

## SOIL ENVIRONMENT CONSERVATION ACT

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Act No. 4906, Jan. 5, 1995  
Amended by Act No. 5454, Dec. 13, 1997  
Act No. 5878, Feb. 8, 1999  
Act No. 6452, Mar. 28, 2001  
Act No. 6627, Jan. 26, 2002  
Act No. 6656, Feb. 4, 2002  
Act No. 6846, Dec. 30, 2002  
Act No. 6893, May 29, 2003  
Act No. 7291, Dec. 31, 2004  
Act No. 7428, Mar. 31, 2005  
Act No. 7459, Mar. 31, 2005  
Act No. 8010, Sep. 27, 2006  
Act No. 8014, Sep. 27, 2006  
Act No. 8038, Oct. 4, 2006  
Act No. 8352, Apr. 11, 2007  
Act No. 8466, May 17, 2007  
Act No. 8469, May 17, 2007

### CHAPTER I GENERAL PROVISIONS

#### Article 1 (Purpose)

The purpose of this Act is to enable all citizens of the nation to live in a healthy and comfortable environment, by preventing potential hazard or injury to public health and environment due to soil contamination and by conserving the soil ecosystem by properly maintaining and preserving soil, including purifying contaminated soil, etc. *<Amended by Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

#### Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: *<Amended by Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

1. The term "soil contamination" means the condition of soil brought about by commercial or personal activity which causes damage to the health and properties of the people or the environment;
2. The term "soil contaminants" means any substance which causes soil contamination and which is determined by the Ordinance of the Ministry of Environment;
3. The term "facilities subject to the control of soil contamination" means any facilities, equipment, building, construction and location that are employed to produce, transport, store, treat, process and dispose of soil contaminants and are suspected of contaminating soil;
4. The term "facilities subject to the control of specific soil contamination" means the facilities subject to the control of soil contamination that are feared to contaminate soil significantly and that are determined by the Ordinance of the Ministry of Environment;
5. The term "soil purification" means decreasing or removing contaminants in soil or reducing dangers incurred by contaminants in soil by means of biological, physical and chemical treatment, etc.;
6. The term "detailed soil survey" means surveying the kinds of contaminants, the extent and scope of contamination, etc. in any area that is deemed or is highly deemed to exceed the worrisome level of soil contamination provided for in Article 4-2 under the conditions as prescribed by the Ordinance of the Ministry of Environment; and
7. The term "soil purification business" means the business of purifying contaminated soil.

#### Article 3 (Exclusion from Application)

(1) This Act shall not apply to soil contamination caused by radioactive materials nor the prevention thereof.

(2) The provisions of Articles 15-3 and 15-6 shall not apply to a case where any contaminated farmland is purified due to the soil amendment project provided for in Article 21 of the Farmland Act. *<Newly Inserted by Act No. 7291, Dec. 31, 2004; Act No. 8352, Apr. 11, 2007>*

Article 4 (Formulation of Basic Plan for Soil Conservation, etc.)

(1) The Minister of Environment shall formulate and enforce a basic plan for soil conservation (hereinafter referred to as the “basic plan”) every 10 years. *<Amended by Act No. 5454, Dec. 13, 1997>*

(2) The Minister of Environment shall, when he intends to formulate the basic plan, consult with the heads of the relevant central administrative agencies. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6846, Dec. 30, 2002>*

(3) The basic plan shall include the following subject matters: *<Amended by Act No. 7291, Dec. 31, 2004>*

1. The guidelines for soil conservation policies;
2. The present condition, the on-going progress, and the prospects of soil conservation;
3. Matters concerning the prevention of soil contamination;
4. Matters concerning the purification and restoration of contaminated soil; and
5. Other necessary matters for soil conservation.

(4) The Special Metropolitan City Mayor, Metropolitan City Mayor or *Do* governor (hereinafter referred to as the “Mayor/*Do* governor”) shall formulate a regional soil conservation plan (hereinafter referred to as the “regional plan”) in accordance with the basic plan, and shall enforce it after obtaining the approval of the Minister of Environment. This provision shall also apply when alterations are to be made to the regional plan. *<Amended by Act No. 5454, Dec. 13, 1997>*

(5) The formulation method and procedure of the basic and regional plan and other necessary matters shall be determined by the Presidential Decree.

Article 4-2 (Worrisome Level of Soil Contamination)

The level of soil contamination, which is likely to obstruct the health and properties of persons or rearing of animals and plants (hereinafter referred to as the “worrisome level”) shall be determined by the Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 6452, Mar. 28, 2001]*

Article 5 (Measuring of Degree of Soil Contamination)

(1) For the purpose of surveying the actual nationwide state of soil contamination, the Minister of Environment shall establish a measuring network and measure the degree of soil contamination at all times. *<Amended by Act No. 5454, Dec. 13, 1997>*

(2) The Mayor/*Do* governor or the head of *Si/Gun/Gu* (referring to the head of autonomous *Gu*; hereafter the same shall apply) shall conduct a survey of the actual state of soil contamination in the area under his jurisdiction, which is feared to suffer soil contamination (hereinafter referred to as the “survey of the actual state of soil contamination”). In this case, the head of *Si/Gun/Gu* shall report the result of the survey of the actual state of soil contamination to the Mayor/*Do* governor under the conditions as prescribed by the Ordinance of the Ministry of Environment and the Mayor/*Do* governor shall report the result of the survey of the actual state of soil contamination that he conducts and the result of the survey of the actual state of soil contamination that the head of *Si/Gun/Gu* reports to him to the Minister of Environment under the conditions as prescribed by the Ordinance of the Ministry of Environment. *<Amended by Act No. 7291, Dec. 31, 2004>*

(3) The standards for establishment of measuring network under paragraph (1), the selection

standards for areas subject to a survey of the actual state of soil contamination, the method and procedure for such survey, and other necessary matters shall be determined by the Ordinance of the Ministry of Environment. *<Amended by Act No. 6452, Mar. 28, 2001>*

(4) If the Minister of Environment, the Mayor/*Do* governor or the head of *Si/Gun/Gu* deems it necessary, he may conduct a detailed soil survey in the following regions as determined by the Ordinance of the Ministry of Environment: *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

1. Regions in which the results of a regular measuring under paragraph (1) (hereinafter referred to as the "regular measuring") exceed the worrisome level;
2. Regions in which the results of a survey of the actual state of soil contamination exceed the worrisome level; and
3. Other regions which are deemed by the Minister of Environment, the Mayor/*Do* governor or the head of *Si/Gun/Gu* to have a great possibility for exceeding the worrisome level due to accidents of soil contamination, etc.

(5) The results of regular measuring, survey of the actual state of soil contamination, and detailed soil survey under paragraph (4) shall be disclosed to the public. *<Amended by Act No. 6452, Mar. 28 2001>*

#### Article 6 (Decision and Notification of Installation Plan of Measuring Network)

(1) The Minister of Environment shall decide and publicly announce the installation plan of the measuring network, as provided in Article 5 (1), which clearly indicates the location and region in which the measuring network is installed, and he shall have it available for the public. This provision shall apply to the case where alterations are to be made to the installation plan of the measuring network. *<Amended by Act No. 5454, Dec. 13, 1997>*

(2) Deleted. *<by Act No. 6452, Mar. 28, 2001>*

#### Article 7 (Expropriation and Use of Land, etc.)

(1) The Minister of Environment, the Mayor/*Do* governor or the head of *Si/Gun/Gu* may, where deemed necessary for a regular measuring, a survey of the actual state of soil contamination or a detailed soil survey under Article 5, expropriate or use the land, buildings or fixtures of the land within the region for a survey of the actual state of soil contamination and a detailed soil survey under Article 5 (4), and the region of the measuring network publicly announced under Article 6. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

(2) With regard to the procedures of expropriation and use and the compensation for loss as provided in paragraph (1), the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply. *<Amended by Act No. 6656, Feb. 4, 2002>*

#### Article 8 (Entry to Land of Other Persons, etc.)

(1) The Minister of Environment, the Mayor/*Do* governor, the head of *Si/Gun/Gu* or the specialized agency related to soil under Article 23-2 (hereinafter referred to as the "soil-related specialized agency") may, where deemed necessary for a regular measuring, a survey of the actual state of soil contamination, or a detailed soil survey provided for in Articles 5 (4), 11 (3) and 15 (1), make the public officials under his control or employees of the soil-related specialized agency to enter the land of other persons, or to alter or remove the tree, stone, soil and other obstacles in the relevant land. In this case, the head of soil-related specialized agency shall obtain permission therefor from the head of *Si/ Gun/Gu*. *<Amended by Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

(2) When intending to alter or remove the obstacles as provided in paragraph (1), the competent public officials or employees of the soil-related specialized agency shall obtain

consent from the owner, occupant or manager of the obstacles: *Provided*, That when the competent public officials or employees of the soil-related specialized agency are unable to obtain consent because the owner, occupant or manager is not present at the site, or his address or residence cannot be ascertained, they shall obtain consent from the head of *Si/Gun/Gu*. *<Amended by Act No. 7291, Dec. 31, 2004>*

(3) When intending to enter the land of other person or to alter or remove the obstacles from the surface of that land as provided in paragraph (1), the competent public officials or employees of the soil-related specialized agency shall notify the owner, occupant or manager of the land or obstacles three days prior to the date of entering the land and altering or removing the obstacles: *Provided*, That the address or residence of the owner, occupant or manager of the land or obstacles cannot be ascertained, the notification may not be given.

(4) Before sunrise and after sunset, the competent public officials or employees of the soil-related specialized agency shall be prohibited from the entry into the residential site or fenced land of other person.

(5) The occupant of the land may not interfere with or refuse the activities of the competent public officials or employees of the soil-related specialized agency as provided in paragraph (1), without any justifiable reasons. *<Amended by Act No. 6452, Mar. 28, 2001>*

(6) The public officials who intend to enter the land of other person as provided in paragraph (1), shall produce a certificate indicating their authority to the relevant persons. *<Amended by Act No. 6452, Mar. 28, 2001>*

#### Article 9 (Compensation for Loss)

(1) In case where the State, a local government or a soil-related specialized agency inflicts loss to other persons on account of the activities under Article 8, it shall compensate for such loss under the conditions as determined by the Presidential Decree. *<Amended by Act No. 6452, Mar. 28, 2001>*

(2) Persons who intend to obtain a compensation under paragraph (1) shall claim such with the Minister of Environment, the Mayor/*Do* governor, the head of *Si/Gun/Gu* or the head of soil-related specialized agency. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

(3) The Minister of Environment, the Mayor/*Do* governor, the head of *Si/Gun/Gu* or the head of soil-related specialized agency shall, where a claim under paragraph (2) has been made, determine the amount, etc. to be compensated through the consultation with the person suffered such loss, and notify the claimant thereof. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

(4) The Minister of Environment, the Mayor/*Do* governor, the head of *Si/Gun/Gu*, the head of soil-related specialized agency or the person suffered a loss may, where the consultation under paragraph (3) fails to lead to an agreement or may not be achieved, file a motion for adjudication with the competent Land Expropriation Committee under the conditions as determined by the Presidential Decree. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

(5) A person who is dissatisfied with the adjudication under paragraph (4) may file an objection with the Central Land Expropriation Committee within one month from the date of receiving the original written adjudication. *<Newly Inserted by Act No. 6452, Mar. 28, 2001>*

Article 10 Deleted. *<by Act No. 8038, Oct. 4, 2006>*

Article 10-2 (Assessment of Soil Environment)

(1) In case where a site on which the facilities subject to the control of soil contamination are installed or have been installed is transferred or taken over, rented out or taken on lease, the transferor, transferee, lesser and lessee may have the soil-related specialized agency conduct an assessment as to soil contamination (hereinafter referred to as "assessment of soil environment") on the site where the relevant facilities are installed and the areas around it (referring to the areas designated by the Ordinance of the Ministry of Environment to have concerns over soil contamination; hereinafter the same shall apply). *<Amended by Act No. 7291, Dec. 31, 2004>*

(2) The result of an assessment of soil environment shall be presumed to indicate the level of soil contamination at the time of relevant assessment.

(3) The items, methods and procedures for an assessment of soil environment and other necessary matters shall be determined and publicly notified by the Minister of Environment.

*[This Article Newly Inserted by Act No. 6452, Mar. 28, 2001]*

Article 10-3 (Strict Liability for Damages Resulting from Soil Contamination)

(1) The person causing soil contamination shall, where any damages occur due to the soil contamination, compensate for such damages and purify the contaminated soil: *Provided*, That this shall not apply to the case where the soil contamination has been caused by a natural disaster or a war. *<Amended by Act No. 6452, Mar. 28, 2001>*

(2) Where there exist two or more persons causing soil contamination, and it is impossible to find out which one has caused the damages under paragraph (1), each one shall jointly and severally compensate for such damages and purify the contaminated soil. *<Amended by Act No. 6452, Mar. 28, 2001>*

(3) Persons falling under any of the following subparagraphs shall be deemed those causing soil contamination under paragraph (1): *Provided*, That this shall not apply to the case where the person who has taken over the facilities subject to the control of soil contamination is innocent and has no fault in the case of subparagraphs 3 (limited to the person who has taken over the facilities subject to the control of soil contamination) and 4: *<Newly Inserted by Act No. 6452, Mar. 28, 2001; Act No. 6627, Jan. 26, 2002; Act No. 7291, Dec. 31, 2004; Act No. 7428, Mar. 31, 2005>*

1. Persons who have induced a soil contamination by leaking, draining, abandoning or neglecting soil contaminants;
2. Persons who own, occupy or operate the facilities subject to the control of soil contamination which have been a cause for soil contamination at the time of occurrence of soil contamination;
3. Persons who have taken over the facilities subject to the control of soil contamination and who have comprehensively succeeded to the rights and liabilities of those falling under subparagraphs 1 and 2 on account of merger, inheritance and other reasons; and
4. Persons who have taken over the facilities subject to the control of soil contamination by means of the public auction under the Civil Execution Act, the conversion under the Debtor Rehabilitation and Bankruptcy Act, the sale of seized assets under the National Tax Collection Act, the Customs Act or the Local Tax Act, or in accordance with other procedures corresponding thereto.

## CHAPTER II REGULATION ON SOIL CONTAMINATION

### Article 11 (Report on Soil Contamination, etc.)

(1) Anyone who produces, transports, stores, handles, processes, or treats soil contaminants shall, when he discharges or leaks them in the process, make without delay a report thereon to the head of competent *Si/Gun/Gu*.

(2) The head of *Si/Gun/Gu* may, when he receives the report referred to in paragraph (1) or finds the discharge or leakage of soil contaminants, have public officials under his control enter the relevant land to survey the cause and the level of soil contamination.

(3) With respect to any soil whose level of contamination is found to exceed the worrisome level of soil contamination (hereinafter referred to as the "contaminated soil") provided for in Article 4-2 as a result of the survey referred to in paragraph (2), the head of *Si/Gun/Gu* may order anyone who causes the soil contamination to ask the soil-related specialized agency for conducting a detailed soil survey and to take measures to purify the contaminated soil.

(4) The soil-related specialized agency shall, if it conducts the detailed soil survey pursuant to paragraph (3), inform without delay the head of the competent *Si/Gun/Gu* of the result of the detailed soil survey.

(5) Public officials who intend to enter any land of other person under paragraph (2) shall carry certificates showing their authority and produce them to the persons concerned.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

### Article 12 (Report, etc. on Facilities Subject to Control of Specific Soil Contamination)

(1) Persons who intend to install the facilities subject to the control of specific soil contamination shall, under the conditions as determined by the Presidential Decree, make a report on the details of such facilities and the plan for installing the facilities to prevent soil contamination under paragraph (3) to the head of *Si/Gun/Gu*. The same shall also apply to a case where the reported matters, the contents of which are prescribed by the Ordinance of the Ministry of Environment, are changed (including the closure of facilities).  
<Amended by Act No. 5878, Feb. 8, 1999; Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>

(2) Permission granted or registration made under the Safety Control of Dangerous Substances Act, the Toxic Chemicals Control Act and other Acts and subordinate statutes designated by the Ordinance of the Ministry of Environment concerning the installation of the facilities subject to the control of specific soil contamination shall be deemed to be a report made under paragraph (1). In this case, the head of a permission or registration agency shall notify such facts to the head of *Si/Gun/Gu* having jurisdiction over the area in which the facilities subject to the control of specific soil contamination are installed, along with the documents concerning the facilities to prevent a soil contamination as determined by the Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 5878, Feb. 8, 1999; Act No. 6452, Mar. 28, 2001; Act No. 6893, May 29, 2003; Act No. 7291, Dec. 31, 2004>

(3) The installer of the facilities subject to the control of specific soil contamination (including an operator of relevant facilities; hereinafter the same shall apply) shall, under the conditions as determined by the Presidential Decree, install the facilities to prevent soil contamination, and maintain it. <Amended by Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>

(4) and (5) Deleted. <by Act No. 6452, Mar. 28, 2001>

### Article 13 (Examination of Soil Contamination)

(1) The installer of the facilities subject to the control of specific soil contamination shall, under the conditions as prescribed by the Presidential Decree, undergo an examination

of soil contamination on the site of relevant facilities and the areas around it (hereinafter referred to as the “examination of soil contamination”) from a soil-related specialized agency: *Provided*, That the same shall not apply to a case where it is impossible to collect soil samples or the head of *Si/Gun/Gu* approves that it is not necessary to examine soil contamination and it falls under the requirements that are determined by the Presidential Decree. *<Amended by Act No. 7291, Dec. 31, 2004>*

(2) The procedures for an approval under the proviso of paragraph (1) shall be determined by the Ordinance of the Ministry of Environment, and the applicant for such approval shall attach the opinion of a soil-related specialized agency: *Provided*, That in case where some facilities from among a large number of storage facilities of same category are shut down under the conditions as prescribed by the Presidential Decree, the opinion of the soil-related specialized agency may not be attached. *<Amended by Act No. 7291, Dec. 31, 2004>*

(3) The examination of soil contamination shall be conducted by dividing into an examination of the level of soil contamination and that of leakage: *Provided*, That an examination of leakage shall be limited to the facilities for which a visual verification of any leakage is impossible as the storage facility or piping is buried underground or stuck on the land.

(4) The soil-related specialized agency shall, where it has conducted an examination of soil contamination, notify the result of examination to the installer of the facilities subject to the control of specific soil contamination, the head of competent *Si/Gun/Gu* and the head of competent fire station (a notification to the head of fire station shall be limited to the case of facilities, from among those permitted under the Safety Control of Dangerous Substances Act, verified to have a leakage of contaminated substance as a result of leakage examination), and the installer of the facilities subject to the control of specific soil contamination shall keep the result of examination notified to him, under the conditions as determined by the Ordinance of the Ministry of Environment. *<Amended by Act No. 6893, May 29, 2003; Act No. 7291, Dec. 31, 2004>*

(5) The method of collecting samples for the examination of soil contamination and other necessary matters shall be determined by the Ordinance of the Ministry of Environment.

(6) In case where it is deemed necessary to perform a precise examination based on the result of the soil contamination examination that is informed by the soil-related specialized agency pursuant to paragraph (4), the head of the competent *Si/Gun/Gu* may commission any soil-related specialized agency that is prescribed by the Ordinance of the Ministry of Environment with the examination of soil contamination. *<Newly inserted by Act No. 7291, Dec. 31, 2004>*

*[This Article Newly Inserted by Act No. 6452, Mar. 28, 2001]*

Article 14 (Order Given to Installer of Facilities Subject to Control of Specific Soil Contamination)

(1) The head of *Si/Gun/Gu* may, in case where the installer of the facilities subject to the control of specific soil contamination falls under any case of the following subparagraphs, order him to install or improve soil-contamination prevention facilities and to take measures to purify contaminated soil for the period that is fixed by the Presidential Decree or ask the soil-related specialized agency to conduct a detailed soil survey in the site of such facilities and surrounding areas: *<Amended by Act No. 7291, Dec. 31, 2004>*

1. Where he fails to install the facilities to prevent soil contamination, or fails to meet the relevant criteria; or
2. Where the level of soil contamination comes to exceed the worrisome level as a result of an examination of soil contamination.

(2) The soil-related specialized agency shall, in case where it conducts the detailed soil survey pursuant to paragraph (1), inform without delay the head of the competent *Si/Gun/Gu* of the result of such detailed soil survey. <Amended by Act No. 7291, Dec. 31, 2004>

(3) The head of *Si/Gun/Gu* may order the installer of the facilities subject to the control of specific soil contamination to suspend the use of relevant facilities, in case where the said installer fails to comply with the order under paragraph (1) or, if he has complied with the relevant order, the level of soil contamination in the site of relevant facilities and surrounding areas fails to come down below the worrisome level. <Amended by Act No. 7291, Dec. 31, 2004>

[This Article Wholly Amended by Act No. 6452, Mar. 28, 2001]

Article 15 (Orders, etc. to Take Preventive Measures against Soil Contamination)

(1) The Mayor/*Do* governor or the head of *Si/Gun/Gu* may order the person causing a contamination in the area falling under Article 5 (4) 2 to undergo a detailed soil survey conducted by the soil-related specialized agency, with fixing the period under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 7291, Dec. 31, 2004>

(2) The soil-related specialized agency shall, where it has conducted a detailed soil survey under paragraph (1), notify without delay the person causing a contamination and the competent Mayor/*Do* governor or the head of *Si/Gun/Gu* of the result of inspection. <Amended by Act No. 7291, Dec. 31, 2004>

(3) The Mayor/*Do* governor or the head of *Si/Gun/Gu* may, in case where the level of soil contamination exceeds the worrisome level as a result of the regular measuring, the survey of the actual state of soil contamination or the detailed soil survey, order the person who causes the soil contamination to take the measures falling under each of the following subparagraphs for the fixed period that is set by the Presidential Decree: *Provided*, That in case where it is impossible to identify the person who causes the soil contamination and the person who causes the soil contamination is deemed to be unable to purify the contaminated soil, the Mayor/*Do* governor or the head of *Si/Gun/Gu* may purify such contaminated soil: <Amended by Act No. 7291, Dec. 31, 2004>

1. Improvements in or the relocation of the facilities subject to the control of soil contamination in question;
2. Restrictions on the use of the relevant material which contaminates soil; and
3. The purification of contaminated soil.

(4) and (5) Deleted. <by Act No. 7291, Dec. 31, 2004>

(6) The Minister of Environment may, when any soil contamination is found to exceed the worrisome level of soil contamination as a result of the measurement of the level of the relevant soil contamination provided for in paragraph (5), ask the Mayor/*Do* governor or the head of *Si/Gun/Gu* having jurisdiction over the soil contaminated area to take the measures referred to in paragraph (3). <Newly Inserted by Act No. 7291, Dec. 31, 2004>

(7) The Mayor/*Do* governor or the head of *Si/Gun/Gu* shall, upon receiving the request from the Minister of Environment that is made pursuant to paragraph (6), take the measures referred to in paragraph (3) and report the result of the measures to the Minister of Environment under the conditions as prescribed by the Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 7291, Dec. 31, 2004>

[This Article Wholly Amended by Act No. 6452, Mar. 28, 2001]

Article 15-2 (Report on Execution of Order)

Anyone who is ordered to take measures or to make the suspension pursuant to Article 11 (3), 14 (1) and (3) or 15 (3) shall, when he executes such order, promptly make a report thereon to the Mayor/*Do* governor or the head of *Si/Gun/Gu* under the conditions

as prescribed by the Ordinance of the Ministry of Environment. In this case, the Mayor/*Do* governor or the head of *Si/Gun/Gu* shall confirm the execution of such order under the conditions as prescribed by the Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 15-3 (Purification of Contaminated Soil)

(1) The contaminated soil shall be purified according to the purification standards and methods that are set by the Presidential Decree.

(2) The contaminated soil shall be purified after commissioning its purification work to anyone who has registered his soil purification business pursuant to Article 23-7 (1) (hereinafter referred to as the "soil purification business operator"): *Provided*, That with respect to any soil contamination that falls under the categories and scales that are prescribed by the Presidential Decree, including the soil contamination that is caused by organic solvents, etc., anyone who causes the relevant soil contamination may purify it himself.

(3) the contaminated soil shall be purified in the site where such soil contamination occurs: *Provided*, That in case where it is difficult to purify the contaminated soil in the site on the grounds of the narrowness of the site and other grounds of inevitability that are prescribed by the Ordinance of the Ministry of Environment, the contaminated soil may be shipped to the facilities that are owned by any soil purification business operator (referring to the facilities provided for in Article 23-7 (1)) for its purification under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(4) Anyone who purifies the contaminated soil shall be prohibited from performing the act of lowering the contamination density by mixing the contaminated soil with other soil.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 15-4 (Prohibition on Dumping Contaminated Soil, etc.)

No one shall perform the act falling under any of the following subparagraphs:

1. The act of dumping the contaminated soil; and
2. The act of leaking and discharging the contaminated soil in the course of storing, transporting and purifying it.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 15-5 (Assessment of Hazardous Level)

In case where the Mayor/*Do* governor or the head of *Si/Gun/Gu* intends to purify the contaminated soil pursuant to the provisions of the proviso other than each subparagraph of Article 15 (3) or the head of *Si/Gun/Gu* intends to undertake the contaminated soil improvement project pursuant to Article 19 (3), he shall assess the extent of hazardousness of contaminants of the relevant land, which affects human bodies and environment, taking into account the kinds of contaminants, the level of contamination, surrounding areas, the future land utilization plan and other necessary matters and then reflect the result of the assessment in the scope and time, etc. of purification.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 15-6 (Verification of Soil Purification)

(1) Anyone who causes the soil contamination shall, in case where he commissions any soil purification business operator to purify the contaminated soil, ask the agency in charge of investigating soil contamination to verify the process of purification and the completion of purification: *Provided*, That in case where the scale of contaminated soil is found to be small and the density of contamination is found to be low as a result of the detailed soil survey and the contaminated soil falls under the scale and category that are prescribed by the Presidential Decree, the verification of the purification process may be omitted.

(2) Anyone who causes the soil contamination shall, in case where he intends to have the purification process of the contaminated soil and the completion of the purification verified pursuant to the main sentence of paragraph (1), develop a plan for purifying the contaminated soil according to the contents and procedures that are determined by the Ordinance of the Ministry of Environment and submit such plan to the head of the competent *Si/Gun/Gu*. The same shall apply to a case where he intends to change matters in the plan submitted, which are prescribed by the Ordinance of the Ministry of Environment.

(3) The soil-related specialized agency may, in case where it performs the verification provided for in paragraph (1), collect verification fees from persons who cause the soil contamination. In this case, standards for calculating verification fees shall be set by the Ordinance of the Ministry of Environment.

(4) Procedures for, contents of and methods of the verification referred to in paragraph (1) and other matters necessary for the verification shall be determined by the Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

### CHAPTER III DESIGNATION AND MAINTENANCE OF REGION REQUIRING COUNTERMEASURES FOR SOIL CONSERVATION

Article 16 (Standards of Countermeasures against Soil Contamination)

The standards of soil contamination, which is likely to obstruct human health and properties or rearing of animals and plant, and accordingly would necessitate the countermeasures (hereinafter referred to as the “countermeasure standards”), shall be determined by the Ordinance of the Ministry of Environment. *<Amended by Act No. 5454, Dec. 13, 1997>*

Article 17 (Designation of Area Requiring Countermeasures for Soil Conservation)

(1) The Minister of Environment may designate the region exceeding the countermeasure standards, and the region requested by the head of *Si/ Gun/Gu* provided in paragraph (2) as a region requiring countermeasures for soil conservation (hereinafter referred to as a “region requiring countermeasures”) in consultation with the head of the relevant central administrative agency and the competent Mayor/*Do* governor: *Provided*, That any region that falls under the case that is prescribed by the Presidential Decree shall be designated as a region requiring countermeasures. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

(2) When the head of *Si/Gun/Gu* deems that soil conservation on a particular region among his jurisdictional area is especially necessary, he may ask the Minister of Environment to designate the area as a region requiring countermeasures after consulting thereabout with the Mayor/ *Do* governor having jurisdiction over the area even if the level of soil contamination in that area does not exceed the countermeasure standards. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 7291, Dec. 31, 2004>*

(3) The standard and procedure of designating the region requiring countermeasures as provided in paragraph (1), and other necessary matters shall be determined by the Presidential Decree.

(4) In a case where the Minister of Environment designates a region requiring countermeasures as provided in paragraph (1), he shall give notice of the location, area,

date, purpose of the designation and other matters as determined by the Ordinance of the Ministry of Environment. This provision shall also apply when any notified matters are altered. *<Amended by Act No. 5454, Dec. 13, 1997>*

Article 18 (Formulation and Execution of Countermeasure Plan)

(1) The head of *Si/Gun/Gu* [in case where the relevant region requiring countermeasures extends over not less than 2 *Sis/Guns/Gus* (referring to the autonomous *Gu*; hereinafter the same shall apply), the head of *Si/Gun/Gu* refers to the head of *Si/Gun/Gu* who is prescribed by the Presidential Decree] shall develop a countermeasure plan for soil conservation (hereinafter referred to as the "countermeasure plan") with respect to the region requiring countermeasures and execute it after obtaining approval therefor from the Minister of Environment after consulting thereabout with the Mayor/*Do* governor having jurisdiction over the region. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 7291, Dec. 31, 2004>*

(2) The countermeasure plan shall include the following subject matters: *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 7291, Dec. 31, 2004>*

1. The project to improve contaminated soil;
2. The plan to use the land, etc.;
- 2-2. The survey of damage to the health of residents and the countermeasures against such damage; and
3. Other matters deemed to be necessary for the formulation and execution of the countermeasure plan and determined by the Ordinance of the Ministry of Environment.

(3) The kind, standard and other necessary matters of the projects to improve contaminated soil as provided in paragraph (2) 1 shall be determined by the Presidential Decree.

(4) Specific matters concerning the survey of damage to the health of residents and the countermeasures against such damage referred to in paragraph (2) 2-2 shall be determined by the Presidential Decree. *<Newly Inserted by Act No. 7291, Dec. 31, 2004>*

(5) When intending to approve the countermeasure plan as provided in paragraph (1), the Minister of Environment shall consult thereabout with the head of the relevant central administrative agency. After giving his approval, he shall notify the head of the relevant central administrative agency and may request the latter to take necessary measures. In this case, the head of the relevant central administrative agency shall comply with the request unless there exists any special cause. *<Amended by Act No. 5454, Dec. 13, 1997>*

Article 18-2 (Report on Result of Implementing Countermeasure Plan)

The head of *Si/Gun/Gu* shall report the result of implementing the countermeasure plan to the Minister of Environment.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 19 (Project to Improve Contaminated Soil)

(1) The head of *Si/Gun/Gu* may order the person causing soil contamination to execute the whole or part of the project to improve contaminated soil as provided in Article 18

(2) 1. In this case, the head of *Si/Gun/Gu* may, where deemed necessary for a preservation of soil, get the soil-related specialized agency that is determined by the Ordinance of the Ministry of Environment to guide and supervise the contaminated soil improvement project. *<Amended by Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

(2) Any person causing soil contamination shall, when he intends to execute the project to improve contaminated soil as provided in paragraph (1), prepare the plan for such project, and obtain an approval thereof from the head of *Si/Gun/Gu* under the conditions as prescribed by the Ordinance of the Ministry of Environment. This provision shall also

apply when the material matters, determined by the Ordinance of the Ministry of Environment, from among other approved matters are altered. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 7291, Dec. 31, 2004>*

(3) In a case of paragraph (1), where the person causing soil contamination does not exist or the project is difficult to be executed by the person causing the contamination, the head of *Si/Gun/Gu* may execute the pertinent project designed to improve contaminated soil. *<Amended by Act No. 7291, Dec. 31, 2004>*

(4) In a case of paragraph (3), where the pertinent region requiring countermeasures extends over two or more *Sis/Guns/Gus*, the head of *Si/Gun/Gu* who is determined by the Presidential Decree shall implement the project to improve contaminated soil. *<Amended by Act No. 7291, Dec. 31, 2004>*

(5) In a case where the project to improve contaminated soil as provided in paragraph (3) or (4) is difficult to be executed by the head of *Si/Gun/Gu* due to the lack of technology or the excess of the project costs, etc., the Minister of Environment or the Mayor/*Do* governor may, upon request of the Mayor/*Do* governor, provide technological and financial support to the pertinent project. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6846, Dec. 30, 2002; Act No. 7291, Dec. 31, 2004>*

#### Article 20 (Limitation on Use of Land)

The head of *Si/Gun/Gu* may impose limitations on the use of land or the installation of facilities which are deemed to have the possibility to harm the purpose of the designation of the region requiring countermeasures, under the conditions as determined by the Presidential Decree. *<Amended by Act No. 7291, Dec. 31, 2004>*

#### Article 21 (Limitation on Activities)

(1) No one may discharge into soil within the region requiring countermeasures specified substances harmful to water quality as provided in subparagraph 8 of Article 2 of the Water Quality and Ecosystem Conservation Act, wastes as provided in subparagraph 1 of Article 2 of the Wastes Control Act, toxic chemicals as provided in subparagraph 2 of Article 2 of the Toxic Chemicals Control Act, sewage and excreta as provided in subparagraphs 1 and 2 of Article 2 of the Sewerage Act, or livestock excreta as provided in subparagraph 2 of Article 2 of the Act on the Management and Use of Livestock Excreta: *Provided*, That activities as determined by the Ordinance of the Ministry of Environment shall be excluded. *<Amended by Act No. 5454, Dec. 13, 1997; Act No. 7459, Mar. 31, 2005; Act No. 8014, Sep. 27, 2006; Act No. 8466, May 17, 2007>*

(2) No one may install facilities which are deemed to have the possibility to harm the purpose of the designation of the region requiring countermeasures, and determined by the Presidential Decree in such region.

(3) In a case where soil is contaminated or likely to be contaminated due to activities or installation of facilities pursuant to paragraphs (1) and (2), the head of *Si/Gun/Gu* may order the person who did such activities to remove soil contaminants or the installer of such facilities to withdraw the facilities. *<Amended by Act No. 7291, Dec. 31, 2004>*

#### Article 22 (Cancellation of Designation of Region Requiring Countermeasures)

(1) The Minister of Environment may cancel or alter the designation of a region requiring countermeasures as provided in Article 17 (1) when the level of soil contamination comes down below the worrisome level, when it is inevitable for public interest, or when the purpose of designating the region requiring countermeasures has been lost due to natural disasters or other reasons. *<Amended by Act No. 5454, Dec. 13, 1997>*

(2) The provisions of Article 17 (2) and (4) shall apply *mutatis mutandis* to the cancellation or alternation of the designation of the region requiring countermeasures as provided

in paragraph (1).

Article 23 Moved to Article 10-3.

## CHAPTER III-2 SOIL-RELATED SPECIALIZED AGENCY AND SOIL PURIFICATION BUSINESS

Article 23-2 (Designation, etc. of Soil-Related Specialized Agency)

(1) Persons who intend to become a soil-related specialized agency according to the following classifications shall be designated by the Minister of Environment by securing the facilities and equipment for examination and the technological capabilities under the conditions prescribed by the Presidential Decree. This shall also apply to a case where the matters that are prescribed by the Presidential Decree among the designated matters are changed:

*<Amended by Act No. 7291, Dec. 31, 2004>*

1. Agency to survey soil contamination: Agency to perform duties falling under any of the following items:
  - (a) Detailed soil survey;
  - (b) Assessment of soil environment;
  - (c) Examination of the level of soil contamination under Article 13 (3);
  - (d) Verification of soil purification provided for in Article 15-6 (1); and
  - (e) Guidance and oversight of the project to improve contaminated soil under Article 19 (1); and
2. Agency to examine leakage: Agency to conduct a leakage examination under Article 13 (3).

(2) Agencies to survey soil contamination under paragraph (1) 1 shall be designated from among the regional environment offices, national and public research institutes, universities under the Higher Education Act, special juristic persons established under the special Acts, or nonprofit corporations under a permit for establishment by the Minister of Environment: *Provided*, That the agencies determined by the Presidential Decree shall be deemed those designated as the agencies to survey soil contamination under paragraph (1).

(3) The Minister of Environment shall, where he has designated a soil-related specialized agency, deliver the written designation, and publicly notify it.

(4) Matters to be observed by the soil-related specialized agencies, fees for examination, and other necessary matters shall be determined by the Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 6452, Mar. 28, 2001]*

Article 23-3 (Disqualifications of Soil-Related Specialized Agencies)

Any person falling under one of the following subparagraphs shall not be designated as the soil-related specialized agency: *<Amended by Act No. 7291, Dec. 31, 2004>*

1. An incompetent or a quasi-incompetent;
2. A person who has been sentenced to a bankruptcy and not reinstated as yet;
3. A person for whom two years have not yet elapsed after a revocation of designation under Article 23-6;
4. A person who has been sentenced to imprisonment or a heavier punishment for violating this Act and for whom two years have yet to pass from the date on which the execution of the sentence is terminated (including a case where the execution of the sentence is deemed terminated) or the execution of the sentence is exempted; and
5. A juristic person in which there exist persons falling under one of subparagraphs 1 through 4 from among its officers.

*[This Article Newly Inserted by Act No. 6452, Mar. 28, 2001]*

Article 23-4 (Prohibition on Lending Written Designation of Soil-Related Specialized Agency, etc.)

Anyone who is designated as the soil-related specialized agency shall be prohibited from

permitting any other person to perform the work of his soil-related specialized agency by using his name or from lending the written designation of his soil-related specialized agency to any other person.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 23-5 (Prohibition on Concurrently Running other Businesses)

Anyone who is designated as the agency to survey soil contamination pursuant to Article 23-2 (1) 1 from among soil-related specialized agencies shall be prohibited from concurrently running the soil purification business.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 23-6 (Revocation, etc. of Designation of Soil-Related Specialized Agency)

(1) When a soil-related specialized agency falls under any of the following subparagraphs, the Minister of Environment shall revoke the designation of soil-related specialized agency:

1. When it has obtained designation by deception or other unlawful means;
2. When it has come to fall under any of the subparagraphs of Article 23-3: *Provided*, That an officer who falls under subparagraph 5 of Article 23-3 from among the officers of the corporation is replaced within 3 months, this shall not apply; or
3. When it has concurrently run the soil purification business in violation of Article 23-5.

(2) When a soil-related specialized agency falls under any of the following subparagraphs, the Minister of Environment may either revoke the designation of soil-related specialized agency or order to suspend its business for a specified period of six months or less:

1. When it has come to fall short of the designation standards under Article 23-2 (1);
2. When it has allowed other persons to conduct the duty of the soil-related specialized agency by using its name or has lent its certificate of designation to other persons in violation of Article 23-4;
3. When it has prepared a false examination result on purpose or by gross negligence;
4. When it conducted insincerely the detailed soil survey under Article 11 (3), 14 (1) or 15 (1) on purpose or by gross negligence so that the scale of contaminated soil has come to be reduced below the one which is the object of verification of purification process under the proviso to Article 15-6 (1);
5. When it has conducted duties related to the examination of level of soil contamination or leakage examination during the period of disposition of business suspension; or
6. When a person other than a technical expert falling under the requirements for designation of technological capabilities under Article 23-2 (1) has conducted examination and notified of the result.

(3) When a soil-related specialized agency falls under any of the following subparagraphs, the Minister of Environment may order to suspend its duty for a specified period of six months or less:

1. When it conducted insincerely the verification of soil purification under Article 15-6 so that it has failed to treat the contaminated soil below the purification standards;
2. When it has failed to commence its business within two years from the date on which it obtained the designation of soil-related specialized agency [excluding the cases where it is deemed to have obtained the designation of agency to survey soil contamination under the proviso to Article 23-2 (2)] or has no track record of performance for not less than two consecutive years without any justifiable reasons;
3. When it has failed to notify without delay the head of competent *Si/Gun/Gu* of the result of detailed survey under Articles 11 (4), 14 (2) and 15 (2);
4. When it has presented an opinion different from fact concerning approval of exemption from the examination of soil contamination under Article 13 (2);
5. When it has failed to notify the head of competent *Si/Gun/Gu* and the head of competent fire station of the result of soil contamination survey under Article 13 (4);
6. When it has violated the matters of observance of soil-related specialized agency under Article 23-2 (4); or
7. When it has failed to make report or to present data in violation of Article 26-2 (2),

or has reported or presented data fraudulently.

*[This Article Wholly Amended by Act No. 8469, May 17, 2007]*

Article 23-7 (Registration of Soil Purification Business, etc.)

(1) Anyone who intends to run a soil purification business shall secure facilities, equipment and technical manpower, etc. that are prescribed by the Presidential Decree and then register his business with the Minister of Environment. The same shall apply to a case where he intends to change any matter that is prescribed by the Presidential Decree from among the registered matters.

(2) The Minister of Environment shall, when he grants the registration of any soil purification business, deliver a registration certificate under the conditions prescribed by the Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 23-8 (Grounds of Disqualification for Registration of Soil Purification Business)

The provisions of Article 23-3 shall apply *mutatis mutandis* to anyone who intends to register his soil purification business pursuant to Article 23-7 (1). In this case, the “soil-related specialized agency” shall be deemed the “soil purification business” and the “designation” shall be deemed the “registration”, respectively.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 23-9 (Matters to be Observed by Soil Purification Business Operators)

(1) Every soil purification business operator shall be prohibited from letting any other person run the soil purification business by getting the latter to use his name or his firm name or from lending his registration certificate to any other person.

(2) Every soil purification business operator shall be prohibited from subcontracting his contracted work for the soil purification (hereinafter referred to as the “soil purification work”) in the block.

(3) Other matters that soil purification business operators are required to observe when they run their soil purification business shall be prescribed by the Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 23-10 (Revocation, etc. of Registration of Soil Purification Business)

(1) When a soil purification business operator falls under any of the following subparagraphs, the Minister of Environment shall revoke the registration:

1. When he has registered by deception or other unlawful means; or
2. When he has come to fall under any of the subparagraphs of Article 23-3: *Provided*, That an officer who falls under subparagraph 5 of Article 23-3 from among the officers of the corporation is replaced within 3 months, this shall not apply.

(2) When a soil purification business operator falls under any of the following subparagraphs, the Minister of Environment may either revoke the registration of soil purification business operator or order to suspend its business for a specified period of six months or less:

1. When he has come to fall short of the registration standards under Article 23-7 (1);
2. When he has allowed other persons to conduct the duty of the soil purification business by using his name or has lent his certificate of registration to other persons in violation of Article 23-9 (1); or
3. When he has given a subcontract in bulk of soil purification work that it undertook in violation of Article 23-9 (2).

(3) When a soil purification business operator has failed to commence his duty within two years from the date of registration or has no track record of performance for not less than two consecutive years without any justifiable reasons, the Minister of Environment may order to suspend his business for a specified period of six months or less.

*[This Article Wholly Amended by Act No. 8469, May 17, 2007]*

Article 23-11 (Uninterrupted Work of Soil Purification Business Operator Whose Business is Revoked or Suspended, etc.)

(1) Anyone who is subjected to the revocation of his registration or a disposition taken to suspend his business pursuant to Article 23-10 may continue his soil purification work

without interruption for which the ground is broken prior to such disposition. In this case, anyone who continues the soil purification work shall be deemed the soil purification business operator under this Act until the work is completed.

(2) Anyone who is subjected to the revocation of his registration or a disposition taken to suspend his business pursuant to Article 23-10 shall notify without delay the person who places an order for the soil purification work and the subcontractor of details of such disposition.

(3) Anyone who places an order with any soil purification business operator for the soil purification work or anyone who is entrusted by any soil purification business operator with a contract for the soil purification work may terminate the work contract within 30 days from the date on which he is informed of the notification referred to in paragraph (2) by the relevant soil purification business operator or he learns of the fact unless special grounds exist that make it impossible for him to do so.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 23-12 (Succession of Rights and Duties)

(1) In case where anyone who obtains the designation of his soil-related specialized agency pursuant to Article 23-2 or anyone who registers his soil purification business pursuant to Article 23-7 transfers his soil-related specialized agency or his soil purification business, dies or a corporation merger takes place, the transferee, the inheritor, the surviving corporation or the corporation that is incorporated by a merger shall succeed the rights and duties accruing from the designation or the registration. In this case, when the inheritor falls under the grounds of disqualification provided for in Article 23-3 or 23-8, he shall transfer his soil-related specialized agency or his soil purification business to any other person within 3 months from the date on which he is found to fall under the grounds of disqualification.

(2) Anyone who takes over the soil-related specialized agency or the soil purification business by means of the auction provided for in the Civil Execution Act, the conversion provided for in the Bankruptcy Act, the sale of the seized property provided for in the National Tax Collection Act, the Customs Act or the Local Tax Act, or according to procedures corresponding thereto shall succeed the rights and the duties accruing from the previous designation or the previous registration provided for in this Act.

(3) Anyone who succeeds the status of the soil-related specialized agency or the soil purification business operator pursuant to paragraph (1) or (2) shall make a report thereon to the Minister of Environment within one month from the date on which he succeeds such status under the conditions as prescribed by the Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 23-13 (Succession of Effect of Administrative Disposition)

When anyone who obtains the designation of his soil-related specialized agency pursuant to Article 23-2 or anyone who registers his soil purification business pursuant to Article 23-7 transfers his soil-related specialized agency or his soil purification business or a merger of corporation takes place, the transferee, the inheritor, the corporation that is newly incorporated after a merger or the surviving corporation shall succeed the effect of the administrative disposition taken to the previous soil-related specialized agency or the previous soil purification business operator on the grounds of violating each subparagraph of Article 23-6 or 23-10 for one year from the date on which the disposition period expires and when the procedures for the administrative disposition are underway, such procedures for the administrative disposition to the transferee, the inheritor, the corporation that is newly incorporated after a merger or the surviving corporation may continue: *Provided,*

That the same shall not apply to a case where the transferee, the corporation that is newly incorporated after a merger or the surviving corporation verifies that he or it does not learn of the disposition or the fact of violation at the time when the acquisition by transfer or the merger takes place.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 23-14 (Training of Technical Manpower by Soil-Related Specialized Agencies, etc.)

(1) The technical manpower that works for any soil-related specialized agency and any soil purification business shall undergo training under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(2) Anyone who employs persons liable to undergo the training referred to in paragraph (1) shall get them to undergo the training. In this case, expenses required for the training shall be borne by the employer.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

## CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 24 (Execution by Proxy)

Where any person subjected to an examination of soil contamination, an order under Articles 11 (3) and 14 (1), an order of detailed soil survey under Article 15 (1), an order under Article 15 (3), an order to execute the project to improve contaminated soil under Article 19 (1), or an order to remove the soil contaminants or to withdraw the facilities, etc. under Article 21 (3), fails to comply with such orders, the head of *Si/Gun/Gu* may carry out the orders by proxy under the conditions as determined by the Administrative Vicarious Execution Act, and collect the relevant expenses from the person who has violated the orders. *<Amended by Act No. 6452, Mar. 28, 2001; Act No. 7291, Dec. 31, 2004>*

Article 25 (Assistance from Relevant Organizations)

The Minister of Environment may request the head of the relevant central administrative agency or the Mayor/*Do* governor to take the following measures when he deems it necessary to achieve the purpose of this Act: *<Amended by Act No. 5454, Dec. 13, 1997>*

1. Cultivation of fertile agricultural soil such as bringing fertile soil from another place to prevent soil contamination, etc.;
2. Measures to prevent contamination of surrounding agricultural land on account of wastes and hazardous materials from abandoned mines;
3. Restoration of soil that is damaged by installation of industrial facilities, etc.; or
4. Other matters which are determined by the Ordinance of the Ministry of Environment as necessary for soil conservation.

Article 26 (State Subsidy)

The State may subsidize or finance the soil conservation project that is promoted by a local government within the budget.

Article 26-2 (Report and Examination, etc.)

(1) The head of *Si/Gun/Gu* may, under the conditions as determined by the Ordinance of the Ministry of Environment, order the installer of the facilities subject to the control of specific soil contamination to furnish the data necessary for his supervision, and have public officials under his control enter the facilities subject to the control of specific soil contamination to inspect whether the facilities to prevent soil contamination is installed, the examination of soil contamination is conducted and its results are preserved, etc. *<Amended by Act No. 7291, Dec. 31, 2004>*

(2) The Minister of Environment may, if deemed necessary, demand a soil-related specialized agency and a soil purification business operator to file reports necessary for his supervision or furnish the data, and have public officials under his control enter the office, business place of the soil-related specialized agency and the soil purification business operator and other necessary places to inspect the documents, facilities, equipments, etc. *<Amended by Act No. 7291, Dec. 31, 2004>*

(3) Public officials conducting the inspections under paragraphs (1) and (2) shall carry an identification indicating their authority, and present it to the related persons.

*[This Article Newly Inserted by Act No. 6452, Mar. 28, 2001]*

Article 26-3 (Report on Current State of Facilities Subject to Control of Specific Soil Contamination, etc.)

(1) The head of *Si/Gun/Gu* shall submit the material of the preceding year concerning the matters falling under each of the following subparagraphs to the Mayor/*Do* governor by the end of January every year under the conditions as prescribed by the Ordinance of the Ministry of Environment:

1. The current state of the facilities subject to the control of specific soil contamination;
2. The result of the soil contamination examination that is informed of pursuant to Article 13 (4); and
3. Details of the order given to take measures and the result of the survey provided for in Article 14.

(2) The Mayor/*Do* governor shall put together the material that is submitted pursuant to paragraph (1) and report such material to the Minister of Environment by the end of February every year.

*[This Article Wholly Amended by Act No. 7291, Dec. 31, 2004]*

Article 26-4 (Standards for Administrative Disposition)

The detailed standards for the administrative disposition provided for in Articles 23-6 and 23-10 shall be set by the Ordinance of the Ministry of Environment taking into account the categories of the act of violation and the extent of violation, etc.

*[This Article Newly Inserted by Act No. 7291, Dec. 31, 2004]*

Article 26-5 (Hearing)

The Minister of Environment or the head of *Si/Gun/Gu* shall, where he intends to make dispositions falling under any of the following subparagraphs, conduct the hearing: *<Amended by Act No. 7291, Dec. 31, 2004>*

1. Order to withdraw facilities under Article 21 (3);
2. Revocation of designation of the soil-related specialized agency under Article 23-6; and
3. Revocation of the registration of the soil purification business provided for in Article 23-10.

*[This Article Newly Inserted by Act No. 6452, Mar. 28, 2001]*

Article 27 (Delegation of Powers)

The power of the Minister of Environment as prescribed by this Act may be delegated in part to the head of agency under his control, as determined by the Presidential Decree.

*<Amended by Act No. 5454, Dec. 13, 1997; Act No. 6452, Mar. 28, 2001>*

## CHAPTER V PENAL PROVISIONS

Article 28 (Penal Provisions)

Anyone who fails to carry out the execution order as provided in Article 19 (1) or person

who initiates the project to improve soil contamination without obtaining the approval as provided in Article 19 (2), shall be punished by imprisonment for not more than 5 years or a fine not exceeding 30 million won.

Article 29 (Penal Provisions)

Anyone falling under any of the following subparagraphs shall be punished by imprisonment for not more than 2 years or by a fine not exceeding 10 million won:

1. One who has failed to execute an order given to take measures to purify contaminated soil under Article 11 (3) or 14 (1);
2. One who has failed to execute an order given to suspend the use of the facilities subject to the control of specific soil contamination under Article 14 (3);
3. One who has failed to execute an order given under Article 15 (3);
4. One who has dumped any contaminated soil in violation of subparagraph 1 of Article 15-4;
5. One who has failed to execute an order given to remove soil contaminants or withdraw facilities, etc. under Article 21 (3);
6. One who has performed the work of the soil-related specialized agency without obtaining the designation required under Article 23-2 (1); and
7. One who has run the soil purification business without having the business registered pursuant to Article 23-7 (1).

*[This Article Wholly Amended by Act No. 7291, Dec. 31, 2004]*

Article 30 (Penal Provisions)

Anyone falling under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding 5 million won:

1. One who has lowered the contamination level that falls short the scale subject to the verification of the purification process provided for in the proviso of Article 15-6 (1) by flimsily conducting the detailed soil survey provided for in Article 11 (3), 14 (1) or 15 (1) by deliberation or gross negligence;
2. One who has installed the facilities subject to the control of specific soil contamination without making a report thereon required under the former part of Article 12 (1) or has made a false report thereon;
3. One who has failed to install the soil-contamination prevention facilities in violation of Article 12 (3);
4. One who has failed to execute an order given to install or improve the soil-contamination prevention facilities provided for in Article 14 (1);
5. One who has purified any contaminated soil in violation of Article 15-3 (1);
6. One who has shipped any contaminated soil to a place that is neither the site where the soil is contaminated or nor the site of the facilities that are owned by any soil purification business operator for the purpose of purifying such contaminated soil in violation of Article 15-3 (3);
7. One who has lowered the soil contamination density by mixing the contaminated soil with other soil in violation of Article 15-3 (4);
8. One who has discharged or leaked any contaminated soil in violation of subparagraph 2 of Article 15-4;
9. One who has failed to get the soil-related specialized agency to perform the verification in violation of Article 15-6 (1);
10. One who has not treated any contaminated soil below the purification standards by failing to comply with the procedures for, the contents of and the methods of the verification

- provided for in Article 15-6 (4) by deliberation or gross negligence;
11. One who has rejected, impeded or dodged the guidance and supervision provided for in Article 19 (1);
  12. One who has installed any facilities in the region requiring countermeasures in violation of Article 21 (2);
  13. One who has had his soil-related specialized agency designated or his soil purification business registered by means of fraud and illegality;
  14. One who has got any other person to perform the work of the soil-related specialized agency by permitting the latter to use his name or has lent his written designation to any other person in violation of Article 23-4;
  15. One who has got any other person to run the soil purification business by permitting the latter to use his name and firm name or has lent his registration certificate to any other person in violation of Article 23-9 (1);
  16. One who has subcontracted his contracted soil purification work in the block in violation of Article 23-9 (2); and
  17. One who has rejected, impeded or dodged the access and check of public officials provided for in Article 26-2 (1) and (2).

*[This Article Wholly Amended by Act No. 7291, Dec. 31, 2004]*

Article 31 (Joint Penal Provisions)

In a case where the representative of a juristic person or an agent, servant or employee of a juristic person or an individual commits an act falling under any of Articles 28 through 30 in relation to the business of such juristic person or individual, the juristic person or the individual, as well as the offender shall be subject to a fine under the respective Articles.

Article 32 (Fines for Negligence)

(1) Anyone falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding 2 million won: *<Amended by Act No. 7291, Dec. 31, 2004; Act No. 8010, Sep. 27, 2006>*

1. One who has obstructed or rejected the activities of public officials or staff of the soil-related specialized agency provided for in Article 8 (5) without any justifiable grounds;
2. One who has failed to execute an order given to conduct the detailed soil survey provided for in Article 11 (3), 14 (1) or 15 (1);
3. One who has failed to promptly inform the head of *Si/Gun/Gu* of the result of the detailed soil survey in violation of Article 11 (4), 14 (2) or 15 (2);
4. One who has failed to make a change report in violation of the latter part of Article 12 (1);
5. One who has failed to undergo the examination or to keep the result of the examination provided for in Article 13 (1) or (4);
6. One who has failed to submit the plan for purifying the contaminated soil or the changed plan for purifying the contaminated soil provided for in Article 15-6 (2);
7. One who has dumped specific substances harmful to water quality, wastes, toxic chemicals, sewage, excreta or livestock excreta in the region requiring countermeasures in violation of Article 21 (1);
8. One who has failed to obtain the changed designation provided for in the latter part of Article 23-2 (1);
9. One who has failed to observe the matters provided for in Articles 23-2 (4) and 23-9 (3);

10. One who has failed to register the changed matters provided for in the latter part of Article 23-7 (1);
  11. One who has failed to undergo the training or one who has prevented anyone from undergoing the training in violation of Article 23-14 (1) or (2); and
  12. One who has failed to make a report or submit material or has made a false report or submitted false material in violation of Article 26-2 (1) and (2).
- (2) Deleted. <by Act No. 6452, Mar. 28, 2001>
- (3) The Minister of Environment, the Mayor/Do governor, or the head of *Si/Gun/Gu* (hereinafter referred to as the “imposing authority”) shall impose and collect the fine for negligence as provided in paragraph (1) under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5454, Dec. 13, 1997; Act No. 6452, Mar. 28, 2001>
- (4) The person who is dissatisfied with a disposition of fine for negligence as provided in paragraph (3) may raise an objection to the imposing authority within 30 days of the notification of the fine for negligence.
- (5) In a case where the person who has been subjected to the disposition of the fine for negligence under paragraph (3) raises an objection as provided in paragraph (4), the imposing authority shall notify a competent court of the objection without delay, and the notified court shall proceed to a trial on the fine for negligence in accordance with the Non-Contentious Case Litigation Procedure Act.
- (6) If an objection has not been raised within the designated period as provided in paragraph (4) and the fine has not been paid, such fine for negligence shall be collected by referring to the practices of dispositions on default of national or local taxes.

#### ADDENDA

- (1) (Enforcement Date) This Act shall enter into force one year following the date of its promulgation.
- (2) (Transitional Measures with Regard to Installer of Facilities Inducing Soil Contamination) The person who is in the process of installing the facilities inducing soil contamination (including those who operates such the facilities) at the time of the enforcement of this Act, shall make a report to the Mayor/Do governor with respect to the matters as prescribed in Article 11 (1), and take preventive measures against soil contamination as prescribed in Article 11 (2), within six months after the enforcement date of this Act.

#### ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

#### ADDENDUM <Act No. 5878, Feb. 8, 1999>

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

#### ADDENDA <Act No. 6452, Mar. 28, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2002.

Article 2 (Transitional Measures for Result of Regular Measuring)

The result of regular measuring of the measurement networks installed by the Mayor/Do governor under the previous provisions at the time of enforcement of this Act shall be deemed to be the result of investigation of actual conditions of soil contamination under the amendments to Article 5 (2).

Article 3 (Transitional Measures for Facilities Inducing Soil Contamination)

Activities of reports, etc. filed with the Mayor/*Do* governor and activities of corrective orders, etc. by the Mayor/*Do* governor in connection with the facilities inducing soil contamination under the previous provisions at the time of enforcement of this Act shall be deemed to be activities against the Mayor/*Do* governor or activities by the Mayor/*Do* governor in connection with the facilities inducing a specific soil contamination under this Act.

Article 4 (Transitional Measures for Soil-Related Specialized Agency)

The soil-related specialized agency under the previous provisions at the time of enforcement of this Act shall be deemed to be the soil-related specialized agency designated under the amendments to Article 23-2.

Article 5 (Transitional Measures for Penal Provisions)

In applying penal provisions to activities committed prior to the enforcement of this Act, the previous provisions shall govern.

Article 6 Omitted.

ADDENDA <Act No. 6627, Jan. 26, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 6656, Feb. 4, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 6846, Dec. 30, 2002>

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. 6893, May 29, 2003>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7291, Dec. 31, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: *Provided*, That the amended provisions of Articles 15-3 (2) and (3), 15-6, 23-2 (1) 1 (d) and (e) and 23-14 shall enter into force one year after the date of its promulgation.

Article 2 (Application Example concerning Soil Purification Work)

The amended provisions of Article 15-3 (2), Article 15-6 and Article 23-9 (2) shall apply to the soil purification work that is performed on and after the enforcement of this Act.

Article 3 (Application Example concerning Administrative Disposition Taken to Soil-Related Specialized Agency)

In taking an administrative disposition provided for in the amended provisions of subparagraph 7 of Article 23-6 to anyone who is designated as the soil-related specialized agency at the time of the enforcement of this Act, the date on which its business commences

shall be deemed the date on which this Act enters into force.

Article 4 (Transitional Measure concerning Region Requiring Countermeasures)

The development and implementation of any countermeasure plan, restrictions on the use of lands, etc. and restrictions on any act for and in the area that is designated as the region requiring countermeasures pursuant to the previous provisions at the time of the enforcement of this Act shall be governed by the previous provisions, notwithstanding the amended provisions of Articles 18, 20 and 21.

Article 5 (Transitional Measure concerning Grounds of Disqualification of Soil-Related Specialized Agency)

The amended provisions of subparagraph 4 or 5 of Article 23-3 shall not apply to anyone who is designated as the soil-related specialized agency at the time of the enforcement of this Act for 2 years from the date on which this Act enters into force.

Article 6 (Transitional Measure concerning Registration of Soil Purification Business)

Anyone who runs the soil purification business at the time of the enforcement of this Act shall have his business registered with the Minister of Environment within 3 months from the date on which this Act enters into force in accordance with the amended provisions of Article 23-7.

Article 7 Omitted.

ADDENDA <Act No. 7428, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7459, Mar. 31, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 8010, Sep. 27, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 8014, Sep. 27, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8352, Apr. 11, 2007>

Article 1 (Enforcement Date)

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

Articles 2 through 16 Omitted.

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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.

ADDENDUM <Act No. 8469, May 17, 2007>

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