with the heads of relevant central administrative organs and publish it when he/she approves it.

(3) The Mayor/*Do* governor shall prepare a statement of the result of promotion of an action plan under conditions prescribed by Ordinance of the Ministry of Environment and submit it to the Minister of Environment.

(4) The Minister of Environment shall evaluate the results of promotion submitted under paragraph (3) regularly under conditions prescribed by Ordinance of the Ministry of Environment and have the Mayors/*Do* governors reflect the results of promotion to the establishment and implementation of an action plan.

(5) The Minister of Environment may entrust surveys, analyses, etc. necessary for efficient

evaluation under paragraph (4) to professional institutions.

Article 20 (Financial Support to Attain Goals of Action Plans within Target Period of Time, etc.)

(1) The heads of relevant central administrative organs may provide financial and technical support necessary for the attainment of an action plan within a target period of time.

(2) The Minister of Environment may, when the Mayor/*Do* governor having jurisdiction over an air quality-regulated area fails to establish or implement an action plan, take measures, such as the reduction of environment-related national subsidies and suspension of the payment of national subsidies provided by the State to the relevant local government, or request the head of a relevant central administrative organ to take such measures. In such cases, the head of the relevant central administrative organ shall comply with such request unless there are special reasons that make him/ her unable to do so.

Article 21 (Cancellation of Designation of Air Quality-Regulated Areas)

(1) The Mayor/*Do* governor having jurisdiction over an air quality-regulated area may, when the goals and conditions for improvement determined by Ordinance of the Ministry of Environment have been attained since the area was designated and announced as an air quality-regulated area, request the Minister of Environment to cancel its designation as an air quality-regulated area, attaching the results thereof and a plan to maintain the results (hereinafter referred to as an "air quality management plan").

(2) The Minister of Environment may, when requested by the Mayor/*Do* governor to cancel the designation of an air quality-regulated area under paragraph (1), cancel the designation as an air quality-regulated area, examining as to whether the relevant area has attained the environmental standards, and its air quality management plan. In such cases, the Minister of Environment shall publish the details thereof.

(3) The contents to be contained in the air quality management plan and necessary matters concerning detailed criteria, procedures, etc. necessary for the cancellation of designation of an air quality-regulated area shall be determined by Ordinance of the Ministry of Environment.

Article 22 (Regulation of Total Quantity)

(1) The Minister of Environment may, in cases of a zone which he/she deems to threaten serious harm to the health and property of the residents and the birth and breeding of animals and plants because its condition of air pollution exceeds the environmental standards, or a zone densely crowded with places of business within a special measures area, regulate the total quantity of pollutants emitted from the places of business located in such zones.

(2) Items and methods of regulation on the total quantity as referred to in paragraph (1) and other necessary matters shall be determined by Ordinance of the Ministry of Environment.

Article 23 (Permission and Report on Installation of Emission Facilities)

(1) A person who desires to install emission facilities shall obtain permission of the Minister of Environment or make a report to the Minister of Environment under conditions prescribed by Presidential Decree.

(2) In cases where a person who has obtained permission under paragraph (1) desires to alter important matters determined by Presidential Decree from among permitted matters, he/she shall obtain permission for such alteration, and in cases where he/she desires to alter other matters, he/she shall make a report for alteration.

(3) In cases where a person who has made a report under paragraph (1) desires to alter reported matters, he/she shall make a report for alteration under conditions prescribed

by Ordinance of the Ministry of Environment.

(4) In cases where a person who intends to obtain permission for installation or permission for alteration, or make a report for installation or a report for alteration under the provisions of paragraphs (1) through (3) falls under the provisos to Articles 26 (1), 28, 41 (3) and 42, and intends to install or alter the jointly-used preventive facilities as referred to in Article 29, he/she shall present documents prescribed by Ordinance of the Ministry of Environment.

(5) The criteria for granting the permission for installation or permission for alteration as referred to in paragraphs (1) and (2) shall be as mentioned in each of the following subparagraphs:

1. Pollutants emitted from emission facilities must be treated below the permissible emission levels provided for in Article 16 or 29 (3); and
2. The provisions pertaining to restrictions on the installation of emission facilities under other Acts must not have been violated.

(6) The Minister of Environment may, when he/she deems that specified air pollutants emitted from emission facilities or air pollutants emitted from emission facilities located in special measures areas make it difficult to maintain the environmental standards or are feared to seriously harm the health and property of the residents and the birth and breeding of animals and plants, restrict the installation of emission facilities which emit specified air pollutants or the installation of emission facilities in special measures areas under conditions prescribed by Presidential Decree.

Article 24 (Permission, etc. Deemed Granted under Other Acts and Subordinate Statutes)

(1) In cases where a person who intends to install emission facilities has obtained permission for the installation of the emission facilities or permission for alteration, or has made a report for installation or report for alteration under Article 23 (1) through (3), he/she shall be deemed to have obtained permission for installation or permission for alteration, or has made a report for installation or report for alteration in each of the following subparagraphs in relation to such emission facilities: *<Amended by Act No. 8466, May 17, 2007>*

1. Permission for the installation of emission facilities or permission for alteration, or report for the installation of emission facilities or report for alteration under Article 33 (1) through (3) of the Water Quality and Ecosystem Conservation Act; and
2. Permission for the installation of emission facilities, or report for the installation of emission facilities or report for alteration under Article 8 (1) or (2) of the Noise and Vibration Control Act.

(2) The Minister of Environment shall, when he/she intends to grant permission for the installation of emission facilities which contain a matter falling under any subparagraph of paragraph (1) or permission for alteration thereof, consult with the head of the relevant administrative organ having authority over permissions or reports falling under any subparagraph of the same paragraph.

(3) In cases where a person who intends to conduct a business falling under the specified construction works scattering dust under Article 22 (1) of the Noise and Vibration Control Act has made a report on dust-scattering business under Article 43 (1) of this Act or a report for alteration thereof, such person shall be deemed to have made a report on a specified construction work or report for alteration thereof under Article 22 (1) or (2) of the Noise and Vibration Control Act.

(4) The Mayor/*Do* governor shall, when receiving a report on a dustscattering business, including matters falling under paragraph (3), or report for alteration thereof, notify

the head of *Si/Gun/Gu* (referring to the head of an autonomous *Gu*; hereinafter the same shall apply) having competence over the report on specified construction works or report on alteration thereof under Article 22 (1) or (2) of the Noise and Vibration Control Act, of the details thereof.

Article 25 (Classification of Places of Business)

(1) The Minister of Environment shall classify places of business into Types I through V according to the quantity of pollutants emitted from the emission facilities of a relevant place of business in order to ensure the efficient installation and management of emission facilities.

(2) The standards for classifying places of business as referred to in paragraph (1) shall be set by Presidential Decree.

Article 26 (Installation of Preventive Facilities, etc.)

(1) In cases where a person who has obtained permission for installation or permission for alteration, or has made a report for installation or report for alteration under Article 23 (1) through (3) (hereinafter referred to as a “business operator”) installs or alters the relevant emission facilities, he/she shall install air pollution preventive facilities (hereinafter referred to as “preventive facilities”) to emit pollutants from such emission facilities below the permissible emission levels as referred to in Article 16: *Provided*, That the same may not apply to cases where pollutants meet the levels determined by Presidential Decree.

(2) Any person who installs and operates emission facilities without installing preventive facilities under the proviso to paragraph (1) shall, when he/she falls under any of the following subparagraphs, install preventive facilities:

1. Cases where the emission facilities are feared to exceed the permissible emission levels due to changes in their processes or changes in raw materials, fuel, etc.; and
2. Other cases determined by Ordinance of the Ministry of Environment in consideration of the possibility of observing the permissible emission levels.

Article 27 (Succession to Rights and Duties, etc.)

(1) In cases where a business operator transfers an emission facility or preventive facility or is dead, or a corporation which is a business operator is merged with another company, the transferee or successor thereof, or the corporation which survives the merger or corporation which is newly established by the merger shall succeed the rights and duties of the business operator, which result from permission for installation, permission for alteration, report for installation, or report for alteration.

(2) In cases where a person leases emission facilities or preventive facilities, he/she shall be considered as a business operator in the application of Articles 31 through 35, 36 (excluding cases of cancelling permission), 39, 40 and 82 (1) 1.

Article 28 (Design and Construction of Preventive Facilities)

The installation or alteration of preventive facilities shall be designed and executed by a person who has made a registration of the preventive facilities business under Article 15 (1) of the Development of and Support for Environmental Technology Act (hereinafter referred to as a “preventive facilities business operator”): *Provided*, That the same shall not apply to cases where preventive facilities determined by Ordinance of the Ministry of Environment are installed and where a business operator himself/ herself designs and constructs preventive facilities under conditions prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 8957, Mar. 21, 2008>*

Article 29 (Installation, etc. of Jointly-Used Preventive Facilities)

(1) Business operators in industrial complexes or other areas where lots of business places are densely located may install jointly-used preventive facilities to jointly treat pollutants emitted from emission facilities. In such cases, each business operator shall be considered to have installed preventive facilities for pollutants in his/her place of business.

(2) A business operator shall, when installing and operating jointly-used preventive facilities, establish an organization to operate such facilities and assign a representative to the organization.

(3) The permissible emission levels for jointly-used preventive facilities may be determined differently from those prescribed in Article 16, and such permissible emission levels and matters necessary for the installation and operation of jointly-used preventive facilities shall be determined by Ordinance of the Ministry of Environment.

Article 30 (Report on Commencement of Operation of Emission Facilities, etc.)

(1) When a business operator who has completed the installation of emission facilities or preventive facilities or alteration of emission facilities (applicable only to alterations the scale of which is not less than the scale determined by Presidential Decree in cases of alterations after making a report for alteration) desires to operate the emission facilities or preventive facilities, he/she shall make a report in advance on the commencement of operation to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment.

(2) The provisions of Articles 33 through 35 shall not apply to facilities determined by Presidential Decree, such as nitrous oxide reduction facilities in the power plant from among the emission facilities or preventive facilities reported under paragraph (1) during the period of time determined by Ordinance of the Ministry of Environment.

Article 31 (Operation of Emission Facilities and Preventive Facilities)

(1) No business operator (including the representative of jointly-used preventive facilities under Article 29 (2)) shall engage in any conduct in any of the following subparagraphs when operating emission facilities and preventive facilities:

1. Operating emission facilities without operating preventive facilities or emitting pollutants discharged from emission facilities, mixing with the air to lower the degree of pollution;
2. Installing air regulators, branch emission pipes, etc. to emit pollutants without passing through preventive facilities: *Provided*, That facilities which are determined by other Acts and subordinate statutes for the prevention of accidents, such as fire and explosion, and for which permission for the installation of emission facilities has been obtained shall be excluded;
3. Neglecting emission facilities or preventive facilities without any justifiable reason, which leak pollutants due to corrosion and abrasion;
4. Neglecting broken or damaged machines and tools belonging to preventive facilities without any justifiable reason; and
5. Failing to operate emission facilities or preventive facilities normally without any justifiable reason, thereby discharging pollutants in excess of the permissible emission levels.

(2) A business operator shall, when in operation, make a record on the state of operation of emission facilities and preventive facilities as they are and keep it under conditions prescribed by Ordinance of the Ministry of Environment.

Article 32 (Installation, etc. of Measuring Devices)

(1) A business operator shall endeavor to ensure that emission facilities and preventative facilities are properly operated by taking measures, such as the installation of measuring

devices to confirm whether the pollutants discharged from such emission facilities meet the permissible emission levels under Articles 16 and 29 (3).

(2) Necessary matters concerning the types, standards, etc. of the measures as referred to in paragraph (1) shall be determined by Presidential Decree.

(3) A business operator who has installed a measuring device pursuant to paragraph (1) shall be prohibited from engaging in conduct falling under any of the following subparagraphs when operating such measuring device:

1. Failing to operate the measuring device deliberately when the emission facilities are in operation, or preventing the measuring device from working normally;
2. Failing to repair a malfunctioning measuring device due to corrosion, abrasion, breakdown, or damage without justifiable grounds; and
3. Omitting measuring results by manipulating the measuring device or compiling false measuring results.

(4) A business operator who has installed a measuring device under paragraph (1) shall observe the operation and management standards for measuring devices prescribed by Ordinance of the Ministry of Environment to sustain the credibility and correctness of the results measured by such measuring devices.

(5) The Minister of Environment may order a business operator who fails to observe the operation and management standards for measuring devices under paragraph (4) to take necessary measures to operate and manage measuring devices in conformity with the standards, fixing a period of time under conditions prescribed by Presidential Decree.

(6) In cases where a person who has received an order to take measures under paragraph (5) fails to comply with such order, the Minister of Environment may order the full or partial suspension of operation of the relevant emission facilities.

(7) The Minister of Environment may operate a computer network which is linked to measuring devices installed by a business operator under paragraph (1) in order to electronically process the measuring results thereof, and offer technical assistance to enable the business operator to normally maintain and manage the measuring devices.

#### Article 33 (Orders for Improvement)

The Minister of Environment may, when he/she deems that the level of pollutants emitted from an emission facility which is in operation upon the completion of the report referred to in Article 30 exceeds the permissible emission levels under Article 16 or 29 (3), order the business operator concerned (including the representative of the jointly-used preventive facilities under Article 29 (2)) to take necessary measures to lower the level of pollutants below the permissible emission levels, fixing a period of time under conditions prescribed by Presidential Decree (hereinafter referred to as an "order for improvement").

#### Article 34 (Orders for Suspension of Operation, etc.)

(1) In cases where a person who has received an order for improvement under Article 33 fails to carry out such order for improvement or is found to continue to exceed the permissible emission levels under Article 16 or 29 (3) as a result of inspection even though he/she has carried out the order for improvement within a fixed period of time, the Minister of Environment may order the full or partial suspension of operation of the relevant emission facilities.

(2) The Minister of Environment may, when he/she deems that air pollution threatens imminent damage to residents' health and the environment, immediately issue an order for restriction of working hours, suspension of operation, or other necessary measures with respect to the relevant emission facilities, under conditions prescribed by Ordinance

of the Ministry of Environment.

Article 35 (Emission Dues)

(1) In order to prevent or reduce damage to the atmospheric environment, which is caused by air pollutants, the Minister of Environment shall impose and collect emission dues on and from business operators (including those who install and operate jointly-used preventive facilities under Article 29) emitting air pollutants and persons who install or alter emission facilities without obtaining permission for installation or permission for alteration, or making a report on installation or report on alteration under Article 23 (1) through (3). In such cases, the emission dues shall be imposed as classified in each of the following subparagraphs, and necessary matters concerning the method of calculation, criteria for calculation, etc. thereof shall be determined by Presidential Decree:

1. Excess dues shall be imposed according to the quantity, concentration, etc. of pollutants emitted in cases of emission exceeding the permissible emission levels; and
2. Basic dues shall be imposed according to the quantity, concentration, etc. of pollutants emitted by a business operator who emits air pollutants (excluding the owner or occupant of a facility exempted from environmental improvement charges under Article 9 (3) of the Environment Improvement Expenses Liability Act) below the permissible emission levels.

(2) In the imposition of emission dues under paragraph (1), matters in each of the following subparagraphs shall be considered:

1. Whether the permissible emission levels are exceeded;
2. The kind of pollutants emitted;
3. The period of pollutant emission;
4. The quantity of pollutants emitted;
5. Whether self-measurement under Article 39 is performed; and
6. Other matters related to air pollution or improvement of air quality, determined by Ordinance of the Ministry of Environment.

(3) Notwithstanding paragraph (1), persons falling under any of the following subparagraphs shall be exempted from the imposition of emission dues referred to in paragraph (1) under conditions prescribed by Presidential Decree:

1. A business operator who operates an emission facility using fuel prescribed by Presidential Decree;
2. A business operator who has installed the optimum preventive facility prescribed by Presidential Decree; and
3. A person who operates military facilities determined by the Minister of Environment through consulting with the Minister of National Defense under conditions prescribed by Presidential Decree.

(4) The emission dues under paragraph (1) may be reduced or exempted for a person who falls under any of the following subparagraphs. In such cases, the emission dues to be charged to a business operator under subparagraph 2 shall be reduced or exempted within the amount of disposal expenses borne by the business operator under relevant Acts:

1. A business operator who operates an emission facility the size of which does not exceed the size determined by Presidential Decree; and
2. A business operator who bears the costs to treat air pollutants under other Acts.

(5) In cases where a person who is liable for the payment of emission dues under paragraph (1) fails to make such payment by the deadline for payment, the Minister of Environment

may collect additional dues.

(6) Articles 21 and 22 of the National Tax Collection Act shall apply *mutatis mutandis* to the additional dues under paragraph (5).

(7) The emission dues referred to in paragraph (1) and additional dues referred to in paragraph (5) shall be tax revenues of the special account for environmental improvement under the Act on the Special Accounts for Environment Improvement (hereinafter referred to as the "special account for environmental improvement").

(8) The Minister of Environment may, when he/she has delegated to the Mayor/*Do* governor the authority for the collection of emission dues and additional dues in areas under the jurisdiction of the Mayor/*Do* governor under Article 87, grant part of collected emission dues and additional dues to the Mayor/*Do* governor as collection expenses under conditions prescribed by Presidential Decree.

(9) In cases where a person who is liable for the payment of emission dues or additional dues fails to make such payment by the deadline for payment, the Minister of Environment or the Mayor/*Do* governor delegated with the authority under paragraph (8) may collect them according to the examples for the disposition of national or local taxes in arrears.

Article 36 (Cancellation of Permission, etc.)

The Minister of Environment may, when a business operator falls under any of the following subparagraphs, cancel the permission for the installation of emission facilities or permission for the alteration thereof, or order the closure of emission facilities or suspension of operation of emission facilities, fixing a period of not longer than six months: *Provided*, That in case where a business operator falls under subparagraph 1, 2, 10, 11 or 18, the Minister of Environment shall cancel such permission for the installation of emission facilities or permission for the alteration thereof, or order the closure of emission facilities:

1. Where the business operator has obtained the permission for installation or permission for alteration by false or other unjust means;
2. Where the business operator has made a report on installation or report on alteration by false or other unjust means;
3. Where the business operator has failed to obtain permission for alteration or has failed to make a report on alteration under Article 23 (2) or (3);
4. Where the business operator has installed and operated emission facilities without installing preventive facilities under the main sentence of Article 26 (1), or (2);
5. Where the business operator has started operation without making a report on the commencement of operation under Article 30 (1);
6. Where the business operator has committed an act falling under any subparagraph of Article 31 (1);
7. Where the business operator has made a false record of the operation of emission facilities and preventive facilities under Article 31 (2) or has failed to keep such record;
8. Where the business operator has failed to take measures necessary for the proper operation of emission facilities and preventive facilities, such as installation of measuring devices, in violation of Article 32 (1);
9. Where the business operator has committed an act falling under any subparagraph of Article 32 (3);
10. Where the business operator has failed to comply with an order for suspension of operation under Article 32 (6);
11. Where the business operator has failed to comply with an order for suspension of operation under Article 34;

12. Where the business operator has failed to perform self-measurement in violation of Article 39 (1) or has performed a measurement contrary to measuring methods;
13. Where the business operator has made a false record of the results of self-measurement in violation of Article 39 (1) or has failed to keep such record;
14. Where the business operator has failed to appoint an environmental engineer under Article 40 (1) or has appointed a disqualified environmental engineer;
15. Where the business operator has failed to perform supervision under Article 40 (3);
16. Where the business operator has failed to carry out an order for prohibition of or restriction on the supply, sale or use of fuel under Article 41 (4) or an order to take measures;
17. Where the business operator has failed to carry out an order for prohibition of or restriction on the manufacture, supply, sale or use of fuel under Article 42 or an order to take measures; and
18. Where the business operator has operated within the period of suspension of operation.

Article 37 (Dispositions of Penalty Surcharges)

(1) In cases where the Minister of Environment is required to order a business operator who installs and operates an emission facility falling under any of the following subparagraphs to suspend the operation of such facility under Article 36, if such case of suspension of operation falls under cases prescribed by Presidential Decree, such as cases which are deemed to threaten to considerably impede the livelihood of the residents and national economy, such as foreign credit, employment, prices and public interest, the Minister of Environment may impose penalty surcharges in an amount not exceeding 200 million won in lieu of the disposition of the suspension of operation:

1. Emission facilities of medical institutions under the Medical Service Act;
2. Cooling and heating facilities of social welfare facilities and collective houses;
3. Electricity generating equipment of the power plant;
4. Collective energy facilities under the Integrated Energy Supply Act;
5. Emission facilities of schools under the Elementary and Secondary Education Act and the Higher Education Act;
6. Emission facilities of manufacturing industries; and
7. Other emission facilities prescribed by Presidential Decree.

(2) The amount of penalty surcharges according to the category, degree, etc. of a violation for which a penalty surcharge under paragraph (1) is imposed and other necessary matters shall be determined by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall, if a person liable for the payment of a penalty surcharge under paragraph (1) fails to make such payment by the deadline for payment, collect it according to the examples for the disposition of the national taxes in arrears.

(4) Penalty surcharges collected under paragraph (1) shall be tax revenues of the special account for environmental improvement.

(5) In cases where the authority of the Minister of Environment over the imposition and collection of penalty surcharges is delegated to the Mayor/Do governor under Article 87, Article 35 (8) shall apply *mutatis mutandis* to the grant of the collection expenses thereof.

Article 38 (Measures for Closure of Unlawful Facilities, etc.)

The Minister of Environment shall issue an order for the suspension of use to a person who installs or uses an emission facility without obtaining permission or making a report under Article 23 (1) through (3): *Provided*, That in cases deemed unlikely to lower the level of pollutants emitted from an emission facility below the permissible emission levels under Article 16 even if the emission facility is improved or preventive facilities are installed

or improved, or in cases where the site is prohibited from the installation of emission facilities under other Acts, the Minister of Environment shall issue an order for the closure of the emission facilities.

Article 39 (Self-Measurement)

(1) When a business operator operates emission facilities, he/she shall perform a self-measurement of pollutants emitted or have a measuring agent under Article 16 of the Environmental Examination and Inspection Act perform a measurement, and record the results thereof as they are and keep them under conditions prescribed by Ordinance of the Ministry of Environment.

(2) The subjects, items and methods of measurement and other matters necessary for measurement shall be determined by Ordinance of the Ministry of Environment.

Article 40 (Environmental Engineers)

(1) A business operator shall appoint an environmental engineer for the normal operation and management of emission facilities and preventive facilities, and report to the Minister of Environment thereon. The same shall apply to cases of replacing an environmental engineer.

(2) An environmental engineer shall guide and supervise those who are engaged in the operation of emission facilities and preventive facilities not to violate this Act or orders issued under this Act, and record and keep the results of the operation of emission facilities and prevention facilities, and observe matters prescribed by Ordinance of the Ministry of Environment, such as working full-time at the place of business.

(3) A business operator shall supervise environmental engineers to thoroughly observe the matters referred to in paragraph (2).

(4) A business operator and those who are engaged in the operation of emission facilities and preventive facilities shall not interfere with the activities of the environmental engineer for the normal operation and management of the emission facilities and preventative facilities. When receiving a request necessary for the performance of duties from the environmental engineer, they shall comply with such request unless there is any justifiable reason not to do so.

(5) The scope of places of business to have environmental engineers under paragraph (1), qualifications of environmental engineers and term of appointment (including appointment by replacement) shall be determined by Presidential Decree.

### CHAPTER III REGULATION ON EMISSION OF AIR POLLUTANTS IN LIVING ENVIRONMENT

Article 41 (Sulfur Content level for Oils Used for Fuel and Other Fuels)

(1) The Minister of Environment may determine a permissible sulfur content level (hereinafter referred to as a "sulfur content level") for each kind of oil used for fuel and other fuels, consulting with the heads of relevant central administrative organs.

(2) With respect to the fuels the sulfur content levels of which are determined under paragraph (1), the Minister of Environment may determine the scope of areas to supply or facilities to use the fuels under conditions prescribed by Presidential Decree, and request the heads of relevant central administrative organs to supply fuels by area or by facility.

(3) A person who intends to supply or sell a fuel to an area or facility under paragraph (2), or to use a fuel in such area or facility shall not supply, sell or use fuels which exceed the sulfur content levels: *Provided*, That emission facilities which use a fuel exceeding the

sulfur content level and for which permission for the installation of the emission facilities or permission for the alteration thereof has been obtained or a report on installation or report on alteration has been made pursuant to Article 23 under conditions prescribed by Ordinance of the Ministry of Environment may supply, sell or use fuels exceeding the sulfur content levels.

(4) With respect to a person (excluding cases falling under the proviso to paragraph (3)) who supplies or sells a fuel exceeding the sulfur content level to its supply areas or facilities or uses a fuel exceeding the sulfur content level in its supply areas or facilities under paragraph (2), the Minister of Environment or the Mayor/*Do* governor (the subjects to which the Mayors/*Do* governors are able to issue an order for prohibition, restriction or taking measures shall be limited to places of business except for the places of business determined by Presidential Decree; hereafter the same shall apply in Article 42) may prohibit or restrict the supply, sale or use of the fuel or order to take necessary measures under conditions prescribed by Presidential Decree.

Article 42 (Regulation on Manufacture, Use, etc. of Fuels)

The Minister of Environment or the Mayor/*Do* governor may, when he/she deems particularly necessary for the prevention of air pollution caused by the use of a fuel, prohibit or restrict the manufacture, sale or use of the fuel or order to take necessary measures under conditions prescribed by Presidential Decree through consulting with the heads of relevant central administrative organs: *Provided*, That the same shall not apply to a person who uses the fuel, obtaining the approval of the Minister of Environment or the Mayor/*Do* governor under conditions prescribed by Presidential Decree.

Article 43 (Regulation on Scattering Dust)

(1) A person who intends to conduct a business which emits dust directly into the air without passing through a specific outlet (hereinafter referred to as "scattering dust") and which is prescribed by Presidential Decree shall make a report thereon to the Mayor/*Do* governor under conditions prescribed by Ordinance of the Ministry of Environment, and install facilities to control dust-scattering or take necessary measures. The same shall apply to the alteration thereof.

(2) The Mayor/*Do* governor may, when a person who conducts a business fails to install a facility to control dust-scattering or fails to take necessary measures under paragraph (1), or when the Mayor/*Do* governor deems that the facility installed or measures taken are not proper, issue an order for the installation of necessary facilities, implementation of measures, or improvement to the person who conducts a business.

(3) The Mayor/*Do* governor may order a person who fails to carry out an order under paragraph (2) to suspend the business, or suspend or restrict the use of the facility, etc.

Article 44 (Regulation on Volatile Organic Compounds)

(1) A person who intends to install facilities which emit volatile organic compounds and are prescribed by Presidential Decree in a special measures area or air quality-regulated area under Article 18 (1) (applicable only to cases for which an action plan has been published under Article 19 (2); hereinafter referred to as an "air quality-regulated area") shall make a report thereon to the Minister of Environment or the Mayor/*Do* governor (in cases of the Mayors/*Do* governors, applicable only to places of business except for those determined by Presidential Decree; hereafter the same shall apply in this Article) under conditions prescribed by Ordinance of the Ministry of Environment.

(2) In cases where a person who has made a report under paragraph (1) intends to alter matters prescribed by Ordinance of the Ministry of Environment from among the matters

he/she has reported, he/she shall make a report on the alteration thereof.

(3) Any person who intends to install a facility referred to in paragraph (1) shall take measures to prevent any damage to the atmospheric environment, which might be caused by the emission of volatile organic compounds, such as the installation of facilities to control or prevent the emission of volatile organic compounds.

(4) Matters necessary for the standards, etc. for installation of facilities to control or prevent the emission of volatile organic compounds as referred to in paragraph (3) shall be determined by Ordinance of the Ministry of Environment.

(5) A City/*Do* may set up standards more intensified than those under paragraph (4) by Municipal Ordinance of the City/*Do*.

(6) In cases where there exists any facility for which a report on the installation thereof has been made or is to be made to the Ministry of Environment under paragraph (1) within the City/*Do* to which intensified standards apply under paragraph (5), the intensified standards under paragraph (5) shall also apply even to the facilities to control or prevent volatile organic compounds from being emitted from such facility.

(7) The Minister of Environment or the Mayor/*Do* governor may order a person who violates paragraph (3) to take necessary measures such as the improvement of facilities emitting volatile organic compounds or facilities to control or prevent the emission of volatile organic compounds.

#### Article 45 (Regulation on Existing Facilities Emitting Volatile Organic Compounds)

(1) A person who is operating a facility emitting volatile organic compounds in an area at the time when such area is designated and announced (in cases of an air quality-regulated area, referring to the announcement of an action plan under Article 19 (2); hereafter the same shall apply in this paragraph) as a special measures area or air quality-regulated area shall file a report under Article 44 (1) within three months from the date of designation and announcement as a special measures area or air quality-regulated area, and shall take measures under Article 44 (3) within one year from the date of designation and announcement as a special measures area or air quality-regulated area.

(2) In cases where an additional volatile organic compound has been announced, a person who is operating a facility emitting such additional volatile organic compound in a special measures area or air quality-regulated area shall file a report under Article 44 (1) within three months from the date on which such substance is additionally announced and take measures under Article 44 (3) within one year from the date on which such substance is additionally announced.

(3) In cases where a person who has filed a report under paragraphs (1) and (2) intends to alter reported matters, he/she shall file a report on the alteration thereof under Article 44 (2).

(4) Notwithstanding paragraphs (1) and (2), in cases which fall under causes prescribed by Presidential Decree, such as cases where a measure taken under Article 44 (3) requires a special technique, the period in which such measure is to be taken may be extended within the scope of one year upon the approval of the Minister of Environment or the Mayor/*Do* governor.

(5) Article 44 (7) shall apply *mutatis mutandis* to cases where the measures provided for in paragraph (1), (2) or (4) are not taken within the period referred to in each of those paragraphs.

## CHAPTER IV REGULATION OF EXHAUST GASES FROM

## AUTOMOBILES, SHIPS, ETC.

Article 46 (Permissible Emission Levels, etc. for Manufactured Automobiles, etc.)

(1) A person who intends to manufacture (including importation; hereinafter the same shall apply) an automobile (hereinafter referred to as an "automobile manufacturer") shall manufacture it in compliance with the permissible levels (hereinafter referred to as "permissible emission levels for manufactured automobiles") for pollutants (applicable only to pollutants prescribed by Presidential Decree; hereinafter referred to as "exhaust gases") emitted from the automobile (hereinafter referred to as "manufactured automobiles"), which are set by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall, when drafting an Ordinance of the Ministry of Environment as referred to in paragraph (1), consult with the heads of relevant central administrative organs.

(3) Exhaust gases emitted from manufactured automobiles shall meet the permissible emission levels for manufactured automobiles for the period prescribed by Ordinance of the Ministry of Environment (hereinafter referred to as a "exhaust gas guarantee period").

Article 47 (Support for Technical Development, etc.)

(1) The State may provide financial and technical support necessary for the technical development or manufacture of facilities, etc. falling under any of the following subparagraphs for the reduction of air pollution caused by automobiles:

1. Low-pollution automobiles, and facilities to supply fuel to low-pollution automobiles, which are determined by the Minister of Environment;
2. Exhaust-gas reduction devices; and
3. Low-pollution engines.

(2) The Minister of Environment may subsidize part of the expenses incurred in technological development or manufacturing under paragraph (1) from the special account for environmental improvement.

Article 48 (Certification of Manufactured Automobiles)

(1) An automobile manufacturer shall, when he/she intends to manufacture an automobile, obtain advance certification from the Minister of Environment that the exhaust gases from the automobile shall be maintained to meet the permissible emission levels for manufactured automobiles within the exhaust gas guarantee period: *Provided*, That certification may be exempted or omitted for automobiles determined by Presidential Decree.

(2) An automobile manufacturer who intends to alter the contents of the certification for an automobile certified under paragraph (1) shall obtain certification for such alteration.

(3) Matters necessary for application for certification under paragraphs (1) and (2), testing for certification, test fees, method of certification, exemption from and omission of certification shall be determined by Ordinance of the Ministry of Environment.

Article 49 (Transfer and Acquisition of Certification, etc.)

In cases where an automobile manufacturer has transferred the business or is deceased, or an automobile manufacturer who is a corporation is merged with another company, the transferee and successor thereof, or the corporation which survives the merger or the corporation newly established through the merger shall succeed the rights and duties of the automobile manufacturer, which result from the certification or certification for alteration under Article 48.

Article 50 (Inspection of Permissible Emission Levels for Manufactured Automobiles, etc.)

(1) The Minister of Environment shall conduct an inspection under conditions prescribed

by Presidential Decree in order to ascertain whether or not exhaust gases from automobiles manufactured under certification referred to in Article 48 meet the permissible emission levels for manufactured automobiles.

(2) In cases where an automobile manufacturer has conducted an inspection according to the method and procedures of inspection determined by the Minister of Environment with human resources and equipment determined by Ordinance of the Ministry of Environment, the Minister of Environment may omit the inspection referred to in paragraph (1) under conditions prescribed by Presidential Decree.

(3) The Minister of Environment may, when especially necessary for the inspection under paragraph (1), use the facilities of automobile manufacturers or conduct an inspection in a separately designated place under conditions prescribed by Ordinance of the Ministry of Environment.

(4) Expenses needed to conduct an inspection under paragraph (1) and Article 51 shall be borne by automobile manufacturers.

(5) Detailed matters necessary for inspection, such as the methods, procedures, etc. of inspection under paragraph (1), shall be determined and announced by the Minister of Environment.

(6) The Minister of Environment may order the manufacturer of an automobile which has failed to pass an inspection as a result of inspection under paragraph (1) to suspend the sale or delivery of the same model of automobiles as that of the motor vehicle, which is deemed to have been produced in the same conditions as those of the motor vehicle during the period determined by the Minister of Environment.

Article 51 (Inspection for Confirmation of Defects and Correction of Defects)

(1) An automobile manufacturer shall be subject to inspection by the Minister of Environment as to whether exhaust gases emitted from automobiles in operation within their exhaust gas guarantee periods meet the permissible emission levels (hereinafter referred to as "inspection for confirmation of defects").

(2) Matters necessary for the criteria for selecting automobiles to be subject to the inspection for confirmation of defects, method, procedure and standards of inspection, method of decision-making, inspection fees, etc. shall be determined by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall, when determining Ordinance of the Ministry of Environment as referred to in paragraph (2), consult with the heads of relevant central administrative organs, and determine and announce each year automobile models which are required to undergo the inspection for confirmation of defects in accordance with the criteria for selection as referred to in the same paragraph.

(4) The Minister of Environment may, when an automobile subject to inspection is determined not to be in conformity with the permissible emission levels for manufactured automobiles as a result of the inspection for confirmation of defects and the automobile manufacturer is deemed responsible for the cause thereof, issue an order for the correction of defects with respect to such automobile model: *Provided*, That in cases where the automobile manufacturer admits the existence of defects and attempts to correct such defects by himself/herself, the order for the correction of defects may be omitted.

(5) An automobile manufacturer who has received an order for the correction of defects or makes an attempt to correct the defects of an automobile by himself/herself under paragraph (4) shall establish a plan for the correction of defects of the automobile under conditions prescribed by Ordinance of the Ministry of Environment and implement such plan, obtaining

the approval of the Minister of Environment, and report the results thereof to the Minister of Environment.

(6) In cases where the plan for the correction of defects is found not to have been implemented as a result of the examination of the report on the results of the correction of defects under paragraph (5), the Minister of Environment shall, when the person who has received an order for the correction of defects or the person who made an attempt to correct defects by himself/herself is deemed responsible for the cause thereof, order such person again to correct the defects, fixing a period of time.

Article 52 (Correction of Defective Parts)

(1) In cases where exhaust gas-related parts which the Minister of Environment determined through consulting with the Minister of Knowledge Economy and the Minister of Land, Transport and Maritime Affairs by Ordinance of the Ministry of Environment (hereinafter referred to as "parts") fail to maintain normal functions, the owner or operator of the automobile which is within the exhaust gas guarantee period may demand the automobile manufacturer to correct the defect. *<Amended by Act No. 8852, Feb. 29, 2008>*

(2) An automobile manufacturer who is demanded to correct a defect under paragraph (1) shall correct the defect, examining the demand without delay: *Provided*, That the same shall not apply to cases where the automobile manufacturer verifies that the defect was not caused deliberately or by negligence.

Article 53 (Report on and Correction of Defective Parts)

(1) In cases where the number or ratio of cases requiring the correction of defective parts under Article 52 (1) meets the requirements prescribed by Presidential Decree, an automobile manufacturer shall report the current status of correction of defects and current status of defective parts to the Minister of Environment under conditions prescribed by Presidential Decree: *Provided*, That the same shall not apply to cases where the automobile manufacturer gives a written notice to the Minister of Environment to the effect that he/she shall correct defects by himself/herself with respect to the parts of the same type produced in the same conditions as those of the parts for which a request for the correction of a defect has been filed under Article 52 (1).

(2) In cases where the number of cases of defective parts or the ratio of defects meets the requirement prescribed by Presidential Decree, an automobile manufacturer shall correct the defective parts, even without a request for the correction of defects under Article 52 (1): *Provided*, That the same shall not apply to cases where the automobile manufacturer verifies that automobiles are to be maintained in conformity with the permissible emission levels for manufactured automobiles during their exhaust gas guarantee period in spite of such defective parts.

(3) In cases where an automobile manufacturer who is to correct defective parts under the main sentence of paragraph (2) fails to correct the defective parts without any justifiable reason, the Minister of Environment may issue an order for the correction of defects.

(4) Article 51 (5) shall apply *mutatis mutandis* to cases where an automobile manufacturer corrects a defect under the proviso to paragraph (1), the main sentence of paragraph (2), and paragraph (3).

Article 54 (Installation and Operation of Computer Network for Management of Information on Exhaust Gases)

The Minister of Environment may install and operate a computer network linked to an electronic data processing system established under Article 69 of the Automobile Management Act to manage data on defective parts and exhaust gases under conditions prescribed by

Ordinance of the Ministry of Environment.

Article 55 (Revocation of Certification)

The Minister of Environment may revoke certification in cases which fall under any of the following subparagraphs: *Provided*, That in cases falling under subparagraph 1 or 2, he/she shall revoke the certification:

1. Where the certification was obtained by deceitful or other unlawful means;
2. Where a manufactured automobile is unable to conform with the permissible emission levels for manufactured automobiles due to a serious defect, even if it is improved;
3. Where an order for the suspension of sale or delivery of automobiles under Article 50 (6) is violated; and
4. Where an order for the correction of defects under Article 51 (4) or (6) is not carried out.

Article 56 (Disposition of Imposition of Penalty Surcharges)

(1) In cases where an automobile manufacturer falls under any of the following subparagraphs, the Minister of Environment may impose on the automobile manufacturer a penalty surcharge within the scope not exceeding an amount obtained by multiplying the amount of sales by 3/100. In such cases, the amount of penalty surcharge shall not exceed one billion won:

1. Where the automobile manufacturer manufactures and sells automobiles in violation of Article 48 (1) and without obtaining certification; and
2. Where the automobile manufacturer manufactures and sells automobiles differently from the details of certification under Article 48 (1).

(2) The calculation of the sales amount referred to in paragraph (1), the amount of a penalty surcharge to be imposed according to the seriousness of a violation and other necessary matters shall be determined by Presidential Decree.

(3) Article 37 (3) and (4) shall apply *mutatis mutandis* to the collection and use of penalty surcharges imposed under paragraph (1).

Article 57 (Permissible Emission Levels for Automobiles in Operation)

Each automobile owner shall operate an automobile or ensure the automobile operates to emit exhaust gases in conformity with the permissible emission levels for automobiles in operation, as prescribed by Presidential Decree (hereinafter referred to as "permissible emission levels for automobiles in operation").

Article 58 (Operation, etc. of Low-Pollution Automobiles)

(1) The Mayor/*Do* governor may, when he/she deems necessary for the improvement of air quality in urban areas, order the owners of automobiles which use light oil and satisfy the requirements determined by Ordinance of the Ministry of Environment for the life span, emission level of air pollutants, etc. (hereafter referred to as "light fuel automobiles" in this Article) from among automobiles in operation in such areas to take measures falling under any of the following subparagraphs with respect to the automobiles, or recommend the early retirement of automobiles from service under Municipal Ordinance of the relevant City/*Do*:

1. Conversion into low-pollution automobiles;
2. Installation of exhaust gas reduction devices; and
3. Remodelling into or replacement with low-pollution engines.

(2) The State or local governments may provide persons falling under any of the following subparagraphs with necessary subsidies and loans within the budgetary limit in order to facilitate wider use of low-pollution automobiles, installation of exhaust gas reduction

devices, and remodelling into and replacement with low-pollution engines:

1. Persons who purchase low-pollution automobiles;
2. Persons who install facilities to supply fuels (including electricity, solar energy, hydrogen fuel, etc.) to low-pollution automobiles, as determined by the Minister of Environment;
3. Persons who install an exhaust gas reduction device to a light fuel automobile, or convert or replace a light fuel automobile into or with a low-pollution engine under paragraph (1);
4. Persons who retire their light fuel automobiles from service early according to the recommendation under paragraph (1); and
5. Other persons who purchase automobiles which emit a very small quantity of exhaust gases, as determined and announced by the Minister of Environment.

(3) With respect to an automobile owner (including persons to whom were transferred rights of ownership by the relevant automobile owner; hereafter referred to as the "owner" in this Article) who was subsidized for expenses needed for the installation of exhaust gas reduction devices, or converting into or replacement with a low-pollution engine under paragraph (2) 3, the Minister of Environment may set a period of time for compulsory operation of the relevant automobile within the scope of its warranty period. <Newly Inserted by Act No. 8956, Mar. 21, 2008>

(4) The owner shall, when he/she intends to cancel the registration of an automobile for the retirement of the automobile from service, exportation, etc., return installed exhaust gas reduction devices or remodelled or replaced low-pollution engines to the head of the relevant local government under conditions prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 8956, Mar. 21, 2008>

Article 59 (Restriction on Idling)

The Mayor/*Do* governor may, when it is deemed necessary for the reduction of air pollution caused by automobile exhaust gases, restrict the running of an automobile engine while parked or stopped at the terminal, garage, parking lot, etc. under conditions prescribed by Municipal Ordinance of the City/*Do*.

Article 60 (Certification of Exhaust Gas Reduction Devices, etc.)

(1) A person who intends to manufacture, supply or sell exhaust gas reduction devices or low-pollution engines shall obtain certification of the Minister of Environment that the devices or engines are able to be maintained in conformity with the reduction efficiency determined by Ordinance of the Ministry of Environment for the warranty period: *Provided*, That in cases where certification of manufactured automobiles was obtained, installing an exhaust gas reduction device or low-pollution engine in the manufacturing process, the certification may be omitted.

(2) When a person who has obtained certification under paragraph (1) intends to alter certified matters, he/she shall obtain certification for such alteration.

(3) An exhaust gas reduction device or low-pollution engine certified under Article 26 of the Special Act on the Improvement of Air and Environment for Seoul Metropolitan Area shall be exempted from the certification under paragraph (1).

(4) In cases which fall under subparagraph 1, the Minister of Environment shall cancel the certification: *Provided*, That in cases which fall under subparagraph 2, he/she may cancel the certification:

1. Where the certification is obtained by deceitful or other unlawful means; and
2. Where the reduction efficiency under paragraph (1) is not able to be maintained due to a defect in the exhaust gas reduction device or low-pollution engine even after

improvement.

(5) A person who intends to obtain certification or certification for alteration under paragraphs (1) and (2) shall pay fees under conditions prescribed by Ordinance of the Ministry of Environment.

(6) Matters necessary for application for, testing, criteria, method, etc. of certification under paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

Article 61 (Occasional Checkup of Automobiles in Operation)

(1) The Seoul Metropolitan City Mayor, Metropolitan City Mayor, or head of *Si/Gun/Gu* may check up automobiles in operation on the road, at the parking lot, etc. to confirm as to whether the exhaust gases from the automobiles in operation are in conformity with the permissible emission levels for automobiles in operation under Article 57.

(2) Automobile operators shall cooperate with the checkup referred to in paragraph (1), and shall not fail to respond to, evade or interfere therewith.

(3) Matters necessary for the method, etc. of checkup referred to in paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

Article 62 (Regular Inspection of Exhaust Gases from Automobiles in Operation)

(1) The owner of an automobile shall undergo regular inspections of exhaust gases from automobiles in operation (hereinafter referred to as a "regular inspection") conducted to confirm as to whether the automobile exhaust gases are in conformity with the permissible emission levels for automobiles in operation under Article 43 (1) 2 of the Automobile Management Act and Article 13 (1) 2 of the Construction Machinery Management Act: *Provided*, That automobiles subject to a close inspection under Article 63 shall be excluded from those subject to regular inspection of the relevant year.

(2) Matters necessary for the method of regular inspection under paragraph (1), items of inspection, capabilities of inspection of inspection institutions, etc. shall be determined by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall, when drafting an Ordinance of the Ministry of Environment as referred to in paragraph (2), consult with the Minister of Land, Transport and Maritime Affairs. *<Amended by Act No. 8852, Feb. 29, 2008>*

(4) The Minister of Environment may request the Minister of Land, Transport and Maritime Affairs for the provision of materials on the results of regular inspection. In such cases, the Minister of Land, Transport and Maritime Affairs shall comply therewith unless there is special reason not to do so. *<Amended by Act No. 8852, Feb. 29, 2008>*

Article 63 (Close Inspection of Exhaust Gases from Automobiles in Operation)

(1) The owner of an automobile registered (referring to the registration under Article 5 of the Automobile Management Act and Article 3 of the Construction Machinery Management Act) in an area falling under any of the following subparagraphs shall receive a close inspection of exhaust gases from automobiles in operation (hereinafter referred to as a "close inspection") conducted by the competent Mayor/*Do* governor under conditions prescribed by Municipal Ordinance of the relevant City/*Do*: *Provided*, That automobiles prescribed by Ordinance of the Ministry of Environment, such as low-pollution automobiles, may not be subject to close inspection:

1. Air quality-regulated areas designated and announced under Article 18 (1); and
2. Urban areas having a population of not less than 500,000, as determined by Presidential Decree.

(2) The Mayor/*Do* governor may, when it is deemed that the owner of an automobile is unable to receive a close inspection due to natural disaster or other inevitable causes,

extend the validity period of close inspection under paragraph (6) or postpone the close inspection under conditions prescribed by Ordinance of the Ministry of Environment.

(3) The Mayor/*Do* governor may order the owner of an automobile who has failed to receive a close inspection to receive the close inspection under conditions prescribed by Ordinance of the Ministry of Environment.

(4) An automobile owner who intends to maintain an automobile prescribed by Ordinance of the Ministry of Environment from among automobiles judged unfit in the close inspection shall have it maintained by an automobile maintenance business operator specialized in exhaust gases and designated under Article 68 (1). When the automobile owner receives a re-inspection, he/she shall submit a certificate of maintenance and checkup issued under paragraph (2) of the same Article.

(5) A person who intends to receive a close inspection shall pay a fee determined by Ordinance of the Ministry of Environment.

(6) The Mayor/*Do* governor may, when an automobile owner falling under paragraph (1) fails to carry out an order to receive a close inspection under paragraph (3), retain the license plate registered of the relevant automobile in custody under conditions prescribed by Ordinance of the Ministry of Environment. In such cases, the Mayor/*Do* governor shall notify the relevant automobile owner of the fact of retaining the license plate registered in custody. *<Newly Inserted by Act No. 8956, Mar. 21, 2008>*

(7) Automobiles subject to close inspection under paragraph (1), term of validity of inspection, method of inspection, establishment and operation of an electronic data processing system for close inspection and other necessary matters for the management of close inspection shall be determined by Ordinance of the Ministry of Environment.

Article 64 (Vicarious Performance of Close Inspection Services)

(1) The Mayor/*Do* governor shall have the Korea Transportation Safety Authority established under the Korea Transportation Safety Authority Act perform vicariously close inspection services under Article 63 (1): *Provided*, That the Mayor/*Do* governor may, when it is deemed necessary for the efficient performance of close inspection, designate an automobile maintenance business operator designated under Article 45 of the Automobile Management Act as a designated business operator of close inspection of automobiles in operation (hereinafter referred to as a “designated business operator”) to vicariously perform close inspection services.

(2) The Korea Transportation Safety Authority and designated business operators who vicariously perform close inspection services under paragraph (1), and persons engaged in close inspection services shall not commit acts falling under any of the following subparagraphs:

1. Having another person perform the inspection services in the name of the person in question; and
2. Conducting an inspection by false or other unlawful means.

(3) The Korea Transportation Safety Authority and designated business operators who vicariously perform close inspection services under paragraph (1) shall be equipped with technical capabilities, facilities and equipment needed to conduct close inspections, and abide by matters to be observed, as prescribed by Ordinance of the Ministry of Environment.

(4) Criteria for designation, procedure of designation, and scope of inspection services of designated business operators under paragraph (1), criteria for the technical capabilities, facilities, equipment, etc. of persons who vicariously perform close inspection services under paragraph (1) and other matters necessary for close inspection shall be determined

by Ordinance of the Ministry of Environment.

Article 65 (Disqualification of Designated Business Operators)

A person who falls under any of the following subparagraphs shall not be designated as a designated business operator:

1. An incompetent or quasi-incompetent;
2. A person who has been adjudicated bankrupt and has not yet been reinstated;
3. A person who has been sentenced to imprisonment with prison labor or heavier punishment in violation of this Act and for whom two years have not elapsed since the execution of such punishment was terminated (including cases where the execution is deemed to have been terminated) or exempted;
4. A person for whom two years have not elapsed since designation as a designated business operator was cancelled under Article 66;
5. A person for whom two years have not elapsed since the registration of a confirming inspection agent was cancelled under Article 73; and
6. A corporation having an executive who falls under any of subparagraphs 1 through 5.

Article 66 (Revocation of Designation, etc.)

In cases where the Korea Transportation Safety Authority or a designated business operator who vicariously conducts a close inspection falls under any of the following subparagraphs, the Mayor/*Do* governor may order the full or partial suspension of the vicariously performed services, fixing a period not exceeding six months, or revoke the designation as a designated business operator: *Provided*, That subparagraphs 1, 4 and 6 shall apply only to designated business operators, and when they fall under subparagraph 1 or 4, the designation thereof shall be revoked:

1. Where they have been designated by false or other unlawful means;
2. Where they have committed prohibited acts under any subparagraph of Article 64 (2);
3. Where they have failed to meet the standards for technical capabilities, facilities and equipment or failed to abide by matters to be observed under Article 64 (3);
4. Where they have fallen under any subparagraph of Article 65: *Provided*, That in cases of a corporation which falls under subparagraph 6 of the same Article, the same shall apply only to cases where the cause thereof fails to be resolved within six months from the date on which the corporation falls under subparagraph 6;
5. Where they have conducted false inspection services intentionally or by gross negligence;
6. Where they have failed to commence the services within one year from the date of designation as a designated business operator or have no results of operation for not less than one year consecutively without any justifiable reason; and
7. Where they have charged inspection fees in excess of the standards under Article 60 (5).

Article 67 (Disposition of Imposition of Penalty Surcharges)

(1) In cases where the Mayor/*Do* governor is required to issue an order for the suspension of services because the Korea Transportation Safety Authority or a designated business operator who vicariously performs the close inspection services has fallen under any of subparagraphs 2, 3, and 5 through 7 of Article 66, if any of such cases of the disposition of the suspension of services is deemed to threaten any of considerable inconvenience to the users of such services, etc. or the services are deemed necessary for the public interest, the Mayor/*Do* governor may impose a penalty surcharge in an amount not more than 50 million won in lieu of a disposition of the suspension of services.

(2) In cases where a person who is liable for the payment of a penalty surcharge under paragraph (1) fails to make such payment by the payment deadline, it shall be collected pursuant to the precedents for the disposition of local taxes in arrears.

(3) The penalty surcharges collected under paragraphs (1) and (2) shall become the revenues of the relevant City/*Do* on condition that it must be used for the purposes prescribed by Presidential Decree.

(4) The amount of penalty surcharges according to the kind, degree, etc. of acts of violation subject to the imposition of penalty surcharge under paragraph (1) and other necessary matters shall be determined by Ordinance of the Ministry of Environment.

Article 68 (Designation of Automobile Maintenance Business Operator Specialized in Exhaust Gases, etc.)

(1) The Mayor/*Do* governor may designate automobile maintenance business operators specialized in exhaust gases from among automobile maintenance business operators under the Automobile Management Act to efficiently maintain and check automobiles in operation, which exceed the permissible emission level of exhaust gases.

(2) An automobile maintenance business operator specialized in exhaust gases designated under paragraph (1) shall, when he/she has maintained an automobile which was determined unfit in the close inspection, issue a certificate of maintenance and checkup.

(3) Automobile maintenance business operators specialized in exhaust gases and persons engaged in the automobile maintenance services shall be prohibited from engaging in conduct falling under any of the following subparagraphs:

1. Allowing other persons to conduct the automobile maintenance services in their name;
2. Issuing a certificate of maintenance and checkup by false and other illegal means;  
and
3. Other acts of violating the matters to be observed, as determined by Ordinance of the Ministry of Environment with respect to automobile maintenance services.

(4) Matters necessary for the criteria for designation of automobile maintenance business operators specialized in exhaust gases under paragraph (1), procedure of designation, management, etc. shall be determined by Ordinance of the Ministry of Environment.

Article 69 (Revocation of Designation, etc.)

In cases where an automobile maintenance business operator specialized in exhaust gases under Article 68 (1) falls under any of the following subparagraphs, the Mayor/*Do* governor may issue an order for the full or partial suspension of automobile maintenance services, fixing a period not exceeding six months, or may revoke such designation: *Provided*, That such business operator falls under subparagraph 1, the Mayor/*Do* governor shall revoke such designation:

1. Where the automobile maintenance business operator specialized in exhaust gases has been designated by false or other unlawful means;
2. Where the automobile maintenance business operator specialized in exhaust gases has engaged in conduct prohibited under any subparagraph of Article 68 (3) or has failed to abide by matters to be observed;
3. Where the automobile maintenance business operator specialized in exhaust gases has failed to meet the criteria for designation determined by Ordinance of the Ministry of Environment under Article 68 (4);
4. Where the automobile maintenance business operator specialized in exhaust gases has conducted false automobile maintenance services intentionally or by gross negligence;  
and

5. Other cases where the automobile maintenance business operator specialized in exhaust gases has violated this Act, or orders or dispositions under this Act.

Article 70 (Order for Improvement of Automobiles in Operation)

(1) In cases where exhaust gases from an automobile in operation are found to exceed the permissible emission level for automobiles in operation as a result of checkup under Article 61, the Seoul Metropolitan City Mayor, Metropolitan City Mayor, or head of *Si/Gun/Gu* may order the person who owns such automobile to improve it under conditions prescribed by Ordinance of the Ministry of Environment. In such cases, an order for the suspension of the use of the automobile may be issued at the same time for the period required to make such improvement, limited to a maximum of ten days.

(2) A person who has received an order for improvement under paragraph (1) shall obtain confirmation on the results of the improvement from a person registered under Article 71 (hereinafter referred to as a "confirming inspection agent") under conditions prescribed by Ordinance of the Ministry of Environment.

(3) A confirming inspection agent who confirmed the results of improvement under paragraph (2) shall file a report on the results of such confirmation with the Seoul Metropolitan City Mayor, Metropolitan City Mayor, or head of *Si/Gun/Gu* under conditions prescribed by Ordinance of the Ministry of Environment.

Article 71 (Registration of Confirming Inspection Agents)

(1) Any person who intends to carry on services to confirm the results of the improvement of automobiles in operation under Article 70 (2) shall be equipped with technical capabilities, facilities, equipment, etc. determined by Ordinance of the Ministry of Environment and register his/her business with the head of *Si/Gun/Gu*. The same shall apply to cases where he/she intends to alter important matters prescribed by Ordinance of the Ministry of Environment from among registered matters.

(2) Matters to be observed by confirming inspection agents, inspection fees and other necessary matters shall be determined by Ordinance of the Ministry of Environment.

Article 72 (Disqualifications of Confirming Inspection Agents)

Any person who falls under any of the following subparagraphs shall not be registered as a confirming inspection agent:

1. An incompetent or quasi-incompetent;
2. A person who has been adjudicated bankrupt and has not yet been reinstated;
3. A person who has been sentenced to imprisonment with prison labor or heavier punishment in violation of this Act and for whom two years have not elapsed since the execution of such punishment was terminated (including cases where the execution is considered to have been terminated) or exempted;
4. A person for whom two years have not elapsed since designation as a designated business operator has been revoked under Article 66;
5. A person for whom two years have not elapsed since the registration of a confirming inspection agent has been revoked under Article 73; and
6. A corporation having an executive who falls under any of subparagraphs 1 through 5.

Article 73 (Revocation of Registration, etc.)

In cases where a confirming inspection agent falls under any of the following subparagraphs, the head of *Si/Gun/Gu* may revoke the registration thereof or issue an order for the suspension of services, fixing a period not exceeding six months: *Provided*, That in cases where such confirming inspection agent falls under subparagraph 1 or 2, the head of *Si/Gun/Gu* shall revoke the registration thereof:

1. Where the confirming inspection agent has fallen under any subparagraph of Article 72: *Provided*, That in cases of a corporation falling under subparagraph 6 of the same Article, it refers only to cases where the cause by which the confirming inspection agent has fallen under subparagraph 6 of the same Article fails to be resolved within six months from the date on which he/she fell under said provisions;
2. Where the confirming inspection agent has been registered by false or other unlawful means;
3. Where the confirming inspection agent has lent his/her certificate of registration to another person;
4. Where the confirming inspection agent was subject to the disposition of the suspension of services twice or more in one year;
5. Where the confirming inspection agent has conducted false inspection agent services intentionally or by gross negligence;
6. Where the confirming inspection agent has failed to commence the services within two years since registration or has no business results for not less than two consecutive years;
7. Where the confirming inspection agent has conducted the inspection agent services beyond the scope registered; and
8. Where the confirming inspection agent fails to be equipped with the technical capabilities, facilities, equipment, etc. of confirming inspection agents under Article 71.

Article 74 (Inspection of Automobile Fuel or Additives, etc.)

- (1) A person who intends to manufacture (including import; hereafter the same shall apply in this Article and Article 75) fuels or additives used for automobiles shall manufacture them in conformity with the standards set by Ordinance of the Ministry of Environment and have them inspected beforehand by the Minister of Environment in order to determine whether or not they are manufactured in conformity with the standards for manufacturing.
- (2) No person shall be permitted to supply, sell, or use automobile fuels or additives as automobile fuels or additives, which are determined not to be in conformity with the standards for manufacturing as a result of the inspection referred to in paragraph (1): *Provided*, That the same shall not apply to cases where a person prescribed by Ordinance of the Ministry of Environment, such as schools and research institutes, manufactures, supplies or uses automobile fuels or additives for the purposes of tests or research.
- (3) The Minister of Environment may, when it is deemed that fuels or additives harm the environment or produce any byproduct very harmful to the human body, regulate the manufacture, sale or use of such fuels or additives under conditions prescribed by Ordinance of the Ministry of Environment.
- (4) The Minister of Environment may designate inspection institutions and cause the inspection institutions to vicariously perform inspection services in order to smoothly perform inspection services under paragraph (1).
- (5) A person who intends to manufacture additives shall affix a label to the additives, which indicates that the additives have been inspected and are in conformity with the standards for manufacturing referred to in paragraph (1), under conditions prescribed by Ordinance of the Ministry of Environment.
- (6) A person who intends to receive an inspection under paragraph (1) shall pay a fee prescribed by Ordinance of the Ministry of Environment.
- (7) Necessary matters concerning the methods and procedures of inspection under paragraph (1), criteria for the designation of inspection institutions under paragraph (4), etc. shall

be determined by Presidential Decree.

Article 75 (Suspension of Manufacture, Supply and Sale of Automobile Fuels or Additives)

(1) With respect to any person who fails to receive an inspection or manufactures automobile fuels or additives differently from the inspected matters in violation of Article 74 (1), the Minister of Environment may issue an order for the suspension of the manufacture thereof.

(2) With respect to any person who, in violation of Article 74 (2), has supplied or sold automobile fuels or additives which are determined not to be in conformity with the standards for manufacturing, the Minister of Environment may issue an order for the suspension of supply or sale.

Article 76 (Permissible Emission Levels for Ships, etc.)

(1) The owner of a ship shall, when emitting air pollutants prescribed by Presidential Decree from among air pollutants emitted from the diesel engine of the ships under Article 23-5 (1) of the Prevention of Marine Pollution Act, comply with the permissible emission levels set by Ordinance of the Ministry of Environment.

(2) The Minister of Environment shall, when setting up the permissible emission levels referred to in paragraph (1), consult beforehand with the heads of relevant central administrative organs with regard thereto.

(3) In order to determine whether the permissible emission levels referred to in paragraph (1) are observed, the Minister of Environment may, when it is deemed necessary, request the Minister of Land, Transport and Maritime Affairs to perform the inspections referred to in Article 24 (1) of the Prevention of Marine Pollution Act. *<Amended by Act No. 8852, Feb. 29, 2008>*

## CHAPTER V SUPPLEMENTARY PROVISIONS

Article 77 (Training of Environmental Engineers, etc.)

(1) A person who employs environmental engineers shall have them take the training prepared for relevant persons by the Minister of Environment or the Mayor/*Do* governor under conditions prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment or the Mayor/*Do* governor may collect money for expenses incurred for the training under paragraph (1) from the employers of trainees under conditions prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment or the Mayor/*Do* governor may entrust the training under paragraph (1) to relevant professional institutions.

Article 78 (Establishment, etc. of Automobile Environmental Association)

(1) The Automobile Environmental Association (hereinafter referred to as the "Association") to perform the duties under Article 80 may be established to reduce damage to the human body and the environment caused by automobile exhaust gases.

(2) The Association shall be a corporation.

(3) The permission of the Minister of Environment shall be obtained to establish the Association.

(4) The provisions of the Civil Act pertaining to incorporated associations shall apply *mutatis mutandis* to the Association, except for those specially provided for in this Act.

Article 79 (Members)

Manufacturers of exhaust gas reduction devices, business operators manufacturing or replacing low-pollution engines, close inspection agents of exhaust gases and relevant experts may become members of the Association.

Article 80 (Duties)

The Association shall perform duties in each of the following subparagraphs under conditions prescribed by the articles of association:

1. Technology development to convert automobiles in operation into low-pollution automobiles and propagation of exhaust gas reduction devices;
2. Matters concerning the support of projects for the reduction of automobile exhaust gases and the *ex post facto* management thereof;
3. Inspection of exhaust gases from automobiles in operation and projects for research and development of maintenance technology;
4. Duties entrusted by the Minister of Environment or the Mayors/*Do* governors; and
5. Other matters necessary for the reduction of automobile exhaust gases.

Article 81 (Financial and Technical Support)

(1) The State may provide local governments or business operators that undertake projects in each of the following subparagraphs with financial and technical support for the improvement of the atmospheric environment:

1. Projects necessary for the establishment and implementation of comprehensive plans as referred to in Article 11;
2. Development and management of greenhouse gas emission factors as referred to in Article 12;
3. Projects needed to ensure the observance of strict permissible emission levels and special permissible emission levels in special measures areas under Article 16 (5);
4. Technical development for and research of close inspection under Article 63; and
5. Other projects deemed necessary by the Minister of Environment for the improvement of the atmospheric environment.

(2) The State may provide necessary financial support to corporations or groups related to protection and surveillance activities, damage prevention projects for the prevention of damage caused by yellow dust, and prevention of other damage caused by yellow dust.

(3) Details of corporations and groups to be provided with financial support under paragraph (2) and the procedures, methods, etc. of financial support under paragraph (2) shall be determined by Presidential Decree.

Article 82 (Reports, Inspections, etc.)

(1) The Minister of Environment may, in cases prescribed by Ordinance of the Ministry of Environment, order the following persons to make necessary reports or to submit data, and have relevant public officials (including employees of relevant professional institutions entrusted with the authority of the Minister of Environment under Article 87 (2)) enter relevant facilities, places of business, etc. to collect pollutants or inspect related documents, facilities, equipment, etc. in order to confirm whether the permissible emission levels under Article 16 or 32 (3) are observed, whether measuring devices under Article 32 are operating normally (in cases of employees of relevant professional institutions entrusted with the authority of the Minister of Environment under Article 87 (2), applicable only to matters under Article 32 (7)), and whether inspection services under Articles 62 and 63 and inspection agent services under Article 64 are properly performed: *Provided*, That with respect to persons falling under subparagraph 2 through 5, 7 or 8, the Minister of Environment or the Mayor/*Do* governor himself/herself shall conduct inspection:

1. A business operator;
2. A person who supplies, sells or uses oil for which the sulfur content levels are determined under Article 41 (1);

3. A person who is banned from manufacturing, selling or using fuels under Article 42;
4. A person who has filed a report on a dust-scattering business under Article 43 (1);
5. A person who installs facilities emitting volatile organic compounds under Article 44;
6. An automobile manufacturer under Article 46;
7. A person who performs regular inspection services or vicariously performs close inspection services under Articles 62 (2) and 64 (1);
8. A confirming inspection agent who confirms the results of the improvement of automobiles in operation under Article 74 (1);
9. A person who manufactures or sells fuels or additives used for automobiles under Article 77; and
10. A person who is entrusted with the duties of the Minister of Environment under Article 87 (2).

(2) The Minister of Environment shall, when he/she has collected pollutants to confirm whether the permissible emission levels are observed under paragraph (1), inquire of an inspection institution prescribed by Ordinance of the Ministry of Environment to inspect the degree of pollution thereof: *Provided*, That the same shall not apply to cases where it is possible to determine on the spot whether the permissible emission levels are exceeded, as prescribed by Ordinance of the Ministry of Environment.

(3) A public official who enters and conducts inspections under paragraph (1), shall carry a certificate indicating his/her competence and display it to the relevant persons.

Article 83 (Cooperation with Related Organs)

The Minister of Environment may, when he/she deems necessary for the fulfillment of the purposes of this Act, request the heads of relevant central administrative organs, or the Mayors/*Do* governors to take measures in each of the following subparagraphs. In such cases, the heads of relevant central administrative organs, or the Mayors/*Do* governors shall comply with such requests unless they have any special reason not to do so:

1. Improvement of heating systems;
2. Alteration or replacement of automobile engines;
3. Restriction on the life span of automobiles;
4. Restriction on the traffic of automobiles;
5. Measures for the prevention of damage caused by yellow dust;
6. Computer data on the registration, inspection, specifications, performance, etc. of automobiles, which are necessary for the electronic data processing of close inspection services; and
7. Other matters determined by Presidential Decree.

Article 84 (Criteria for Administrative Dispositions)

The criteria for administrative dispositions on violations of this Act or orders under this Act shall be determined by Ordinance of the Ministry of Environment.

Article 85 (Hearings)

The Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* who intends to take measures in any of the following subparagraphs shall hold a public hearing:

1. For orders to revoke permission or close emission facilities under Articles 36 (1) or 38;
2. For orders to prohibit the supply, sale or use of fuels under Article 41 (4);
3. For orders to prohibit the manufacture, sale or use of fuels under Article 42;
4. For orders to correct defects under Article 51 (4) or (6);
5. For revocation of certification under Article 55;

6. For revocation of designation of designated business operators under Article 66; and
7. For revocation of registration of confirming inspection agents under Article 73.

Article 86 (Fees)

A person who intends to obtain permission for installation or permission for alteration in connection with the installation or alteration of emission facilities or make a report on installation or report on alteration under Article 23 shall pay fees under conditions prescribed by Ordinance of the Ministry of Environment.

Article 87 (Delegation and Entrustment of Authority)

(1) The authority of the Minister of Environment under this Act may be partially delegated to the Mayors/*Do* governors, the head of the Environment Institute under the umbrella of the Ministry of Environment, or the head of a local environmental government office under conditions prescribed by Presidential Decree.

(2) The Minister of Environment may entrust part of his/her duties under this Act to relevant professional institutions under conditions prescribed by Presidential Decree.

Article 88 (Legal Fiction as Public Official in Applying Penal Provisions)

For the purposes of the penal provisions under Articles 129 through 132 of the Criminal Act, persons engaged in close inspection services under Article 64 (1) and the executives and employees of corporations or groups engaged in the duties entrusted under Article 87 (2) shall be deemed public officials.

## CHAPTER VI PENAL PROVISIONS

Article 89 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than seven years or by a fine not exceeding 100 million won:

1. A person who has established or altered emission facilities, or has run any business using such emission facilities without obtaining permission for installation or permission for alteration under Article 23 (1) or (2), or obtaining such permissions by false means;
2. A person who has installed and operated emission facilities without installing preventive facilities under Article 26 (1) (main sentence) or (2);
3. A person who has committed an act falling under Article 31 (1) 1 or 5;
4. A person who has violated an order for the suspension of operation under Article 34 (1) or has failed to carry out an order to take measures under paragraph (2) of the same Article;
5. A person who has violated an order for the closure or suspension of operation of emission facilities under Article 36;
6. A person who has manufactured automobiles contrary to permissible emission levels for manufactured automobiles in contravention of Article 46;
7. A person who has manufactured automobiles without obtaining certification in contravention of Article 48 (1); and
8. A person who has manufactured, supplied or sold exhaust gas reduction devices and low-pollution engines without obtaining certification or certification for alteration in violation of Article 60;
9. A person who has manufactured automobile fuels or additives contrary to the standards for manufacturing in violation of Article 74 (1), or failed to have the fuels or additives inspected;
10. A person who has supplied or sold automobile fuels or additives in violation of the

main sentence of Article 74 (2); and

11. A person who has violated an order for the suspension of manufacture, supply and sale under Article 75.

Article 90 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than five years, or by a fine not exceeding thirty million won:

1. A person who has installed or altered emission facilities, or has run any business using such facilities without making a report on installation under Article 23 (1), or making such reports falsely;
2. A person who has committed an act falling under Article 31 (1) 2;
3. A person who has failed to take measures, including the installation of measuring devices, under Article 32 (1);
4. A person who has committed an act falling under Article 32 (3) 1 or 3;
5. A person who has violated orders, such as an order to take measures to impose restrictions on the use of fuels, under Article 41 (4);
6. A person who has failed to carry out an order to take measures for the improvement of facilities under Article 44 (7) (including cases to which the said provisions shall apply *mutatis mutandis* under Article 45 (5));
7. A person who has violated an order for the correction of defects under Article 51 (4) (main sentence) or (6), or 53 (3);
8. A person who has violated an obligation to correct defects under the main sentence of Article 53 (2);
9. A person who has performed close inspection services, pretending to be a designated business operator under Article 64 (1); and
10. A person who has performed automobile maintenance services without being designated as an automobile maintenance business operator specialized in exhaust gases in violation of Article 68 (1).

Article 91 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won:

1. A person who has started operation without filing a report in contravention of Article 30;
2. A person who has violated an order for suspension of operation under Article 32 (6);
3. A person who has violated orders, such as an order for restrictions on use, under Article 43 (3);
4. A person who has manufactured automobiles without obtaining certification for alteration under Article 48 (2);
5. A person who, in violation of Article 64 (2), has committed an act falling under any subparagraph of the same paragraph;
6. A person who has violated an order for the suspension of services under Article 66;
7. A person who has committed an act prohibited under Article 68 (3) 1 or 2;
8. A person who has violated an order for the suspension of services under Article 69;
9. A person who has used fuels in contravention of the main sentence of Article 74 (2);
10. A person who has manufactured or sold automobile fuels or additives in violation of the regulations under Article 74 (3); and
11. A person who has failed to affix labels indicating the completion of inspection or affixed false labels in violation of Article 74 (5).

Article 92 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by a fine not exceeding three million won:

1. A person who has violated an order under Article 8 (3) without any justifiable reason;
2. A person who has failed to carry out an order to take measures under Article 32 (5);
3. A person who has failed to appoint an environmental engineer, or has failed to file a report on the appointment (including the appointment by replacement) of an environmental engineer in contravention of Article 40 (1);
4. A person who has violated orders, such as an order to take measures to restrict the use of fuels, under Article 42;
5. A person who has failed to install facilities to retard dust-scattering or has failed to take necessary measures in violation of Article 43 (1): *Provided*, That persons who have transported powder-phase materials of cement, coal, earth and sand, fodder, grain and steel scrap shall be excluded;
6. A person who has failed to carry out an order for the installation of facilities to retard dust-scattering, order to take measures or order for improvement, in violation of Article 43 (2);
7. A person who has installed or operated facilities without filing a report under Article 44 (1), or 45 (1) or (2);
8. A person who has failed to take measures under Article 44 (3);
9. A person who has failed to carry out an order for conversion into low-pollution automobiles, installation of exhaust gas reduction devices, or conversion into or replacement with low-pollution engines under Article 58 (1);
10. A person who has refused, evaded or interfered with any checkup in violation of Article 61 (2);
11. A person who has failed to carry out an order for inspection under Article 63 (3);
12. A person who has received an order for improvement or suspension of use under Article 70 (1) and has failed to comply therewith; and
13. A person who has rejected, interfered with or evaded entrance or inspection by competent public officials under Article 82 (1).

Article 93 (Penal Provisions)

Any person who has interfered with the work of environmental engineers under Article 40 (4) or has rejected the request of environmental engineers without justifiable grounds shall be punished by a fine not exceeding two million won.

Article 94 (Fines for Negligence)

(1) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding two million won:

1. A person who has committed an act referred to in Article 31 (1) 3 or 4;
2. A person who has failed to keep records on the state of operation of emission facilities, etc., or has compiled false records in contravention of Article 31 (2);
3. A person who has committed an act falling under Article 32 (3) 2;
4. A person who has failed to observe management and operations standards in contravention of Article 32 (4);
5. A person who has failed to measure pollutants, has failed to record or keep the results of measurement, or has compiled or kept false records in violation of Article 39 (1);
6. A person who has supplied, sold or used fuels exceeding the sulfur content levels in

- contravention of the main sentence of Article 41 (3);
7. A person who has transported powder-phase materials, such as cement, coal, soil and sand, without installing facilities to retard dust-scattering or taking necessary measures under Article 43 (1);
  8. A person who has failed to file a report on alteration of facilities emitting volatile organic compounds under Article 44 (2) or 45 (3);
  9. A person who has failed to make a report on the results of correction of defects under Article 51 (5) (including cases to which the said provisions shall apply *mutatis mutandis* under Article 54 (4));
  10. A person who has failed to report on the current status of correction of defects and current status of defective parts under Article 53 (1);
  11. A person who has failed to abide by matters to be observed under Article 64 (3); and
  12. A person who has failed to abide by matters to be observed under Article 68 (3) 3.
- (2) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won:
1. A person who has failed to file a report on alteration under Article 23 (2) or (3);
  2. A person who has failed to comply with the matters to be observed by environmental engineers under Article 40 (2);
  3. A person who has failed to file a report on installation or report on alteration under Article 43 (1);
  4. An automobile owner who has violated Article 57;
  5. An automobile driver who has violated the restrictions on the running of automobile engines under Article 59;
  6. A person who has failed to undergo a close inspection in contravention of Article 63 (1);
  7. A person who has failed to have the results of improvement confirmed or has failed to make a report on the results of confirmation in violation of Article 70 (2) or (3);
  8. A person who has failed to get environmental engineers, etc. to receive training in contravention of Article 77; and
  9. A person who has failed to file a report under Article 82 (1), has made a false report, has failed to submit data, or has submitted false data.
- (3) Fines for negligence as referred to in paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* under conditions prescribed by Presidential Decree.
- (4) A person who is dissatisfied with the disposition of a fine for negligence as referred to in paragraph (3) may raise an objection to the Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* within 30 days from the date on which he/she receives a notice of such disposition.
- (5) In cases where a person subject to disposition of a fine for negligence as referred to in paragraph (3) raises an objection under paragraph (4), the Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* shall notify the competent court thereof without delay, which shall, upon receipt of the notification thereof, bring the case of fine for negligence to trial under the Non-Contentious Case Litigation Procedure Act.
- (6) If no objection is raise, and a fine for negligence is not paid within the period of time referred to in paragraph (4), the fine for negligence shall be collected according to the precedents for the disposition of national or local taxes in arrears.

Article 95 (Joint Penal Provisions)

(1) If the representative, agent, employee, or other worker of a corporation commits a violation under Articles 89 through 93 in connection with the operation of the corporation, not only the person who committed such violation, but also the relevant corporation shall be punished by a fine as referred to in corresponding provisions.

(2) If the agent, employee, or other worker of an individual commits a violation under Articles 89 through 93 in connection with the business of the individual, not only the person who committed such violation, but also the relevant individual shall be punished by a fine as referred to in corresponding provisions.

## ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 13 (11) of the Addenda shall enter into force on July 27, 2007, the amended provisions of Article 39 (1), on October 5, 2007, the amended provisions of Articles 13 through 15, 24 (3) and (4), 81 (2) and (3), and subparagraph 5 of Article 83, on the date six months after the date of its promulgation, the amended provisions of Articles 18 through 21, 44 and 45 on January 4, 2008, the amended provisions of Article 13 (25) of the Addenda on January 20, 2008, the amended provisions of Article 13 (19) of the Addenda on January 27, 2008, and the amended provisions of Article 76 (1) on the date on which the part concerning small diesel engines (referring only to diesel engines falling under the range from 130 kW to 294 kW) in the proviso to Article 1 of the Addenda of the partial amendment to the Prevention of Marine Pollution Act (Act No. 7787) enters into force.

Article 2 (Transitional Measures for Enforcement Date)

The former provisions of Articles 8-3, 22 (1), 28-2 and 28-3 corresponding to Articles 18, 39 (1), 44 and 45 shall apply before the amended provisions of Articles 18, 39 (1), 44 and 45 enter into force pursuant to the proviso to Article 1 of the Addenda.

Article 3 (Term of Validity)

The amended provisions of Article 7 shall take effect by October 4, 2007.

Article 4 (Applicability to Exhaust Gas Reduction Devices, etc.)

The amended provisions of Article 60 shall apply, commencing from the exhaust gas reduction device or low-pollution engine first manufactured after a partial amendment to the Clean Air Conservation Act (Act No. 7779) enters into force.

Article 5 (Applicability to Inspection of Automobile Fuels or Additives, etc.)

The amended provisions of Article 74 shall apply, commencing from the automobile fuel or additive first manufactured after a partial amendment to the Clean Air Conservation Act (Act No. 7779) enters into force.

Article 6 (Transitional Measures for Designation of Inspection Agents)

(1) A person who vicariously performs inspection services, such as confirming inspections and inspections of seriousness under Article 60-3 (2) of the former Environment Conservation Act as of February 2, 1991 which is the enforcement date of the Clean Air Conservation Act (Act No. 4262) shall be deemed to have been designated as an inspection agent under Article 40 (1) of the Clean Air Conservation Act (Act No. 4262).

(2) A person who has been designated or replaced as an inspection agent to conduct confirming inspections of automobiles in operation under the former provisions as of June 27, 1994 which is the enforcement date of the amendment to the Clean Air Conservation Act (Act

No. 4652) shall be deemed to have been designated or replaced as an inspection agent to conduct the said services by the Mayor/*Do* governor under the amended provisions of Article 71.

Article 7 (Transitional Measures for Preventive Facilities Businesses)

A person who has made a registration or registration of alteration of preventive facilities under Article 47 or 49 of the former Environment Conservation Act as of February 2, 1991 which is the enforcement date of the Clean Air Conservation Act (Act No. 4262) or a person whose registration has been revoked shall be deemed a person who has made a registration or registration of alteration of preventive facilities, or whose registration is revoked under Article 44 of the Development of and Support for Environmental Technology Act.

Article 8 (Transitional Measures for Training of Managers of Emission Facilities)

The training of managers of emission facilities, which have been performed under Article 61-2 of the former Environment Conservation Act on February 2, 1991 which is the enforcement date of the Clean Air Conservation Act (Act No. 4262) shall be deemed training performed under Article 77.

Article 9 (Transitional Measures for Reports on Facilities Emitting Volatile Organic Compounds)

Emission facilities falling under facilities emitting volatile organic compounds reported to the Mayor/*Do* governor under the former provisions as of October 16, 1999 which is the enforcement date of the amendments to the Clean Air Conservation Act (Act No. 5961) shall be deemed emission facilities reported under this Act.

Article 10 (Transitional Measures for Inspection of Automobile Fuels or Additives)

Automobile fuels or additives which are deemed by the Minister of Environment to have been manufactured in conformity with the standards for manufacturing under the former provisions as of December 30, 2006 which is the enforcement date of a partial amendment to the Clean Air Conservation Act (Act No. 7779) shall be deemed to have been inspected under the amended provisions of Article 74.

Article 11 (General Transitional Measures for Dispositions, etc.)

Acts by administrative organs or acts in relation to administrative organs under the former provisions at the time when this Act enters into force shall be considered acts by administrative organs or acts in relation to administrative organs under the corresponding provisions of this Act.

Article 12 (Transitional Measures for Penal Provisions or Fines for Negligence)

For the purposes of provisions pertaining to penalties or fines for negligence to acts committed before this Act enters into force, the former provisions shall prevail.

Article 13 Omitted.

Article 14 (Relations with Other Acts and Subordinate Statutes)

In cases where other Acts and subordinate statutes have cited the former Clean Air Conservation Act or the provisions thereof at the time when this Act enters into force, if provisions corresponding thereto exist in this Act, they shall be deemed to have quoted this Act or provisions corresponding thereto in lieu of the former provisions.

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.

Articles 2 through 24 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 through 5 Omitted.

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

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That ...<Omitted.>... amendments to the Acts of which enforcement dates have yet to arrive, even though they have been promulgated before this Act enters into force from among the Acts to be amended in accordance with Article 6 of the Addenda shall enter into force on the enforcement date of the relevant Act, respectively.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 8956, Mar. 21, 2008>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Applicability to Keeping License Plate in Custody) The amended provisions of Article 63 (6) shall apply, commencing from the first automobile to receive a close inspection after this Act enters into force.

ADDENDA <Act No. 8957, Mar. 21, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Articles 2 and 3 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.)

Articles 2 through 10 Omitted.

# ENFORCEMENT DECREE OF THE CLEAN AIR CONSERVATION ACT

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Wholly Amended by Presidential Decree No. 20383, Nov. 15, 2007  
Amended by Presidential Decree No. 20547, Jan. 15, 2008  
Presidential Decree No. 20680, Feb. 29, 2008  
Presidential Decree No. 20789, May 21, 2008  
Presidential Decree No. 21025, Sep. 22, 2008  
Presidential Decree No. 21229, Dec. 31, 2008  
Presidential Decree No. 21241, Dec. 31, 2008  
Presidential Decree No. 21325, Feb. 13, 2009

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

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

### Article 2 (Areas for Which Air Pollution Alerts are Issued, etc.)

(1) Areas for which air pollution alerts under Article 8 (4) of the Clean Air Conservation Act (hereinafter referred to as the “Act”) are to be issued shall be designated by the Special Metropolitan City Mayor, Metropolitan City Mayor, *Do* governor, or Special Self-Governing Province governor (hereinafter referred to as the “Mayor/*Do* governor”), from among *Ss* (including the Special Metropolitan City and Metropolitan Cities) as he/she deems necessary.

(2) The pollutant for which the air pollution alert is to be issued as referred to in Article 8 (4) of the Act refers to ozone from among pollutants for which environmental standards have been established under Article 10 of the Framework Act on Environmental Policy.

(3) The levels of air pollution alerts under Article 8 (4) of the Act shall be classified into warning, alert and emergency alert, according to the density of a pollutant for which an air pollution alert is to be issued, and the density levels of pollutants shall be determined by Ordinance of the Ministry of Environment.

(4) Measures to be taken in each step of alert under Article 8 (4) of the Act shall include matters classified in each of the following subparagraphs: *Provided*, That part of matters for which measures are to be taken

in each level of alert may be adjusted by Municipal Ordinance of the Special Metropolitan City, Metropolitan City, *Do*, or Special Self-Governing Province:

1. Where a warning is issued: Request for residents to refrain from outdoor activities, driving cars, etc.;
2. Where an alert is issued: Request for restriction on outdoor activities by residents, order for restrictions on driving cars, urging places of business to reduce use of fuels, etc.; and
3. Where an emergency alert is issued: Request for prohibition from outdoor activities by residents, suspension of vehicle traffic, order for curtailment of working hours by places of business, etc.

### Article 3 (Establishment, etc. of Comprehensive Measures for Prevention of Damage Caused by Yellow Dust)

(1) The term “important matters prescribed by Presidential Decree” in the latter part of Article 13 (1) of the Act means matters in each of the following subparagraphs:

1. Domestic measures for the prevention of damage caused by yellow dust; and
  2. International cooperation to reduce the generation of yellow dust.
- (2) The head of the relevant central administrative organ and Mayors/*Do* governors shall submit matters in each of the following subparagraphs to the Minister of Environment under Article 13 (4) of the Act by December 31, each year. In such cases, the Mayors/*Do* governors may, when devising programs, consider the opinions of relevant experts, local residents, etc. by means of public hearings, etc.:
1. The results and evaluation of promotion of programs for prevention of damage caused by yellow dust by jurisdictions; and
  2. Measures for promotion of programs for prevention of damage caused by yellow dust for the following year by jurisdictions.

Article 4 (Members of Yellow Dust Prevention Committee)

- (1) The term “public officials of central administrative organs determined by Presidential Decree” in Article 14 (3) 1 of the Act means the Second Vice Minister of Strategy and Finance, First Vice Minister of Education, Science and Technology, Second Vice Minister of Foreign Affairs and Trade, First Vice Minister of Culture, Sports and Tourism, First Vice Minister of Knowledge Economy, Vice Minister of Health, Welfare and Family Affairs, Vice Minister of Environment, Second Vice Minister of Land, Transport and Maritime Affairs, Vice Minister for Government Policy of the Prime Minister’s Office, Administrator of the Korea Meteorological Administration, Administrator of the National Emergency Management Agency, Administrator of the Rural Development Administration, Administrator of the Korea Forest Service, and Commissioner of the Korea Food & Drug Administration. *<Amended by Presidential Decree No. 20680, Feb. 29, 2008>*
- (2) The term “fields determined by Presidential Decree” in Article 14 (3) 2 of the Act means the fields of forestry, atmospheric environment, meteorology, preventive medicine, aquatic matters, international cooperation and journalism.
- (3) The term of office of members who are not public officials shall be two years and consecutive appointment shall be limited to one occasion.

Article 5 (Operation, etc. of Committee)

- (1) Meeting of the Yellow Dust Prevention Committee (hereinafter referred to as the “Committee”) shall be held once a year: *Provided*, That extraordinary meetings may be held as the chairperson of the Committee (hereinafter referred to as the “chairperson”) deems necessary.
- (2) Meetings of the Committee shall be held in the presence of a majority of members on the register and pass resolutions by the affirmative vote of a majority of members present.
- (3) The chairperson shall supervise the affairs of the Committee and become the president of the Committee.
- (4) In cases where the chairperson is unable to carry out his/her duties due to inevitable causes, a member nominated by the chairperson in advance shall act on behalf of the chairperson.
- (5) The Committee shall have one secretary to handle the affairs of the Committee, and a public official belonging to the Ministry of Environment and nominated by the chairperson shall be the secretary.

Article 6 (Composition of Working Committee)

- (1) The working committee under Article 14 (4) of the Act shall be comprised of not more than 25 members including one chairperson (hereinafter referred to as the “chairperson of the working committee”).

(2) The Vice Minister of the Ministry of Environment shall be the chairperson of the working committee and the persons in each of the following subparagraphs shall be the members of the working committee: *<Amended by Presidential Decree No. 20680, Feb. 29, 2008>*

1. Each one public official belonging to the Senior Civil Service of the Ministry of Strategy and Finance, Ministry of Education, Science and Technology, Ministry of Foreign Affairs and Trade, Ministry of Culture, Sports and Tourism, Ministry of Knowledge Economy, Ministry for Health, Welfare and Family Affairs, Ministry of Environment, Ministry of Land, Transport and Maritime Affairs, Prime Minister's Office, Korea Meteorological Administration, National Emergency Management Agency, Rural Development Administration, Korea Forest Service, and Korea Food & Drug Administration, as nominated by the head of each relevant organ;
2. One public official belonging to the National Institute of Environmental Research, as commissioned by the Minister of Environment; and
3. Persons with profound knowledge and experience in atmospheric environmental policies, as commissioned by the Minister of Environment.

(3) The term of office of members who are not public officials shall be two years, and consecutive appointment shall be limited to one occasion.

(4) The working committee shall have one secretary to handle the affairs of the working committee and a person who is a public official belonging to the Ministry of Environment and nominated by the chairperson of the working committee shall be the secretary.

Article 7 (Operation, etc. of Working Committee)

(1) Meetings of the working committee shall be held once a year: *Provided*, That extraordinary meetings may be held as the chairperson of the working committee deems necessary.

(2) Meetings of the working committee shall be held in the presence of a majority of members on the register and pass resolutions by the affirmative vote of a majority of members present.

Article 8 (Considering Opinions of Public Officials of Relevant Organs, etc.)

The chairperson of the Committee and the chairperson of the working committee may, when there is a request by the members of the Committee and the working committee or when deliberation is required, have public officials of relevant organs or experts attend the meeting to make a statement.

Article 9 (Allowance and Traveling Expenses)

Allowances and traveling expenses may be paid to relevant members, public officials or experts who attend meetings of the Committee and working committee within the budgetary limit: *Provided*, That the same shall not apply to cases where a public official attends a meeting in direct connection with his/her duties.

Article 10 (Detailed Regulations for Operation)

Matters necessary for the operation of the Committee and the working committee, other than those provided for in this Decree, shall be determined by the chairperson, upon the resolution of the Committee.

## CHAPTER II REGULATION OF EMISSION OF AIR POLLUTANTS FROM PLACES OF BUSINESS, ETC.

Article 11 (Permission for and Report on Installation of Emission Facilities, etc.)

- (1) Emission facilities to obtain permission for installation as prescribed in Article 23 (1) of the Act shall be as mentioned in each of the following subparagraphs:

1. Emission facilities generating specified hazardous air pollutants; and
  2. Emission facilities to be installed in special measures areas designated and announced under Article 22 of the Framework Act on Environmental Policy (hereinafter referred to as "special measures areas"): *Provided*, That emission facilities which do not emit any specified hazardous air pollutant and are installed in Type V places of business according to annexed Table 1 shall be excluded.
- (2) A person who intends to install emission facilities under Article 23 (1) of the Act, other than those under the subparagraphs of paragraph (1), shall make a report on the installation of emission facilities.
- (3) A person who intends to obtain permission for the installation of emission facilities or make a report on the installation of emission facilities under Article 23 (1) of the Act shall submit an application for permission for the installation of emission facilities or a report on the installation of emission facilities to the Minister of Environment, attaching documents listed in each of the following subparagraphs thereto:
1. Statement (applicable only to cases in which an application is made for permission for the installation of emission facilities) estimating the quantity of raw materials (including fuels), quantity of products, emission quantity of pollutants, etc.;
  2. Statement on installation of emission facilities and preventive facilities;
  3. General drawings of preventive facilities;
  4. Annual plan for maintenance and management of preventive facilities;
  5. Statement of the analysis of ingredients of used fuels and estimated emission density and emission quantity of sulfur oxide (applicable only to emission facilities falling under the proviso to Article 41 (3) of the Act); and
  6. A permit for the installation of emission facilities (applicable only to cases of application for permission for alteration).
- (4) The term "important matters determined by Presidential Decree" in Article 23 (2) of the Act shall be as mentioned in each of the following subparagraphs:
1. Enlargement of emission facilities as classified in each of the following items. In such cases, the sum or the aggregate of the sums of sizes of emission facilities shall be calculated by outlets:
    - (a) In cases of permission for installation (including permission for alteration; hereinafter the same shall apply) or report on alteration under Article 23 (2) of the Act: Enlargement of not less than 50/100 of the sum or the aggregate of the sums of sizes of permitted or reported emission facilities; and
    - (b) In cases of emission facilities of specified hazardous air pollutants: Enlargement of not less than 30/100 of the sum or the aggregate of the sums of sizes of permitted or reported emission facilities; and
  2. Addition of usage of emission facilities permitted for installation.
- (5) Cases requiring a report for alteration under Article 23 (2) of the Act, and matters concerning the procedure for making reports on alteration, etc. shall be determined by Ordinance of the Ministry of Environment.
- (6) The Minister of Environment shall, when granting permission for the installation of emission facilities or receiving reports on the installation of emission facilities, deliver a permit of installation of emission facilities or a certificate of report on installation of emission facilities to the applicant: *Provided*, That, when he/she grants permission for the alteration of emission facilities, matters permitted to be altered shall be entered in the space for altered matters of the already issued permit.

Article 12 (Restrictions on Installation of Emission Facilities)

Cases where the Minister of Environment may restrict the installation of emission facilities under Article 23 (6) of the Act shall be as mentioned in each of the following subparagraphs:

1. In cases of installing facilities which emit not less than ten tons of one specified hazardous air pollutant a year or not less than 25 tones of two specified hazardous air pollutants a year in an area located within one kilometer-radius from the site where the emission facilities are installed and having a settled population of not less than 20,000; and
2. In cases of installing an emission facility the total emission quantity of air pollutants (applicable only to dust, sulfur oxide and nitrogen oxide) of which amounts to not less than ten tones a year in a special measures area.

Article 13 (Standards for Classification of Places of Business)

The standards for classifying places of business as referred to in Article 25 (2) of the Act shall be as mentioned in annexed Table 1.

Article 14 (Standards for Exemption from Installation of Preventive Facilities)

The term "cases meeting the level determined by Presidential Decree" in the proviso to Article 26 (1) of the Act means cases falling under any of the following subparagraphs:

1. Cases where pollutants are emitted below the permissible emission levels under Article 16 of the Act in the course of the functioning or processing of the emission facilities; and
2. Other cases where the proper treatment of pollutants with methods other than the installation of preventive facilities is possible.

Article 15 (Scale of Emission Facilities for Which Report on Commencement of Operation to be Made, Following Report on Alteration)

The term "alterations, the scale of which is not less than the scale determined by Presidential Decree" in Article 30 (1) of the Act means alterations of emission facilities to expand them 20/100 (in cases of a report on alteration resulting from enlargement of air emission facilities, referring to the aggregate of enlargements) than the sum of sizes of emission facilities by outlets for which permission for installation has been obtained or a report on installation has been filed.

Article 16 (Facilities for Trial Operation)

The term "facilities determined by Presidential Decree" in Article 30 (2) of the Act means emission facilities in each of the following subparagraphs:

1. Emission facilities installed with facilities for desulfurizing flue gases;
2. Emission facilities installed with facilities for denitrifying flue gases; and
3. Other emission facilities published by the Minister of Environment as he/she deems they are in need of trial operation for a considerable period of time after the installation or repair of preventive facilities.

Article 17 (Places of Business to be Installed with Measuring Devices, Types of Measuring Devices, etc.)

(1) A business operator who operates emission facilities shall attach measuring devices in each of the following subparagraphs to confirm whether the quantity of pollutants emitted and permissible emission levels are observed, or whether preventive facilities are functioning normally under Article 32 (1) and (2) of the Act:

1. A watt-hour meter; and
2. An automatic smokestack measuring device (including a flow meter, tachometer, thermometer, and data logger; hereinafter the same shall apply).

(2) Facilities to be installed with a watt-hour meter under paragraph (1) 1 and methods of installation shall be as mentioned in annexed Table 2.

(3) Places of business to be installed with an automatic smokestack measuring device under paragraph (1) 2 shall be Types I through III places of business under annexed Table 1, emission facilities to be installed with an automatic smokestack measuring device, measuring items, exemption from installation, time of installation, and postponement of installation shall be as mentioned in annexed Table 3.

(4) The Minister of Environment may use the data of an automatic smokestack measuring device, which are transmitted by computer networks under Article 32 (7) of the Act (hereinafter referred to as “automatically measured data”) as data necessary for the confirmation of whether the permissible emission levels are observed or for calculation of emission dues under Article 35 of the Act: *Provided*, That the same shall not apply to cases where abnormal data have been transmitted due to malfunctioning of automatic smokestack measuring devices, computer networks, etc.

Article 18 (Period for Improvement of Measuring Devices)

(1) The Minister of Environment shall, when he/she issues an order for taking measures under Article 32 (5) of the Act, fix a period not longer than six months for improvement.

(2) In cases where a person who is ordered to take measures under paragraph (1) is unable to complete such measures within a fixed period referred to in paragraph (1) due to natural disaster or other inevitable cause, the Minister of Environment may extend the period for improvement within the scope of six months, if such person files an application therefor.

Article 19 (Installation and Operation of Smokestack Tele-Monitoring System Control Center)

(1) The Minister of Environment may install and operate a smokestack tele-monitoring system control center (hereinafter referred to as a “control center”) in order to efficiently manage the computer networks to electronically process the results of measurement of automatic smokestack measuring devices installed by a business operator under Article 32 (7) of the Act.

(2) Places of business to be under the control of a control center and necessary matters for the functions and operation of the control centers, management of automatically measured data, etc. shall be determined and announced by the Minister of Environment.

Article 20 (Period for Improvement of Emission Facilities and Preventive Facilities)

(1) The Minister of Environment shall, when issuing an order for improvement under Article 33 of the Act, fix a period for improvement of up to one year, taking into account measures necessary for improvement, period for installing facilities, etc.

(2) In cases where a person who has received an order for improvement under Article 33 of the Act is unable to complete ordered measures within the period referred to in paragraph (1) due to natural disaster or other inevitable cause, he/she may apply for an extension of the period for improvement to the Minister of Environment within the scope of one year, before the termination of such period of time for improvement.

Article 21 (Submission of Improvement Plan)

(1) A business operator who has received an order to take measures (excluding an order to take measures, issued for violating the operation and management standards for watt-hour meters; hereafter the same shall apply in this Article) under Article 32 (5) of the Act or an order for improvement under Article 33 of the Act shall submit a proposal for improvement (in cases where an automatic smokestack measuring device is installed, including proposals prepared in electronic documents; hereafter the same shall apply) stating matters in each of the following subparagraphs to the Minister of Environment within 15 days from the date on which he/she received such order under conditions prescribed by Ordinance

of the Ministry of Environment: *Provided*, That the Minister of Environment may, when he/she deems necessary to extend the period, considering the kind, scale, etc. of emission facilities, extend the period if a business operator files an application therefor:

1. Matters in each of the following items, in cases of an order to take measures under Article 32 (5) of the Act:
  - (a) Contents of improper operation and management of an automatic smokestack measuring device;
  - (b) Causes of improper operation and management of an automatic smokestack measuring device, and an improvement plan thereof; and
  - (c) A plan for self-measurement of pollutants emitted during the period for improvement of an automatic smokestack measuring device; and
2. Matters in each of the following items in cases of an order for improvement under Article 33 of the Act:
  - (a) In cases of making improvement prior to the expiration of an improvement period under Article 33 of the Act, the period required to make the improvement;
  - (b) In cases of suspending or restricting the operation of emission facilities during the improvement period, the period required to make the improvement and the details of restriction; and
  - (c) In cases of intending to reduce the emission of pollutants through improving working methods, etc., the details thereof.
- (2) In cases where a business operator fails to submit an improvement plan under paragraph (1) or fails to state the matters in each subparagraph of paragraph (1) even when he/she has submitted it, he/she shall be presumed to have been continuously operating the emission facilities, emitting pollutants in a state falling under any of the following subparagraphs during the improvement period:
  1. In cases falling under Article 32 (5) of the Act, the highest density of pollutants out of emission densities of pollutants during the last three months in which the automatic smokestack measuring device has been working normally. In such cases, the emission density shall be the value obtained by arithmetically averaging the values measured every five minutes during the time from every hour on the hour to 30 minutes past the hour, or from every hour at 30 minutes to the next hour on the hour (hereinafter referred to as "30-minute average value"); and
  2. In cases falling under Article 33 of the Act, the state of pollution indicated in the order for improvement.
- (3) In cases where a business operator not subject to any order to take measures under Article 32 (5) of the Act falls under any of the following subparagraphs, he/she may make an improvement, after submitting an improvement plan to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment:
  1. Cases where it is strictly necessary for improving, altering, checking or repairing or repair an automatic smokestack measuring device;
  2. Cases where the business operator is unable to properly operate an automatic smokestack measuring device due to a sudden breakdown of major parts, etc. of the automatic smokestack measuring device; and
  3. Cases where the business operator is unable to properly operate an automatic smokestack measuring device due to natural disaster, fire or other *force majeure*.
- (4) In cases where a business operator not subject to any order for improvement under Article 33 of the Act falls under any of the following subparagraphs has emitted or is

likely to emit pollutants in excess of the permissible emission level, he/she may make an improvement, after submitting an improvement plan to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment: <Amended by Presidential Decree No. 21229, Dec. 31, 2008>

1. Cases where it is strictly necessary for improving, altering, checking, or repairing emission facilities or preventive facilities;
2. Cases where the business operator is unable to properly operate emission facilities or preventive facilities due to a sudden breakdown of major parts, etc. of emission facilities or preventive facilities;
3. Cases where the business operator is unable to properly operate emission facilities or preventive facilities due to power failure or suspension of water supply; and
4. Cases where the business operator is unable to properly operate emission facilities or preventive facilities due to natural disaster, fire or other *force majeure*.

Article 22 (Report on and Confirmation of Performance of Order for Improvement, etc.)

(1) A business operator who has received an order to take measures under Article 32 (5) of the Act or an order for improvement under Article 33 of the Act shall, when he/she has performed such order, report to the Minister of Environment thereon without delay.

(2) The Minister of Environment shall, upon receipt of a report under paragraph (1), have a relevant public official confirm the state of performance of the order without delay. In such cases, if it is necessary to inspect the degree of air pollution, he/she shall collect a sample in order to instruct or request an inspection institution designated by Ordinance of the Ministry of Environment to inspect it.

Article 23 (Pollutants on Which Emission Dues are Imposed)

(1) The pollutants on which additional dues under Article 35 (1) 1 of the Act (hereinafter referred to as "additional dues") are imposed shall be as follows:

1. Sulfur oxides;
2. Ammonia;
3. Hydrogen sulfide;
4. Carbon bisulfide;
5. Dust;
6. Fluoride compounds;
7. Hydrogen chloride;
8. Chlorine; and
9. Hydrogen cyanide.

(2) The pollutants on which basic dues under Article 35 (1) 2 of the Act are imposed shall be as follows:

1. Sulfur oxides; and
2. Dust.

Article 24 (Methods of and Criteria for Calculation of Additional Dues)

(1) The amount of additional dues imposed on pollutants falling under each subparagraph of Article 23 (1) shall be calculated according to the calculation methods classified in each of the following subparagraphs:

1. Cases of making an improvement after submitting an improvement plan under Article 21 (4): The amount of dues per kilogram of pollutants  $\times$  emission quantity of pollutants exceeding the permissible emission levels  $\times$  regional imposition coefficient  $\times$  annual dues calculation index; and
2. Cases other than those falling under paragraph (1): The amount of dues per kilogram

of pollutants  $\times$  imposition coefficient of each rate of excess of permissible emission levels  $\times$  regional imposition coefficient  $\times$  annual dues calculation index  $\times$  imposition coefficient for each instance of violation.

(2) The amount of dues per kilogram of pollutants, imposition coefficient for each rate of excess of permissible emission levels and regional imposition coefficient necessary for the calculation of additional dues under paragraph (1) shall be as stated in annexed Table 4.

Article 25 (Calculation of Emission Quantity of Pollutants for Calculation of Additional Dues, etc.)

(1) The quantity of pollutants emitted in excess of the permissible emission levels (hereinafter referred to as "emission quantity in excess of the standards"), which is necessary for the calculation of additional dues under Article 24 (1), shall be the quantity of pollutants emitted as a result of operation in excess of the permissible emission levels during the emission periods as classified in each of the following subparagraphs, and shall be calculated by multiplying the daily emission quantity in excess of the standards by the number of days of the emission period: *Provided*, That in cases where the 30-minute average value of the automatically measured data of a place of business which has an automatic smokestack measuring device to automatically transmit measurement data to the control center under Article 17 (1) 2 (hereinafter referred to as "automatically measuring business place") has exceeded permissible emission levels, the excess emission quantity shall be calculated by multiplying the density exceeding the permissible emission levels for every 30 minutes in which the 30-minute average value has exceeded the permissible emission levels (referring to the value obtained by subtracting the permissible emission density standard from the 30-minute average value exceeding the permissible emission levels), and the emission quantity in excess of the standard shall be calculated by aggregating these amounts every six months:

1. Cases of improvements made after submitting an improvement plan under Article 21 (4): The period from the commencement date of indicated improper operation to the expiration date of improvement period; and
2. Cases other than those falling under subparagraph 1: The period from the date on which the emission of a pollutant commenced (in cases where the date when the emission commenced is not clearly known, the date on which a pollutant was collected to inspect whether it exceeded the permissible emission levels) to the expected date of completion of performance of orders for improvement, suspension of operation, suspension of use or closure under Article 33, 34 or 38 of the Act or the cancellation date of permission under Article 36 of the Act.

(2) The daily emission quantity in excess of the standard under paragraph (1) shall be the quantity converted into kilograms the quantity calculated by multiplying the density of a pollutant exceeding the permissible emission levels on the collection date (in cases of improvements made after submitting an improvement plan under Article 21 (4), the collection date of the pollutant as prescribed by Ordinance of the Ministry of Environment) of the emitted pollutant which is the cause of issue of an order for improvement, order for suspension of operation, cancellation of permission, order for suspension of use or order for closure under Article 33, 34, 36 or 38 of the Act by the total quantity of gas emitted (hereinafter referred to as the "daily discharge") on the date on which the emission density is measured according to the discharge of gas emitted at the time of measurement (hereinafter referred to as "discharge measured").

(3) The daily emission quantity in excess of the standards and daily discharge under paragraph (2) shall be calculated according to annexed Table 5, and the discharge measured shall be calculated according to the official environmental pollution test standards for the field falling under Article 6 (1) 1 of the Environmental Examination and Inspection Act. *<Amended by Presidential Decree No. 21229, Dec. 31, 2008>*

(4) The emission quantity of a pollutant under each subparagraph of Article 24 (1) shall be the quantity of gas emitted during the emission period, which is expressed in the unit of 1,000 m<sup>3</sup>, and shall be calculated by multiplying the daily discharge by the number of days of the emission period. In such cases, the provisions of paragraphs (1) through (3) shall apply *mutatis mutandis* to the calculation of an emission period and calculation of discharge measured.

(5) The emission period under paragraph (1) shall be expressed as the number of days, and the calculation of such period shall comply with the Civil Act on condition that the first day is to be included in the calculation.

Article 26 (Annual Dues Calculation Index and Imposition Coefficient of Each Instance of Violation)

(1) The annual dues calculation index under Article 24 (1) shall be obtained by multiplying the dues calculation index of the preceding year by the price fluctuation index which the Minister of Environment announces each year, considering the rate of price increase of the preceding year, etc.

(2) The imposition coefficient of each instance of violation under Article 24 (1) shall be obtained by multiplying the imposition coefficient by the rates as classified in each of the following subparagraphs:

1. No violation: 100/100;
2. First instance of violation: 105/100; and
3. Two or more times of violation: Value obtained by multiplying the imposition coefficient immediately before the violation by 105/100.

(3) The instances of violation under paragraph (2) shall be the number of times of receiving an order for improvement, order for suspension of operation, cancellation of permission, order for the suspension of use or order for closure under Article 33, 34, 36 or 38 of the Act as a result of emitting pollutants on which dues are imposed under Article 23 in excess of permissible emission levels. In such cases, the number of instances of violation shall be calculated by the outlets of a place of business on the basis of the last two years before the date on which a violation is committed.

(4) Notwithstanding paragraph (3), in cases of automatically measured business places, the number of instances when the 30-minute average value exceeds the permissible emission levels shall be the number of instances of violation; and when the 30-minute average value exceeds the permissible emission levels on not less than two occasions within 24 hours, it shall be considered as one instance, and in cases where the 30-minute average value exceeds the permissible emission levels after an improvement plan is submitted under Article 21 (3), the number of instances of violation during the improvement period shall be considered as one instance. In such cases, the number of instances of violation shall be counted by outlets every three months.

Article 27 (Basic Date and Period for Imposition of Basic Dues and Excess Dues on Automatically Measuring Place of Business)

Basic dues under Article 35 (1) 2 of the Act and excess dues on automatically measuring places of business under the proviso to Article 25 (1) shall be imposed on a half-yearly

basis, and the basic date and period for imposition shall be as stated in annexed Table 6.

*[This Article Wholly Amended by Presidential Decree No. 21229, Dec. 31, 2008]*

Article 28 (Methods of and Criteria for Calculation of Basic Dues)

(1) The amount of basic dues under Article 35 (1) 2 of the Act shall be the amount obtained by multiplying the emission quantity of pollutants emitted below the permissible emission levels (hereinafter referred to as “emission quantities within the permissible emission levels”) by an imposition amount per kilogram of pollutants, annual dues imposition calculation index, regional imposition coefficient and imposition coefficient for each density.

(2) Article 24 (2) shall apply *mutatis mutandis* to the imposition amount per kilogram of pollutants, which is necessary for the calculation of basic dues under paragraph (1); and the regional imposition coefficient of basic dues shall be as stated in annexed Table 7, while the imposition coefficient of basic dues by density shall be as stated in annexed Table 8.

(3) The annual dues calculation index under paragraph (1) shall be 1 in the first year of imposition, and shall be calculated by multiplying the index of the preceding year by the price fluctuation index which the Minister of Environment announces each year, considering the rate of inflation in the preceding year, etc., from the following year.

Article 29 (Calculation of Emission Quantity of Pollutants for Imposition of Basic Dues, etc.)

(1) In order to ascertain the emission quantity within the permissible emission levels necessary for the calculation of basic dues under Article 28 (1), the Minister of Environment may, when necessary, have the relevant business operator submit data on the emission quantity within the permissible emission levels actually emitted during the imposition period of basic dues (hereinafter referred to as “actual emission quantity”) under Article 82 (1) of the Act. In such cases, the relevant business operator shall submit data on the actual emission quantity within 30 days from the date on which the imposition period terminates.

(2) The actual emission quantity shall be calculated according to the method determined by annexed Table 9: *Provided*, That the same shall not apply to cases where it is calculated according to the result of measurement of automatic smokestack measuring devices.

(3) In cases where a business operator who has submitted an improvement plan under Article 21 (3) calculates an actual emission quantity under the proviso to paragraph (2), the actual emission quantity during the improvement period shall be calculated by applying the value obtained by arithmetically averaging the 30-minute average values for the three months in which the automatic smokestack measuring device worked normally before the improvement period.

(4) Matters concerning data to verify the data submitted under paragraph (1) shall be determined by Ordinance of the Ministry of Environment.

Article 30 (Adjustment of Emission Quantity within Permissible Emission Levels, etc.)

The Minister of Environment may, when the relevant business operator fails to submit data under Article 29 or when it is deemed that details submitted differ from the truth, or have been compiled deceitfully, adjust the emission quantity within the permissible emission levels by methods classified in each of the following subparagraphs:

1. Cases where the business operator has failed to submit data on the actual emission quantity under Article 29 (1): Emission quantity within the permissible emission levels presumed to have been emitted while operating 24 hours a day at the density for the

- permissible emission levels of pollutants by emission facilities during the imposition period and at the maximum capacity of the emission facilities or preventive facilities;
2. Cases where the details of actual emission quantity (including details concerning used fuels, etc.) submitted by a business operator are found different from the truth as a result of examination of data and field inspection: Emission quantity within the permissible emission levels, calculated based on the result of examination of data and field inspection; and
  3. Cases where the data on the actual emission quantity submitted by a business operator under Article 29 (1) is found explicitly false: Emission quantity within the permissible emission levels, calculated based on the emission quantity equivalent to 120/100 of the actual emission quantity on condition that the actual emission quantity is calculated through field inspection.

Article 31 (Submission of Data, Inspections, etc.)

In cases where it is necessary to adjust the emission quantity within the permissible emission levels under Article 30 as it is deemed that the details of the actual emission quantity submitted by a business operator is substantially different from that of other places of business of similar size or differs from the truth, the Minister of Environment may have the business operator submit relevant data under Article 82 (1) of the Act.

Article 32 (Exemption from Dues, etc.)

(1) A business operator who operates emission facilities, using fuels in each of the following subparagraphs under Article 35 (3) 1 of the Act shall not be subject to dues on sulfur oxides: *Provided*, That emission facilities which burn fuel referred to subparagraph 1 or 2, mixing with fuels other than fuel under subparagraph 1 or 2 and is capable of observing the permissible emission levels shall not be subject to dues on sulfur oxides equivalent to the use quantity of the fuel under subparagraph 1 or 2:

1. Emission facilities which, in cases of a power plant, use liquid or solid fuels the sulfur content of which does not exceed 0.3 percent and in cases of emission facilities, other than power plants (including heat supply and power generation plants the capacity of which does not exceed 100 megawatts), use liquid fuels the sulfur content of which does not exceed 0.5 percent or solid fuels the sulfur content of which does not exceed 0.45 percent and which are capable of observing the permissible emission levels. In such cases, the sulfur content of solid fuels shall be the average sulfur content of various solid fuels injected into the burner;
2. Emission facilities which use gas generated as a by-product in the process, the sulfur content of which does not exceed 0.05 percent and are capable of observing the permissible emission levels; and
3. Emission facilities which burn a mixture of fuels as referred to in subparagraphs 1 and 2 and are capable of observing the permissible emission levels.

(2) Dues on dust and sulfur oxides shall not be imposed on business operators operating emission facilities which use liquefied natural gas or liquefied petroleum gas as fuels under Article 35 (3) 1 of the Act.

(3) The term "optimum preventive facility prescribed by Presidential Decree" in Article 35 (3) 2 of the Act means a preventive facility capable of observing the permissible emission levels and maintaining the designed efficiency of removal of air pollutants, which the Minister of Environment announces through consultation with the heads of relevant central administrative organs.

(4) The Minister of National Defence shall, when he/she intends to hold consultations

under Article 35 (3) 3 of the Act, submit the usage of military facilities intended to be exempted from the imposition of dues, causes of exemption, etc. to the Minister of Environment: *Provided*, That the same shall not apply to the military facilities under subparagraph 2 of Article 2 of the Protection of Military Bases and Installations Act. <Amended by Presidential Decree No. 21025, Sep. 22, 2008>

(5) The term “emission facilities the size of which does not exceed the size determined by Presidential Decree” in Article 35 (4) 1 of the Act means emission facilities of Type IV places of business and Type V places of business as classified in annexed Table 1 in conformity with the permissible emission levels.

(6) Necessary matters concerning the procedures for exemption from or reduction of dues under Article 35 (3) or (4) of the Act shall be prescribed by Ordinance of the Ministry of Environment.

Article 33 (Notice of Payment of Dues)

(1) The notice of payment of additional dues shall be issued at the time when the cause of imposition of additional dues occurred (in cases where the 30-minute average value of the automatically measured data exceeds the permissible emission levels, within 60 days from the date of termination of every half year) and the notice of payment of basic dues, within 60 days from the date of termination of the period for submission of data on the actual emission quantity during the period in which the basic dues are imposed: *Provided*, That the notice for payment may be issued immediately in case of emission facilities which are closed or of which ownership is transferred.

(2) The Minister of Environment shall, when imposing dues (including adjusted dues under Article 34), notify the quantity of a pollutant on which the dues are imposed, amount imposed, period for payment, place for payment and other necessary matters in writing. In such cases, the period for payment of dues shall be 30 days from the date of issue of a notice for payment.

Article 34 (Adjustment of Dues)

(1) In cases falling under any of the following subparagraphs, the Minister of Environment shall recalculate and adjust dues and when there is a difference between the amount already paid and adjusted amount, shall re-impose or refund the difference:

1. Cases where the emission period of pollutants or emitted substances which are the basis of the calculation of additional dues has changed because the order for improvement, order for suspension of operation, order for suspension of use, or order for closure is carried out or not carried out by the date of expiration of improvement period under Article 25 (1) or the estimated date of completion of performance of an order;
2. Cases where the emission quantity of a pollutant or emitted substance is found to differ from that measured on the first occasion as a result of re-measurement performed as it is deemed that the state of emission of pollutants, etc., measured on the first occasion has changed since the imposition of additional dues has; and
3. Cases where a business operator submitted an erroneously calculated actual emission quantity, due to negligence, or the Minister of Environment has erroneously adjusted the emission quantity within the permissible emission levels under Article 30.

(2) In cases of adjusting additional dues pursuant to paragraph (1) 1, additional dues shall be calculated, considering the date of completion of improvement, which is determined by Ordinance of the Ministry of Environment or the date on which a report on the performance of an order is made under Article 22 (1) as the emission period of pollutants or substances emitted.

(3) In cases of adjusting additional dues pursuant to paragraph (1) 2, additional dues shall be calculated based only on the emission quantity re-measured during a period after the lapse of the date of re-checking.

(4) The imposition of adjusted amount of additional dues or refund of additional dues under paragraph (1) 1 shall be executed within 30 days after the date of confirmation as to whether an order for completion of improvement, order for suspension of operation, order for suspension of use or order for completion of closure has been performed with respect to the relevant emission facilities or preventive facilities.

(5) In cases of adjusting basic dues under paragraph (1) 3, basic dues shall be calculated based on the materials submitted at the time of application for permission for the installation of emission facilities, report on installation or report on alteration under Article 23 (1) through (3) of the Act, record of operation of emission facilities or preventive facilities under Article 31 (2) of the Act, record of self-measurement under Article 39 (1) of the Act, the result of inspection under Article 82 of the Act, etc.

(6) The Minister of Environment shall, when imposing or refunding under paragraph (1), notify the amount, time, place and other necessary matters in writing.

Article 35 (Application for Adjustment of Dues)

(1) A business operator who is ordered to pay dues (hereinafter referred to as a “payer of dues”) may apply for the adjustment of dues, when falling under any subparagraph of Article 34 (1).

(2) The application for adjustment referred to in paragraph (1) shall be made within 30 days from the date of receipt of notice for payment of dues.

(3) The Minister of Environment shall, when receiving an application for adjustment, notify the applicant of the result thereof within 30 days.

(4) The application for adjustment referred to in paragraph (1) shall not affect the period for payment of dues.

Article 36 (Postponement of Collection of Dues, Payment of Dues in Installments, and Procedure for Collection of Dues)

(1) In cases where a payer of dues is deemed unable to pay the dues due to causes falling under any of the following subparagraphs before the deadline for payment of such dues, the Minister of Environment may postpone the collection of such dues or have him/her pay the dues in installments. The same shall apply to amounts in arrears:

1. Cases where the property of a business operator has sustained serious loss due to natural disaster or other accidents;
2. Cases where the business operator is in crisis, sustaining considerable loss in his/her business;
3. Other cases where the postponement of collection or payment in installments is inevitable due to causes similar to those under subparagraph 1 or 2; and
4. Cases where the amount imposed exceeds ten million won (applicable only to cases of basic dues).

(2) The postponement of collection under paragraph (1) shall comply with the grace period of collection and the number of installment payments during such period as classified in each of the following subparagraphs:

1. Additional dues: Within one year from the date following the date of postponement, and up to six installments; and
2. Basic dues: The period from the date following the date of postponement to the day preceding the date on which the imposition period begins, and up to four installments.

(3) In cases where the amount of dues is two times the capital or total investment (in cases of a private business operator, the total amount of asset) of the person responsible for the payment of dues, if it is deemed difficult to collect the dues even within the grace period of collection under paragraph (2) due to causes referred to in paragraph (1), the person responsible for the payment of dues shall be encouraged to pay the dues by extending the grace period for collection and increasing the number of installment payments.

(4) The grace period for collection under paragraph (3) shall be three years from the date following the date of postponement, and the number of installment payments shall be within 12 times.

(5) In cases where the Minister of Environment postpones the collection of dues under paragraph (1) or (3), he/she may demand a security equivalent to the amount of payment postponed.

(6) In cases where the relevant person responsible for payment falls under any of the following subparagraphs, the Minister of Environment may revoke the postponement of collection and collect the amount in arrears:

1. Cases where he/she has failed to pay the amount in arrears by the deadline for payment;
2. Cases where he/she has failed to comply with an order of the Minister of Environment necessary for the alteration of securities or preservation of securities; and
3. Cases where it is deemed unnecessary to postpone collection due to changes in the state of property or other circumstantial changes.

(7) A person who intends to receive a deferment of collection of dues or amount in arrears or pay them in installments under paragraph (1) or (3) shall submit an application for deferment of collection of dues or an application for installment payments of dues to the Minister of Environment.

(8) The deadline for and amount of installment payments of dues and other matters necessary for the imposition and collection of dues shall be determined by the Minister of Environment.

Article 37 (Grants of Collection Expenses)

(1) The Minister of Environment shall, when he/she has delegated the collection of dues and additional dues to the Mayors/*Do* governors under Article 35 (8) of the Act, grant the amount of dues and additional dues that the Mayors/*Do* governors have collected or an amount equivalent to 10/100 of adjusted dues and additional dues under Article 35 to the Mayors/*Do* governors as collection expenses.

(2) The Minister of Environment shall calculate each month the collection expenses under paragraph (1) out of the dues and additional dues paid to the special accounts for environmental improvement under the Act on Special Accounts for Environmental Improvement and pay them to the relevant Mayor/*Do* governor by the following month.

Article 38 (Imposition of Penalty Surcharges)

The term "cases prescribed by Presidential Decree" in the part other than the subparagraphs of Article 37 (1) of the Act means cases falling under any of the following subparagraphs:

1. Cases of producing products for the purpose of an export to a foreign country after opening a letter of credit;
2. Cases where it is feared that an explosion or fire might occur because of such causes as chemical reaction between materials and subsidiary materials or products put into an emission facility as a result of the suspension of operation; and
3. Cases of producing products through melting or dissolving materials.

Article 39 (Qualification Standards for Environmental Engineers and Term of Appointment)

(1) In cases where a business operator intends to appoint an environmental engineer under

Article 40 (1) of the Act, he/she shall make a report on the appointment during the periods as classified in each of the following subparagraphs:

1. In cases of the first installation of emission facilities, at the time of making a report on the commencement of operation; and
  2. In cases of appointing an environmental engineer by replacement, within five days from the date on which the cause thereof occurred: *Provided*, That in cases of a place of business which is required to appoint an environmental engineer qualified as a Grade I or II environmental engineer or higher in rank, if there occurs an inevitable cause which makes it difficult to employ an environmental engineer within five days, such place of business may appoint an environmental engineer based on the standards for Types IV and V places of business in accordance with annexed Table 10 within the limit of 30 days.
- (2) The qualification standards for environmental engineers to be employed by each place of business under Article 40 (1) of the Act shall be as stated in annexed Table 10.

### CHAPTER III REGULATIONS OF EMISSION OF AIR POLLUTANTS IN LIVING ENVIRONMENT

Article 40 (Use of Low-Sulfur Oil)

(1) The criteria on areas to be supplied with oils for fuel (hereinafter referred to as “low-sulfur oil”) the standard of sulfur content of which has been determined under Article 41 (1) of the Act (hereinafter referred to as the “standards for sulfur content”) and on the extent of facilities using such oils for fuel shall be as stated in annexed Table 10-2. *<Amended by Presidential Decree 21229, Dec. 31, 2008>*

(2) Under Article 41 (4) of the Act, the Minister of Environment or the Mayor/*Do* governor shall order a person who supplies or sells oil not meeting the standards under annexed Table 10-2 neither to supply nor to recover such oil, and shall order a person who has used such oil not to use it. *<Amended by Presidential Decree No. 21229, Dec. 31, 2008>*

(3) A person who has received an order for recovery or prohibition from the use of the relevant oil under paragraph (2) shall submit a report on the completion of performance specifically stating the matters in each of the following subparagraphs to the Minister of Environment or the Mayor/*Do* governor within five days from the date of receipt of such order:

1. The supply period or the use period, or the quantities of supply or use of the relevant oil;
2. The quantity, method and period of recovery of the relevant oil; and
3. Matters concerning materials, etc. to verify the supply or use of low-sulfur oil.

(4) The term “places of business determined by Presidential Decree” in Articles 41 (4) and 44 (1) of the Act shall mean places of business listed in annexed Table 11.

Article 41 (Use of Fuels Other Than Low-Sulfur Oil)

The Minister of Environment or the Mayor/*Do* governor may permit low-sulfur oil-using facilities located in low-sulfur oil-supplied areas under Article 40 (1), which fall under any of the following subparagraphs, to use fuels other than low-sulfur oil:

1. Facilities using by-product gases under Article 32 (1) 2 or waste heat recognized by the Minister of Environment;
2. Facilities exempted from the payment of dues through installation of the optimum preventive facilities under Article 32 (3); and

3. Other facilities which emit sulfur oxides below permissible emission levels which apply to the relevant facilities using low-sulfur oils when using fuels other than low-sulfur oils, and have obtained permission for the installation of emission facilities or permission for alteration or have made a report on installation or report on alteration under Article 23 of the Act.

Article 42 (Prohibition from Use of Solid Fuel, etc.)

(1) In order to prevent air pollution caused by the use of fuel, the Minister of Environment or the Mayor/*Do* governor may restrict the use of solid fuels under the following subparagraphs for the areas falling under annexed Table 11-2 in accordance with Article 42 of the Act: *Provided*, That in the case of subparagraph 3, the restriction of the use of the relevant materials may be allowed when the prohibition thereon is particularly required for the relevant areas: *<Amended by Presidential Decree No. 21229, Dec. 31, 2008>*

1. Coal;
2. Coke;
3. Firewood and charcoal; and
4. Others, such as combustible wastes including plastic refuse, etc. as determined by the Minister of Environment, or fuels produced through processing such materials.

(2) The Minister of Environment or the Mayor/*Do* governor shall order business operators in the areas prescribed in paragraph (1) not to use solid fuels: *Provided*, That the same shall not apply to business operators equipped with facilities falling under any of the following subparagraphs:

1. Smelting furnaces, etc. in a foundry or iron and steel mill in which mineral solid fuels have to be used in the process of melting fuels for manufacturing;
2. A kiln, etc. of cement, lime, etc., in which pollutants generated in the process of burning reduce considerably by means of suction, absorption, etc. in the manufacturing process;
3. Wastes disposal facilities (including facilities using wastes energy) under Article 2 of the Wastes Control Act; and
4. Facilities which emit pollutants below the permissible emission levels even when using solid fuels as referred to in paragraph (1) and approved by the Minister of Environment or the Mayor/*Do* governor for the use of solid fuels.

(3) If the owner or occupant of a facility under paragraph (2) 4 intends to use a solid fuel, he/she shall submit an application for approval for the use of solid fuels to the Minister of Environment or the Mayor/*Do* governor under conditions prescribed by Ordinance of the Ministry of Environment.

Article 43 (Use of Clean Fuels)

(1) Under Article 42 of the Act, the Minister of Environment or the Mayor/*Do* governor may, notwithstanding measures to restrict the use of fuels under Articles 40 and 42, order the areas or facilities under annexed Table 11-3 not to use fuels other than gaseous fuels (hereinafter referred to as "clean fuels") which emit only little amount of pollutants, such as liquefied natural gas and liquefied petroleum gas. *<Amended by Presidential Decree No. 21229, Dec. 31, 2008>*

(2) The Minister of Environment or the Mayor/*Do* governor shall issue an order to prohibit petroleum refining business operators or petroleum selling business operators under the Petroleum and Petroleum Substitute Fuel Business Act from the supply or sale of oil for fuel to facilities required to use clean fuels.

(3) With respect to power plants, integrated energy supply facilities and heat supply facilities

of scale below a specific size, etc. which are deemed to exert a significant influence over the supply and demand of clean fuels because of their excessive use of fuel, or of which energy conservation has a substantial air pollution reduction effect, the Minister of Environment may have them use fuels other than clean fuels pursuant to annexed Table 11-3. <Amended by Presidential Decree No. 21229, Dec. 31, 2008>

Article 44 (Dust-Scattering Business)

The term “business prescribed by Presidential Decree” in Article 43 (1) of the Act means business in each of the following subparagraphs, which is determined by Ordinance of the Ministry of Environment:

1. Manufacturing and processing business of cement, lime, plaster and cement-related products;
2. Extracting, manufacturing and processing business of non-metallic materials;
3. Manufacturing business of primary metals;
4. Manufacturing business of fertilizer and fodder products;
5. Construction business (limited to foundation works, building architecture and civil engineering works, and landscape architecture);
6. Transportation business of cement, coal, earth and sand, fodder, grain, and scrap iron;
7. Manufacturing business of transportation equipment;
8. Business requiring the installation of coal storage facilities;
9. Loading and unloading, and storage business of scrap iron, grain, fodder, timber, and ore; and
10. Manufacturing and processing business of metal products.

Article 45 (Regulation of Volatile Organic Compounds, etc.)

(1) The term “facilities prescribed by Presidential Decree” in Article 44 (1) of the Act means facilities in each of the following subparagraphs:

1. Manufacturing facilities, storage facilities and forwarding facilities for petroleum refining, manufacturing facilities, storage facilities and forwarding facilities of manufacturing business of petrochemicals;
2. Storage facilities and forwarding facilities of oil reservoirs;
3. Storage facilities and pumping facilities of gas stations;
4. Cleaning facilities; and
5. Other facilities emitting volatile organic compounds, which the Minister of Environment announces through consultation with the head of relevant central administrative organ.

(2) The scale of facilities prescribed in each subparagraph of paragraph (1) shall be announced by the Minister of Environment in consultation with the head of relevant central administrative organ.

(3) The term “causes prescribed by Presidential Decree” in Article 45 (4) of the Act means causes falling under any of the following subparagraphs:

1. Cases where special technology which is unavailable in the Republic of Korea is necessary; and
2. Cases of the occurrence of natural disaster or other cases deemed unavoidable by the Minister of Environment or the Mayor/*Do* governor.

## CHAPTER IV REGULATION OF EXHAUST GASES FROM AUTOMOBILES, SHIPS, ETC.

Article 46 (Kinds of Exhaust Gases)

The term “pollutants prescribed by Presidential Decree” in Article 46 (1) of the Act means substances classified in each of the following subparagraphs:

1. In cases of automobiles using gasoline, alcohol or gas:
  - (a) Carbon monoxide;
  - (b) Hydrocarbon;
  - (c) Nitrogen oxides; and
  - (d) Aldehyde; and
2. In cases of automobiles using light oil:
  - (a) Carbon monoxide;
  - (b) Hydrocarbon;
  - (c) Nitrogen oxides;
  - (d) Smoke; and
  - (e) Granular matter.

Article 47 (Automobiles Subject to Exemption from or Omission of Certification)

(1) Automobiles which may be exempted from certification under the proviso to Article 48 (1) of the Act shall be as follows: *<Amended by Presidential Decree No 21241, Dec. 31, 2008>*

1. Automobiles used for special official purposes of the State, such as military duties, patrol service, etc. and automobiles for fire fighting;
2. Automobiles used by foreign embassies or diplomats in Korea, or persons treated similarly thereto for official purposes, as confirmed by the Minister of Foreign Affairs and Trade;
3. Automobiles used by members of foreign armies in Korea for official purposes;
4. Automobiles for export, and those temporarily brought in by participants in expositions or other events similar thereto for exhibition purposes;
5. Automobiles temporarily brought in by travellers, etc. on condition that they bring them out after a certain period of time;
6. Automobiles imported by automobile manufacturers, automobile-related research institutes, etc. for purposes other than travelling, such as automobile development and exhibitions;
7. Automobiles using such fuels as electricity, sun light, hydrogen, etc. and not emitting exhaust gases as prescribed in Article 46; and

7. Deleted; and *<Enforcement Date: Jan. 1, 2010>*

8. One automobile which a person who has resided abroad for not less than one year brings in as one of his/her articles of immigration in order to change his/her residence.

(2) Automobiles for which certification may be omitted under the proviso to Article 48 (1) of the Act shall be as follows: *<Amended by Presidential Decree No. 20680, Feb. 29, 2008>*

1. Automobiles used by or for the training of national athletes, as confirmed by the Minister of Culture, Sports and Tourism;
2. Automobiles donated by foreign countries as a gift to domestic public institutions or nonprofit organizations;
3. Automobiles brought in by families of foreign diplomats or foreign soldiers in the Republic of Korea for personal use;
4. Automobiles used for aircraft groundwork;
5. Automobiles that a person who has not received certification under Article 48 (1) of the Act manufactures by purchasing the engines of automobiles manufactured under such certification;

6. Automobiles for which certification may be omitted according to an international agreement, etc.; and
7. Others for which the Minister of Environment deems it necessary to omit certification, such as automobiles.

Article 48 (Kinds of Inspections on Permissible Emission Levels of Manufactured Automobiles)

(1) With respect to manufactured automobiles, the Minister of Environment shall conduct inspections as classified in each of the following subparagraphs pursuant to Article 50 (1) of the Act:

1. Occasional inspections: Inspections conducted as occasion calls, to confirm at any time whether automobiles under construction are in conformity with the permissible emission levels for manufactured automobiles; and
2. Regular inspections: Inspections conducted periodically, based on the number of manufactured automobiles by model to confirm whether automobiles under construction are in conformity with permissible emission levels for manufactured automobiles.

(2) A person who is dissatisfied with the result of an inspection conducted under paragraph (1) may file an application for reinspection under conditions prescribed by Ordinance of the Ministry of Environment.

Article 49 (Omission of Inspections on Permissible Emission Levels for Manufactured Automobiles)

The regular inspections under Article 48 (1) 2 may be omitted pursuant to Article 50 (2) of the Act.

Article 50 (Reports on Current Status of Correction of Defects and Current Status of Defective Parts)

(1) In cases where an automobile manufacturer falls under all of the following subparagraphs under the main sentence of Article 53 (1) of the Act, he/she shall make a report on the current status of correction of defective parts to the Minister of Environment, ascertaining the contents of correction, etc. within 30 days after the end of each quarter, starting from the relevant quarter:

1. Cases where the number of cases requested for correction of defects for the same part of the same automobile model sold in the same year is 50 or more; and
2. Cases where the rate of cases requested for correction of defects against the number of automobiles sold in the same year (hereinafter referred to as the "rate of requests for correction of defects") is 4 percent or more.

(2) In cases where an automobile manufacturer falls under all of the following subparagraphs under the main sentence of Article 53 (1) of the Act, he/she shall make a report on the current status of defective parts to the Minister of Environment within 90 days from the end of each quarter, starting from the relevant quarter, ascertaining the cause of occurrence of defects, etc.:

1. Cases where the number of cases requested for correction of defects for the same part of the same automobile model sold in the same year is 100 or more; and
2. Cases where the rate of requests for correction of defects is 10 percent or more.

(3) The period for making a report under paragraph (1) or (2) shall end in the quarter in which the warrant period of the relevant exhaust gasrelated part terminates.

(4) Details of reports under paragraphs (1) and (2), etc. shall be determined by Ordinance of the Minister of Environment.

Article 51 (Requirements for Mandatory Correction of Defects)

(1) In cases where an automobile manufacturer falls under all of the following subparagraphs, he/she shall correct the defect of the relevant parts pursuant to the main sentence of Article 53 (2) of the Act:

1. Cases where the number of cases (referring to the number of cases of adjustment or replacement of parts due to defects in automobile construction; hereafter the same shall apply in this paragraph) of defective parts for the same part of the same automobile model sold in the same year is 50 or more; and
2. Cases where the rate of cases of defective parts against the number of automobiles sold in the same year is 4 percent or more.

(2) The mandatory correction of defects as referred to in paragraph (1) shall be limited to the exhaust gas guarantee period.

Article 52 (Calculation of Amount of Penalty Surcharges)

The standards for calculation of sales amount and imposition of penalty surcharges according to the seriousness of violation under Article 56 (2) of the Act shall be as mentioned in annexed Table 12.

Article 53 (Permissible Emission Levels for Automobiles in Operation)

The permissible emission levels for automobiles in operation under Article 57 of the Act shall be determined by Ordinance of the Ministry of Environment through consultation with the heads of relevant central administrative organs by kind of exhaust gas as classified in each of the following subparagraphs:

1. Cases of load-free testing:
  - (a) In cases of automobiles using gasoline, alcohol or gas, or mixture of these fuels:
    - (i) Carbon monoxide;
    - (ii) Exhaust pipe hydrocarbon; and
    - (iii) Nitrogen oxide (referring to deemed nitrogen oxides by means of the measurement of the rate of surplus air); and
  - (b) In cases of automobiles using light oil or mixing light oil with gas: Smoke; and
2. Cases of load testing:
  - (a) In cases of automobiles using gasoline, alcohol or gas, or mixture of these fuels:
    - (i) Carbon monoxide;
    - (ii) Exhaust pipe hydrocarbon; and
    - (iii) Nitrogen oxide; and
  - (b) In cases of automobiles using light oil or mixing light oil with gas: Smoke.

Article 54 (Areas to Implement Close Inspection of Exhaust Gases from Automobiles in Operation)

The term "areas determined by Presidential Decree" in Article 63 (1) 2 of the Act means areas in each of the following subparagraphs:

1. Gwangju Metropolitan City, Daejeon Metropolitan City, Ulsan Metropolitan City and Yongin-*si*; and
2. Cheongju-*si*, Cheonan-*si*, Jeonju-*si*, Pohang-*si*, and Changwon-*si*.

Article 55 (Usage of Penalty Surcharges)

The usage of penalty surcharges under Article 67 (3) of the Act shall be as follows:

1. Expenses necessary for conducting demonstration projects and outsourcing research work for the reduction of automobile exhaust gases;
2. Expenses necessary for the purchase, installation and operation of measuring equipment and facilities for automobile exhaust gases; and
3. Expenses necessary for public relations, such as guidance on inspection, free measure-

ment, etc. of automobile exhaust gases.

Article 56 (Methods of Inspection of Automobile Fuels or Additives)

(1) The methods of inspection as to whether automobile fuels and additives under Article 74 (1) of the Act are in conformity with the manufacturing standards shall comply with the Environmental Examination and Inspection Act, and the standards for items which are not air pollutants, but which exert influence over air pollution from among the manufacturing standards shall comply with the methods of inspection in each of the following subparagraphs: *<Amended by Presidential Decree No. 20789, May 21, 2008>*

1. The Korean Industrial Standards under Article 12 of the Industrial Standardization Act; and
2. Other inspection methods determined and announced by the Minister of Environment.

(2) Matters concerning the time, etc. of inspection for each kind of automobile fuels and additives under paragraph (1) shall be determined and announced the Minister of Environment.

Article 57 (Procedures for Inspection of Automobile Fuels or Additives)

(1) A person who intends to receive inspection of automobile fuels or additives under Article 74 (1) of the Act shall submit an application for inspection of automobile fuels or additives to the Minister of Environment or an inspection institution under Article 74 (4) of the Act, by attaching specimens and documents in each of the following subparagraphs thereto:

1. Test specimen;
2. Ingredient analysis showing the composition ratio of chemical substances in a test specimen;
3. Documents showing the identity of the maker or importer; and
4. Materials showing the maximum addition ratio (limited to additives).

(2) The Minister of Environment or an inspection institution under Article 74 (4) of the Act shall, when it is recognized that an automobile fuel or additive was manufactured in conformity with the standards referred to in Article 74 (1) of the Act as a result of inspection, issue a certificate of inspection.

Article 58 (Standards for Designating Inspection Institutions of Automobile Fuels or Additives)

(1) Technical capabilities and inspection equipment which a person who intends to be designated as an inspection institution of automobile fuels under Article 74 (4) of the Act is required to have shall be as mentioned in annexed Table 13.

(2) Technical capabilities and inspection equipment which a person who intends to be designated as an inspection institution of additives under Article 74 (4) of the Act is required to have shall be as mentioned in annexed Table 14.

(3) A person who intends to be designated both as an inspection institution of automobile fuels and an inspection institution of additives may not have the relevant technical capabilities and inspection equipment in duplication.

Article 59 (Classification of Inspection Institutions of Automobile Fuels or Additives)

(1) The inspection institutions of automobile fuels under Article 74 (4) of the Act shall, according to the kinds of fuels subject to inspection, be classified as follows: *<Amended by Presidential Decree No. 21229, Dec. 31, 2008>*

1. Inspection institutions of gasoline and light oil;
2. Inspection institutions of LPG;
3. Inspection institutions of bio-diesel (BD100); and

4. Inspection institutions of natural gas (CNG).

(2) The inspection institutions of additives under Article 74 (4) of the Act shall, according to the kinds of additives subject to inspection, be classified as follows: *<Amended by Presidential Decree No. 21229, Dec. 31, 2008>*

1. Inspection institutions of additives for gasoline and light oil; and
2. Inspection institutions of additives for LPG and natural gas (CNG).

Article 60 (Kinds of Air Pollutants from Ships)

The term “air pollutants prescribed by Presidential Decree” in Article 76 (1) of the Act means nitrogen oxides.

## CHAPTER V SUPPLEMENTARY PROVISIONS

Article 61 (Objects, Procedures and Methods for Financial Support)

(1) Financial support under Article 81 (3) of the Act shall be provided to the following projects:

1. Yellow dust-related research projects; and
2. Domestic and overseas projects for the prevention of damage caused by yellow dust.

(2) A corporation or organization which intends to receive financial support shall make an application for financial support to a competent government office by December 31 each year.

(3) A competent government office which has received an application under paragraph (2) shall determine whether to provide financial support after consulting with relevant government offices and undergoing deliberation by the Committee.

Article 62 (Cooperation with Related Organs)

The term “matters determined by Presidential Decree” in subparagraph 7 of Article 83 of the Act means matters in each of the following subparagraphs:

1. Restoration of land damaged by installing tourist facilities or industrial facilities, etc. to its original state;
2. Regulation of fuels by automobile model;
3. Regulation of the engine power by automobile model; and
4. Matters concerning the restriction of the power sources of automobiles used in a specific zone for a specific use to electricity, solar energy, hydrogen, natural gas, etc.

Article 63 (Delegation of Authority)

(1) The Minister of Environment shall delegate his/her authority in each of the following subparagraphs to Mayors/*Do* governors under Article 87 (1) of the Act:

1. Granting permission for the installation of emission facilities and permission for alteration, and acceptance of reports on installation and reports on alteration under Article 23 of the Act;
2. Acceptance of reports on the commence of operation of emission facilities and preventive facilities under Article 30 (1) of the Act;
3. Issuance of orders to take measures under Article 32 (5) of the Act;
4. Issuance of orders for the suspension of operation under Article 32 (6) of the Act;
5. Issuance of orders for improvement under Article 33 of the Act;
6. Issuance of orders for the suspension of operation, etc. for emission facilities under Article 34 of the Act;
7. Imposition and collection of dues under Article 35 of the Act;
8. Revocation of permission, and issuance of orders for closure and suspension of operation of emission facilities under Article 36 of the Act;

9. Imposition and collection of penalty surcharges under Article 37 of the Act;
  10. Measures for closing of unlawful facilities, etc. under Article 38 of the Act;
  11. Acceptance of reports on the appointment of an environmental engineer and his/her replacement under Article 40 (1) of the Act;
  12. Authority in each of the following items over the places of business in annexed Table 11:
    - (a) Issuance of orders to take measures under Article 41 (4) of the Act;
    - (b) Issuance of orders to take measures and granting approval under Article 42 of the Act;
    - (c) Acceptance of reports on installation and reports on alteration of facilities emitting volatile organic compounds under Article 44 (1) and (2) of the Act;
    - (d) Issuance of orders to take measures under Articles 44 (7) and 45 (5) of the Act;
    - (e) Granting approval on the extension of periods under Article 45 (4) of the Act; and
    - (f) Issuance of orders to report, etc. to, and inspections on, a person falling under Article 82 (1) 2 through 5 of the Act;
  13. Issuance of orders to report, etc. to, and inspections on, a person falling under Article 82 (1) 1 of the Act;
  14. Holding public hearings on delegated authority out of the authorities in each subparagraph of Article 85 of the Act;
  15. Imposition and collection of fines for negligence under Article 94 of the Act (excluding imposition and collection of fines for negligence on and from persons falling under Article 82 (1) 6, 9, and 10 of the Act from among fines for negligence under Article 94 (2) 9 of the Act); and
  16. Receipt of improvement plans under Article 21 (3) and (4).
- (2) The Minister of Environment shall delegate his/her authority in each of the following subparagraphs to the president of the river basin environmental office, the president of the regional environmental office or the president of the metropolitan air quality management office under Article 87 (1) of the Act: *Provided*, That the authorities under subparagraphs 1 and 2 shall be delegated to the president of the metropolitan air quality management office: <Amended by Presidential Decree No. 21229, Dec. 31, 2008; Presidential Decree No. 21325, Feb. 13, 2009>
1. Installation of measuring networks and regular measurement (limited to the jurisdiction of the president of the metropolitan air quality management office) of the degree of air pollution under Article 3 (1) of the Act;
  2. Determination, alteration, announcement and inspection of measuring network installation plans under Article 4 (1) of the Act;
  3. Expropriation and use of land, etc. (limited to the delegated business under subparagraph 1) under Article 5 (1) of the Act;
  4. Receipt and evaluation of statements of results of promotion of programs under Article 19 (3) through (5) of the Act and the authority to entrust works to specialized institutions;
  5. Regulation on the manufacturing, sale or use of fuels or additives under Article 74 (3) of the Act;
  6. Issuance of orders for suspension under Article 75 (1) and (2) of the Act; and
  7. The authority for issuance of orders to make reports, submission of materials, entrance, confirmation, inspection, etc. under Article 82 (1) 9 of the Act.
- (3) The Minister of Environment shall delegate his/her authority in each of the following subparagraphs to the president of the National Institute of National Research under Article

87 (1) of the Act: <Amended by Presidential Decree No. 21229, Dec. 31, 2008; Presidential Decree No. 21325, Feb. 13, 2009>

1. Installation of measuring networks and regular measurement of the degree of air pollution (limited to long flying pollutants, such as yellow sand, etc. outside the jurisdiction of the president of the metropolitan air quality management office) under Article 3 (1) of the Act;
2. Expropriation and use of land, etc. limited to the delegated business under subparagraph 1 under Article 5 (1) of the Act;
3. Receipt of reports under Article 3 (2) of the Act;
4. Certification, omission of certification, certification for alteration, revocation of certification and hearing thereof under Articles 48 (1) and (2), 55 and 85 of the Act: *Provided*, That certification, revocation of certification and hearing thereof on automobiles manufactured in the Republic of Korea shall be excluded;
5. Inspection, omission of inspection, and orders for suspension of sale and forwarding of automobiles (limited to imported automobiles) under Article 50 (1), (2) and (6) of the Act;
6. Inspections for confirmation of defects under Article 51 of the Act and selection of automobiles necessary for such inspection;
7. Receipt of reports under Article 53 (1) of the Act;
8. Inspections to determine whether the standards for manufacturing are satisfied under Article 74 (1) of the Act; and
9. Authority over the designation of inspection institutions, etc. under Article 74 (4) and (7) of the Act.

Article 64 (Supervision of Duties according to Delegation of Authority)

(1) Notwithstanding Article 63 (1), the Minister of Environment may, when he/she deems it particularly necessary to manage air pollution affecting a wide area, check or confirm the places of business for matters in violation of Acts and subordinate statutes, such as whether permissible emission levels are being observed, or have the president of the river basin environmental office or the president of the regional environmental office check and confirm such matters.

(2) In cases where the Minister of Environment, the president of the river basin environmental office or the president of the regional environmental office has discovered a place of business in violation of Acts and subordinate statutes as a result of checkup and confirmation under paragraph (1), he/she shall notify the competent Mayor/*Do* governor of the details thereof and his/her opinions on measures to be taken.

(3) The competent Mayor/*Do* governor to whom a notice is issued under paragraph (2) shall take measures therefor and report or notify the results thereof to the Minister of Environment, the president of the river basin environmental office or the president of the regional environmental office.

Article 65 (Reports)

(1) The Mayor/*Do* governor, the president of the river basin environmental office, the president of the regional environmental office, the president of the metropolitan air quality management office or the president of the National Institute of Environmental Research shall, when he/she completed to handle affairs delegated under Article 87 (1) of the Act, make a report on the details thereof to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment. <Amended by Presidential Decree No. 21325, Feb. 13, 2009>

(2) The Mayor/*Do* governor shall, when he/she has issued an order for the suspension of operation, revocation of permission, etc. under Articles 34 and 36 of the Act, make a report on such fact to the Minister of Environment and heads of the relevant central administrative organs without delay.

Article 66 (Entrustment of Authority)

(1) Pursuant to Article 87 (2) of the Act, the Minister of Environment shall entrust the following business to the Environmental Management Corporation established under the Environmental Management Corporation Act: *<Amended by Presidential Decree No. 21325, Feb. 13, 2009>*

1. Installation of measuring networks and regular measurement of the degree of air pollution (limited to long flying pollutants, such as yellow sand, etc. outside the jurisdiction of the president of the metropolitan air quality management office) under Article 3 (1) of the Act;
2. Expropriation and use of land, etc. (limited to the delegated business under subparagraph 1) under Article 5 (1) of the Act; or
3. Operation of computer networks under Article 32 (7) of the Act and technological support for the business operators.

(2) Pursuant to Article 87 (2) of the Act, the Minister of Environment shall entrust his/her authority for the training of environmental engineers under Article 77 of the Act to the Environmental Preservation Association established under Article 38 of the Framework Act on Environmental Policy.

(3) The president of the Environmental Management Corporation or the president of the Environmental Preservation Association shall, when he/she completed to handle delegated affairs under paragraphs (1) and (2), report the details thereof to the Minister of Environment under conditions prescribed by Ordinance of the Ministry of Environment.

Article 67 (Fine for Negligence)

The basis of imposition of a fine for negligence under Article 94 (1) and (2) of the Act shall be as specified in annexed Table 15.

*[This Article Wholly Amended by Presidential Decree No. 21229, Dec. 31, 2008]*

## ADDENDA

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of subparagraph 2 of Article 54 shall enter into force on January 1, 2008, the amended provisions of Article 60 (limited to diesel engines in the range from not less than 130 kilowatts to less than 294 kilowatts from among small diesel engines according to the proviso to Article 1 of the Addenda of the partially amended Clean Air Conservation Act (Act No. 7779)) on June 29, 2009, and the amended provisions of Article 45 (1) 3 on the date determined by Ordinance of the Ministry of Environment.

Article 2 (Applicability to Restrictions on Installation of Emission Facilities)

(1) The amended provisions of subparagraph 1 of Article 12 shall apply, commencing from the emission facilities first installed after August 31, 1996, which is the enforcement date of subparagraph 1 of Article 5 of the amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 15143).

(2) The amended provisions of subparagraph 2 of Article 12 shall apply, commencing from the emission facilities first installed after January 1, 2004, which is the enforcement date of subparagraph 2 of Article 5 of the amended Enforcement Decree of the Clean Air

Conservation Act (Presidential Decree No. 18042).

Article 3 (Applicability to Reports on Current Status of Correction of Defects and Defective Parts and Requirements for Mandatory Correction of Defects)

The amended provisions of Articles 50 and 51 shall apply, commencing from the automobiles forwarded after January 1, 2007.

Article 4 (Transitional Measures for Approval on Use of Fuels)

In cases where the use of fuels other than low-sulfur oil, or solid fuels is allowed under the former provisions as of January 1, 1998, which is the enforcement date of the amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 15583), the permission or reports under subparagraph 3 of Article 41 or approval under Article 42 (2) 4 shall be deemed to have been obtained or made.

Article 5 (Transitional Measures for Types of Places of Business)

A place of business legally established or for which authorization and permission have been obtained under other Acts and subordinate statutes as of June 30, 2003, which is the enforcement date of the amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 18042), shall be deemed a place of business of the type in conformity with the relevant Acts and subordinate statutes, despite the amended provisions of annexed Table 10.

Article 6 (Transitional Measures for Installation of Watt-Hour Meter)

Emission facilities to be installed with automatic smokestack measuring devices by December 31, 2007 under the proviso to Article 7 (1) of the Addenda from among emission facilities which have been installed and are in operation after obtaining permission for installation or making a report on installation before April 15, 2005 which is the enforcement date of the partially amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 18788), and are installed with a preventive facility to which a watt-hour meter is to be installed under the amended provisions of Article 17 (2) shall be installed with a watt-hour meter by December 31, 2007.

Article 7 (Transitional Measures for Installation of Automatic Smokestack Measuring Devices)

(1) Emission facilities which have been installed and are in operation after obtaining permission for installation or making a report on installation before April 15, 2005 which is the enforcement date of the partially amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 18788), and are required to be installed with an automatic smokestack measuring device under the amended provisions of Article 17 (3) shall be installed with an automatic smokestack measuring device by December 31, 2005 and shall endeavor to normally transmit the results of measurement to the control center: *Provided*, That emission facilities under the amended provisions of subparagraph 1 (a) (ii) through (iv), (b), (c) (ii) a) (applicable only to decomposition facilities of heavy oil), (b) (iii) b) (applicable only to dust from among measuring items), (b) (iii) c) (applicable only to hydrochloric acid recovery facilities), (c) (iii) d) (applicable only to nitrogen recovery and recycling facilities), (c) (iv) a), (c) (iv) b) (applicable only to dust from among measuring items), (c) (v) (applicable only to dust from among measuring items), (c) (vi) and (vii), (d), (e), (f) (ii) through (v), (i) (excluding continuous incineration facilities for household wastes), (j) and (k) of annexed Table 3 shall be installed with an automatic smokestack measuring device by June 31, 2007 and emission facilities under the amended provisions of item (f) (i) of the same subparagraph, which are cooling facilities for cement manufacturing facilities, by December 31, 2007, and shall endeavor to normally

transmit the results of measurement to the control center.

(2) Notwithstanding paragraph (1), in cases of an emission facility under subparagraph 2 of annexed Table 8, which is found to constantly emit pollutants below 30 percent of the permissible emission level as a result of measurement of emission quantity on one or more occasions each month for one year before the expiration of the deadline for installation under paragraph (1), the installation of an automatic smokestack measuring device shall be postponed until the emission quantity increases by 30 percent or more of the permissible emission levels: *Provided*, That in cases where the emission quantity increases by 30 percent or more of the permissible emission levels, the emission facility shall be installed with an automatic smokestack measuring device within six months from such date and shall endeavor to normally transmit the results of measurement to the control center.

Article 8 (Transitional Measures for Designation of Inspection Institutions of Automobile Fuels or Additives)

An institution which has been designated as an inspection institution of automobile fuels or as an inspection institution of additives under conditions prescribed by the Minister of Environment before December 31, 2006 which is the enforcement date of the partially amended Enforcement Decree of the Clean Air Conservation Act (Presidential Decree No. 19770) shall be deemed an institution designated under the amended provisions of Article 58.

Article 9 (Transitional Measures for Administrative Disposition, etc.)

Permission granted by administrative organs or other acts of administrative organs, or reports or other acts for administrative organs under the former provisions at the time this Decree enters into force shall be deemed acts of relevant administrative organs or acts for relevant administrative organs under this Decree.

Article 10 Omitted.

Article 11 (Relations with other Acts and Subordinate Statutes)

In cases where other Acts and subordinate statutes have cited the provisions of the former Enforcement Decree of the Clean Air Conservation Act at the time this Decree enters into force, if the provisions corresponding thereto exist in this Decree, they shall be deemed to have cited the provisions corresponding thereto in this Decree in lieu of the former provisions.

#### ADDENDA <Presidential Decree No. 20547, Jan. 15, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures for Installation of Automatic Smokestack Measuring Device)

(1) Emission facilities which have been installed or are under installation, obtaining permission, etc. under the former provisions at the time this Decree enters into force and have become emission facilities to be installed with automatic smokestack measuring devices under the amended provisions of subparagraph 1 of annexed Table 3 shall be installed with automatic smokestack measuring devices within six months (in cases where the installation of an automatic smokestack measuring device is required to measure dust of the facilities under subparagraph 1 (a) (iii) of annexed Table 3 and in cases where the same place of business required to be newly installed with an automatic smokestack measuring device has ten or more outlets, within one year) and shall endeavor to normally transmit the results of measurement to the control center.

(2) In cases of an emission facility under annexed Table 8, of which emission quantity of a pollutant (limited to dust and sulfur oxides) measured on one or more occasions each month for one year six months before the expiration of the time limit for installation under paragraph (1) is continually less than 30 percent of the permissible emission levels, an automatic smokestack measuring device may not be installed, notwithstanding paragraph (1): *Provided*, That the emission quantity of a pollutant has increased by 30 percent or more of the permissible emission levels, an automatic smokestack measuring device shall be installed within six months from such date.

ADDENDA <Presidential Decree No. 20680, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDA <Presidential Decree No. 20789, May 21, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on May 26, 2008.

Articles 2 through 6 Omitted.

ADDENDA <Presidential Decree No. 21025, Sep. 22, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDUM <Presidential Decree No. 21229, Dec. 31, 2008>

This Decree shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 47 (1) 7 shall enter into force on January 1, 2010.

ADDENDA <Presidential Decree No. 21241, Dec. 31, 2008>

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2009.

Article 2 Omitted.

ADDENDUM <Presidential Decree No. 21325, Feb. 13, 2009>

This Decree shall enter into force on the date of its promulgation.