

## WATER QUALITY CONSERVATION ACT

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Amended by Act No. 4388, May 31, 1991  
Act No. 4536, Dec. 8, 1992  
Act No. 4653, Dec. 27, 1993  
Act No. 4714, Jan. 5, 1994  
Act No.4782, Aug.3, 1994  
Act No. 4970, Aug. 4, 1995  
Act No. 5095, Dec. 29, 1995  
Act No. 5389, Aug. 28, 1997  
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Act No. 5453, Dec. 13, 1997  
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Act No. 5870, Feb. 8, 1999  
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Act No. 6627, Jan. 26, 2002  
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Act No. 6829, Dec. 26, 2002  
Act No. 6913, May 29, 2003  
Act No. 7168, Feb. 9, 2004

### CHAPTER 1 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 danger and injury to public health and the environment due to the pollution of water and by properly managing and preserving the quality of public waters such as rivers, lakes, marshes, etc.

#### **Article 2 (Definitions)**

For the purpose of this Act,

1. the term “wastewater” means the water in which liquid or solid water pollutants are mixed so that it is impossible to use the water as it is for any purpose;
2. the term “water pollutants” means any matters which cause the pollution of water, and which are prescribed by the Ordinance of the Ministry of Environment;
3. the term “specified substances hazardous to water quality” means any water pollutants which might inflict, directly or indirectly, a danger or injury on human health and property or

on the birth and growth of animals and plants, and which are prescribed by the Ordinance of the Ministry of Environment;

4. the term “public waters” means rivers, lakes, marshes, harbors, ports, coastal areas and other waters used for public purposes, and to their contiguous waterways used for public purposes and prescribed by the Ordinance of the Ministry of Environment;

5. the term “wastewater discharge facilities” means such facilities, machines, equipments and other such objects as are used in order to discharge water pollutants as are prescribed by the Ordinance of the Ministry of Environment: Provided, That such ships and marine facilities as prescribed in Article 2 of the Prevention on Marine Pollution Act shall be excluded;

5-2. the term “discharge facilities that do not discharge wastewater” means the wastewater discharge facilities that do not discharge wastewater into public water area, such as facilities treating the waste water generated by the wastewater discharge facilities within the relevant business place by utilizing the facilities preventing water pollution, or re-using it for the same discharge facilities;

5-3. the term "other sources of polluting water quality" means facilities or places discharging water pollutants other than wastewater discharge facilities which are prescribed by the Ordinance of the Ministry of Environment;

6. the term “water pollution preventive facilities” means such facilities as are used in order to remove or reduce the water pollutants discharged from the wastewater discharge facilities and as are prescribed by the Ordinance of the Ministry of Environment;

7. the term “lake and marsh” means water and land of the area at the full water level (referring to the planned full water level in case of dam), which falls under each of the following items:

(a) A place where the flowing water of a river or a valley is stored through the construction of a dam, a dam for irrigation or a dike (excluding erosion control facilities under the Work against Land Erosion or Collapse Act);

(b) A place where the flowing water of a river is naturally stored; and

(c) A place caved in by volcanic activities, etc. where water is stored;

8. the term “water surface manager” means a person who manages a lake and marsh under other Acts and subordinate statutes. In this case, where there are not less than two persons who manage the same lake and marsh, a person other than the management agency of the river concerned under the River Act shall be the manager of such lake and marsh; and

9. the term “water supply source lake and marsh” means the lake and marsh, prescribed by the Ordinance of the Ministry of Environment, where intake facilities (hereinafter referred to as “intake facilities”) are installed inside and outside such lake and marsh to use water there as potable water under subparagraph 15 of Article 3 of the Water Supply and Waterworks Installation Act from among lakes and marshes located outside water supply source protection areas (hereinafter referred to as water supply source protection areas”) which are designated under Article 5 of the Water Supply and Waterworks Installation Act and special

countermeasure areas for the conservation of water quality which are designated under Article 22 of the Framework Act on Environmental Policy.

### **Article 3 (Regular Measurement)**

(1) In order to grasp the actual situation of water pollution throughout the nation, the Minister of Environment shall establish measuring networks and measure the degree of water pollution nationwide on a regular basis.

(2) For the purpose of grasping the actual situation of water pollution in the area under his jurisdiction, the Special Metropolitan City Mayor, a Metropolitan City Mayor or a Do governor (hereinafter referred to as the “Mayor/Do governor”) may install measuring networks and measure the degree of water pollution of the area under consideration.

### **Article 4 (Determination on and Public Announcement of Measuring Network Installation Program)**

(1) The Minister of Environment shall decide upon a measuring network installation program which specifies the locations, scope, divided areas, etc. of the measuring networks as prescribed in Article 3 (1), and then, give a public notice of it under the conditions as prescribed by the Ordinance of the Ministry of Environment and have its drawing available for public perusal. This provision shall also apply to the case where alterations are to be made to the program under consideration.

(2) The provisions of paragraph (1) shall be apply mutatis mutandis to the case where the Mayor/Do governor installs measuring networks as prescribed by the provisions of Article 3 (2).

### **Article 5 Deleted. <By Act No. 5870, Feb. 8, 1999>**

### **Article 6 (Relation with Other Acts and Subordinate Statutes)**

(1) When the Minister of Environment or the Mayor/Do governor has decided upon or given a public notice of the measuring network installation program in accordance with Article 4, he shall be regarded as having obtained the permits of the following specifications:

1. The permit on execution of the river-related construction work as prescribed in Article 30 of the Rivers Act, and the permit on the occupation and use of rivers as prescribed in Article 33 of the said Act;
2. The permit on the occupation and use of roads as prescribed in Article 40 of the Road Act; and
3. The permit on the occupation or use of public waters as prescribed in Article 5 of the Public Waters Management Act.

(2) In a case where the measuring network installation program as provided in Article 4 includes such requirements as to obtain the permits as prescribed in the subparagraphs of paragraph (1), the Minister of Environment or the Mayor/Do governor shall consult with the head of the relevant administrative agency before he makes the determination on and public announcement of the program under consideration.

### **Article 7 (Method of Official Test on Water Pollution)**

In order to attain accuracy and uniformity of measurement in measuring water-pollutants (hereinafter referred to as the “pollutants”), the Minister of Environment shall determine the method of the official test on water pollution and give a public notice of it.

## **CHAPTER 2 CONTROL OF WASTEWATER DISCHARGE**

### **Article 8 (Permissible Discharge Standards)**

(1) The permissible discharge standards of the pollutants discharged from wastewater discharge facilities (hereinafter referred to as the “discharge facilities”) shall be determined by the Ordinance of the Ministry of Environment.

(2) When the Minister of Environment enacts the Ordinance of the Ministry of Environment as referred to in paragraph (1), he shall consult with the heads of the relevant central administrative agencies.

(3) If it is deemed difficult to maintain the local environmental standards as prescribed in the provisions of Article 10 (3) of the Framework Act on Environmental Policy, Seoul Special Metropolitan City, Metropolitan City or Do (hereinafter referred to as the “City/Do”) may decide upon, by means of the Municipal Ordinances, a version of the permissible discharge standards stricter than that as provided in paragraph (1): Provided, That application of this provision shall be limited to the case where the rights of the Minister of Environment as prescribed in the provisions of Articles 10, 14, 16, 19, 20, and 20-2 are delegated to the Mayor/Do governor in accordance with the provisions of Article 55 (1). Newly Inserted by Act No. 5095, Dec. 29, 1995

(4) If the permissible discharge standards as referred to in paragraph (3) are established or changed, the Mayor/Do governor shall report it without any delay to the Minister of Environment, and take such necessary measures which help the permissible discharge standards under consideration come to be known to the interested persons.

(5) The Minister of Environment may, where he deems it necessary to prevent the water quality of any special countermeasure area from being polluted, decide upon a version of the permissible discharge standards stricter than that as referred to in paragraph (1) with regard to the discharge facilities installed in such area, and decide upon special permissible discharge standards for the discharge facilities newly installed in such area.

(6) Within the City/Do to which the permissible discharge standards as prescribed by the Municipal Ordinances are applied under the provisions of paragraph (3), if there is any area to which such standards are not applied, the said permissible discharge standards as prescribed by the Municipal Ordinances shall even to the discharge facilities which were installed or are being installed in the said area.

(7) Provisions of paragraphs (1) through (6) shall not apply to the discharge facilities that do not discharge wastewater to be established as referred to in the proviso of Article 10 (1) or paragraph (2) of the same Article.

### **Article 9 (Control of Total Quantity)**

(1) With regard to an area where the state of water pollution exceeds the environmental standards as prescribed in the provisions of Article 10 of the Framework Act on Environmental Policy (hereinafter referred to as the “environmental standards”) to such an extent as it may, admittedly, bring a severe danger or injury to the health and property of its residents or to the birth and growth of its animals and plants, or with regard to an area, of the special countermeasure areas, where workplaces are located so closely together, the Minister of Environment may control the total quantity of the pollutants discharged from the workplaces situated in the areas under consideration.

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

### **Article 10 (Permit and Report on Installation of Discharge Facilities)**

(1) The person who intends to install the discharge facilities shall obtain the permit thereon from the Minister of Environment or report thereon to the Minister of Environment, under the conditions as prescribed by the Presidential Decree: Provided That the person who intends to install the discharge facilities that do not discharge wastewater as referred to in paragraph (8) shall obtain a permit thereof from the Minister of Environment.

(2) In a case where the person who has obtained the permit as provided in paragraph (1) desires to modify such important matters, of the permitted ones, as are determined by the Presidential Decree, he shall obtain the permit on the intended modification; in a case where he desires to modify the other matters, he shall make a report on the intended modification.

(3) In a case where the person who has made the report as provided in paragraph (1) desires to modify the reported matters, he shall make a report on the intended modification under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(4) Where any person, who desires to obtain a permit or a permit on the intended modification or make a report or a report on the intended modification pursuant to paragraphs (1) through (3), falls under the proviso of Article 11 (1) and desires to install or modify joint preventive facilities referred to in Article 11 (4), he shall submit documents as determined by the Ordinance of the Ministry of Environment.

(5) The standards for a permit or a permit on the intended modification referred to in paragraphs (1) and (2) shall be determined by the Presidential Decree.

(6) The Minister of Environment may, where water pollutants discharged from discharge facilities in the upper stream area of a water supply source protection zone, a special countermeasure area and its water supply source area, a lake and marsh designated under Article 34 and its upper stream area, an area where intake facilities are installed and an upper stream area are deemed feared to be difficult to maintain the environmental standards or to seriously endanger the health of residents, property and the growth of animals and plants, limit installing (including any alteration) discharge facilities after listening to opinion of the competent Mayor/Do governor and consulting with the heads of central administrative agencies concerned.

(7) The scope of area where the discharge facilities may be limited in accordance with paragraph (6) shall be determined by the Presidential Decree and the Minister of Environment shall publish the limitations of installing discharge facilities by area.

(8) Notwithstanding the provisions of paragraphs (6) and (7), the discharge facilities prescribed and publicized by the Minister of Environment that do not discharge the specified substances hazardous to water quality as stipulated by the Ordinance of the Ministry of Environment may be installed in the area restricting any installation of discharge facilities, by making them as the discharge facilities that do not discharge wastewater.

### **Article 10-2 (Permission for Installation of Discharge Facilities that do not Discharge Wastewater)**

(1) Persons intending to obtain a permission or a modified permission for installing the discharge facilities that do not discharge wastewater as referred to in the proviso of Article 10 (1) or paragraph (2) of the same Article shall submit to the Minister of Environment the documents as stipulated by the Ordinance of the Ministry of Environment, such as the written plans for installing the discharge facilities that do not discharge wastewater, etc.

(2) When the Minister of Environment has received an application for permission as referred to in paragraph (1), he shall hear opinions of the related specialized agencies on whether or not the discharge facilities that do not discharge waste water, and the water pollution preventive facilities capable of treating without discharging any wastewater etc., are compatible with the propriety.

### **Article 10-3 (Conditions for Permission)**

When granting a permission as referred to in Article 10-2 (1), if there exist any concerns over causing serious dangers to the health and properties of the residents and to the rearing of animals and plants due to the discharge, leakage or outflow of the specified substances hazardous to water quality, the Minister of Environment may put separate conditions thereon, such as an inspection of facilities or ex post facto inspection, etc. under the conditions as prescribed by the Presidential Decree.

### **Article 11 (Installation, etc. of Preventive Facilities)**

(1) In case where a person who has obtained the permit or the modified permit, or who has made the report or the modified report, in accordance with the provisions of Article 10 (1) through (3) (hereinafter referred to as the "enterpriser"), installs or alters the discharge facilities concerned, he shall install the water pollution preventive facilities (referring to the water pollution preventive facilities capable of treating without discharging the wastewater, in the case of the discharge facilities that do not discharge wastewater; hereinafter the same shall apply) in order to discharge the pollutants discharged from the said discharge facilities under the level of the permissible discharge standards as prescribed in Article 8: Provided, That the same shall not apply to a case of the discharge facilities falling under the criteria as prescribed by the Presidential Decree (excluding the discharge facilities that do not discharge wastewater).

(2) The person who uses the discharge facilities without having installed the water pollution preventive facilities (hereinafter referred to as the "preventive facilities) in accordance with the proviso of paragraph (1), shall observe such matters, concerning the management of the discharge facilities, such as the method of wastewater treatment, as determined by the

Ordinance of the Ministry of Environment (hereinafter referred to as the "Matters to be Observed").

(3) In a case where the person who installs and operates without installing discharge facilities under the proviso of paragraph (1) violates the matters to be observed as referred to in paragraph (2), the Minister of Environment may revoke the permit or permit on the intended modification or order the closure of the discharge facilities referred to in Article 10 (1) through (3).

(4) Enterprisers may install joint prevention facilities (hereinafter referred to "joint prevention facilities") to jointly treat pollutants discharged from discharge facilities (excluding the discharge facilities that do not discharge wastewater). In this case, each enterpriser shall be deemed to install facilities used to prevent pollutants from being discharged in his place of business.

(5) Enterprisers shall, when they install and operate joint prevention facilities, establish a management body and appoint a representative of such body.

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

#### **Article 11-2 (Succession to Rights and Duties)**

(1) In a case where the enterpriser has transferred the ownership of his discharge and preventive facilities, or is dead, or where juristic persons have been merged, the transferee, the successor, the juristic person who continues to exist after the merge, or the juristic person who has newly been established by the merge shall succeed to the rights and duties of the said enterpriser incidental to the permit, the permit on modification, the report or the report on modification.

(2) Any person who takes over the discharge facilities and preventive facilities of an enterpriser according to an auction under the Civil Execution Act, a realization under the Bankruptcy Act, a sale of seized property under the National Tax Collection Act, the Customs Act or the Local Tax Act and other procedures corresponding thereto shall succeed the rights and duties of such enterpriser with respect to the permit and permit on modification, or the report and the report on modification.

(3) In case of lease of discharge and preventive facilities, a lessee shall be deemed to be an enterpriser in the application of the provisions of Articles 15 through 17, 19, 20 (excluding the case of the permit revocation), 20-2, 22, 23, and 49 (1) 1.

**Article 12 Deleted. <by Act No. 5870, Feb. 8, 1999>**

**Article 13 Deleted. <by Act No. 6199, Jan. 21, 2000>**

#### **Article 14 (Report on Commencement of Operation of Discharge Facilities, etc.)**

(1) In a case where the enterpriser has completed the installation of the discharge or preventive facilities or the alteration of the discharge or preventive facilities (limited to the case of alteration prescribed by the Presidential Decree if any alteration is made after filing an alteration report) and desires to operate the completed discharge or preventive facilities, he shall report, in advance, on the intended commencement of operation thereof to the Minister

of Environment under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(2) The enterpriser who reports the commencement of operation of the preventive facilities under paragraph (1), shall operate the preventive facilities in order to dispose of pollutants released from the discharge facilities (excluding the discharge facilities that do not discharge wastewater) below permissible discharge standards within the period as prescribed by the Ordinance of the Ministry of Environment. In this case, the period as prescribed by the Ordinance of the Ministry of Environment shall not be subject to Articles 16, 17 and 19.

(3) The Minister of Environment shall make, within 10 days, an investigation on the discharge facilities that do not discharge wastewater, that has filed a report on commencing an operation as referred to in paragraph (1) for whether or not the said facilities satisfy the criteria for a permission or modified permission as referred to in Article 10 (5) and the conditions for permission as referred to in Article 10-3.

(4) Deleted. <by Act No. 5389, Aug. 28, 1997>

(5) Deleted. <by Act No. 5870, Feb. 8, 1999>

#### **Article 15 (Operation of Discharge and Preventive Facilities)**

(1) Any enterpriser (excluding the enterprisers who have obtained a permission for installation of the discharge facilities that do not discharge wastewater or a modified permission as referred to in the proviso of Article 10 (1) or paragraph (2) of the same Article) or any person who operates prevention facilities (including the representative of a management body for the joint prevention facilities under Article 11 (5)) shall be prohibited from performing the act falling under each of the following subparagraphs:

1. The act of discharging the pollutants discharged from the discharge facilities without having them flow into the preventive facilities; or the act of installing any facilities in order to discharge the said pollutants without having them flow into the preventive facilities;
2. The act of discharging the pollutants that were made to flow into the preventive facilities without having the said pollutants go through the terminal outlet of the said preventive facilities or installing facilities which can discharge them without having going through the terminal outlet;
3. The act of treating the pollutants discharged from the discharge facilities by mixing them with any water not discharged in the course of the discharge processes or with the unpolluted water discharged in the course of the discharge processes; or the act of discharging the pollutants which exceed the permissible discharge standards after having mixed the said pollutants with water, to reduce the degree of their pollution, before such pollutants pass through the terminal outlet of the preventive facilities. But such cases of the pollutants, as acknowledged, under the conditions as prescribed by the Ordinance of the Ministry of Environment, by the Minister of Environment to be possibly treated only by means of diluting them with water in view of the technology of preventing water pollution, shall be excluded; and



4. The act of discharging the pollutants which exceed the permissible discharge standards on account of a failure to operate lawfully the discharge and preventive facilities without any justifiable reason.

(2) The enterprisers who have obtained a permission or a modified permission for the discharge facilities that do not discharge wastewater as referred to in the proviso of Article 10 (1) or paragraph (2) of the same Article shall be prohibited from committing the acts falling under each of the following subparagraphs:

1. Act of carrying out of a business place or discharging into the public waters the wastewater generated from the discharge facilities that do not discharge wastewater, or act of installing the facilities capable of discharging them into the public waters;

2. Act of treating, or installing the facilities capable of treating, the wastewater generated from the discharge facilities that do not discharge wastewater, by mixing it with the sewage or the wastewater generated from other discharge facilities; and

3. Where the wastewater generated from the discharge facilities that do not discharge wastewater is reused, the act of reusing it at other discharge facilities without reusing it at the same discharge facilities that do not discharge wastewater, or using it for toilet water, landscape gardening water, or fire extinguishing water, etc.

(3) Under the conditions as prescribed by the Ordinance of the Ministry of Environment, any enterpriser or any person who operates prevention facilities, when conducting his business, shall record the operational situation of his discharge and preventive facilities as it is, and keep the record on file.

(4) Any enterpriser or any person who operates prevention facilities shall install an apparatus to measure the quantity of pollutants released from the discharge or preventive facilities pursuant to the Ordinance of the Ministry of Environment.

(5) through (6) Deleted. <by Act No. 5870, Feb. 8, 1999>

#### **Article 16 (Improvement Order)**

(1) If the Minister of Environment admits that the degree of the pollutants discharged from the discharge facilities (excluding the discharge facilities that do not discharge wastewater), which began to be operated after the report as prescribed in Article 14 (1) had been made, exceeds the permissible discharge standards as prescribed in Article 8, the Minister of Environment may order the relevant enterpriser (including the representative of a management body of joint preventive facilities as prescribed in the provisions of Article 11 (5)) to take necessary measures so that the degree of the said pollutants fall under the permissible discharge standards (hereinafter referred to as the "improvement order") during a period determined by the Minister himself, under the conditions as prescribed by the Presidential Decree.

(2) Deleted. <by Act No. 5095, Dec. 29, 1995>

#### **Article 17 (Order for Suspension of Operation)**

(1) In a case where the person who received the improvement order as provided in Article 16 fails to comply with it, or where the said person has fulfilled the improvement order within

the designated period but the result of a relevant inspection indicates that the permissible discharge standards as prescribed in Article 8 are still exceeded, the Minister of Environment may order the said person to suspend operation of the part or whole of the discharge facilities concerned.

(2) Deleted. <by Act No. 5870, Feb. 8, 1999>

**Article 18 Deleted. <by Act No. 5389, Aug. 28, 1997>**

**Article 19 (Discharge Dues)**

(1) In order to prevent or reduce the potential damage, coming from water pollutants, to the water environment, the Minister of Environment shall impose the discharge dues on the enterpriser who discharges pollutants (including the representative of a management body of joint prevention facilities under Article 11 (5) and those who operate the facilities as stipulated by the Ordinance of the Ministry of Environment from among the terminal treatment facilities as referred to in Article 25 and the sewerage terminal treatment facilities as referred to in subparagraph 5 of Article 2 of the Sewerage Act), or on the person who installs or modifies the discharge facilities without having obtained the permit or the permit on modification or having made the report or the report on modification as prescribed in the provisions of Article 10 (1) through (3), and collect the dues. In this case the types, methods of calculation and standards, etc. for discharge dues shall be determined by the Presidential Decree. In such case, the discharge dues shall be levied by classifying it as follows, but the matters necessary for the computing method and the computing criteria, etc. shall be prescribed by the Presidential Decree:

1. Basic discharge dues:

(a) From among the wastewater generated from the discharge facilities (excluding the discharge facilities that do not discharge wastewater), where the pollutants are discharged below the criteria for permitting discharges as referred to in Article 8, but exceed the water quality standards for discharged water as referred to in Article 32 (2); and

(b) From among the wastewater generated from the terminal treatment facilities or the sewerage terminal treatment facilities, where the pollutants exceed the water quality standards for discharged water as referred to in Article 32 (2);

2. Excessive discharge dues:

(a) Where the pollutants are discharged in excess of the criteria for permitting discharges as referred to in Article 8; and

(b) Where the pollutants are discharged into the public waters (limited to the discharge facilities that do not discharge wastewater.

(2) When imposing the discharge dues as provided in paragraph (1), the following matters shall be taken into consideration:

1. Whether the permissible discharge standards are exceeded or not;

2. Kinds of the discharged pollutants;

3. The period during which the relevant pollutants have been discharged;

4. The quantity of the discharged pollutants;

4-2. Whether a self-measurement referred to in Article 22 has been made; and

5. Other matters related to the pollution or improvement of the water environment and determined by the Ordinance of the Ministry of Environment.

(3) The discharge dues as referred to in paragraph (1) shall not be imposed on the enterpriser who discharges the wastewater below the quality standards of the discharged water as referred to in Article 32 (2) (excluding the enterprisiers operating the discharge facilities that do not discharge wastewater; hereafter in this paragraph, the same shall apply); and the said discharge dues may be abated or exempted with regard to the enterpriser who discharges the water pollutants in less than such quantity as determined by the Presidential Decree and the enterpriser who bears the expenses for treatment of the water pollutants pursuant to the provisions of other Acts and subordinate statutes. In this case, the abatement or exemption of the imposition amount with regard to the enterpriser who has borne the expenses for treatment of the water pollutants pursuant to the provisions of other Acts and subordinate statutes, shall be limited only to the amount of the expenses, borne by the enterpriser himself, for the said treatment.

(4) In a case where the person, who is liable for payment of the discharge dues in accordance with paragraph (1), fails to pay the dues in the prescribed period, the Minister of Environment shall additionally collect the additional dues.

(5) With respect to the late penalties as referred to in the provision of paragraph (4), the provisions of Articles 21 and 22 of the National Tax Collection Act shall be applicable *mutatis mutandis*.

(6) The discharge dues as referred to in paragraph (1) and the late penalties additionally collected in accordance with the provisions of paragraph (4) shall be the revenue of the special account for environmental improvement under the Act on the Special Accounts on Environment Improvement.

(7) In a case where the Minister of Environment has entrusted, in accordance with the provisions of Article 55, the Mayor/Do governor with his rights concerning the collection of the discharge dues or the additional dues with regard to the area under the jurisdiction of the latter, he may grant the latter part of the collected discharge dues and additional dues as collection expenses, under the conditions as prescribed by the Presidential Decree.

(8) In a case where a person liable for the payment of the discharge dues or additional dues fails to pay it within the prescribed period, the Minister of Environment or the Mayor/Do governor as referred to in paragraph (7) shall collect it in the same manner as the national or local taxes in arrears are collected.

#### **Article 20 (Revocation of Permit, etc.)**

(1) In a case where the enterpriser falls under one of the following specifications, the Minister of Environment may revoke the permit on the installation of discharge facilities or the permit on the alteration thereof; or may order a closure of the discharge facilities; or may order a

suspension of operation thereof during a period not exceeding six months designated by the Minister himself:

1. Where he has obtained a permit or a modified permit, or has filed a report or a modified report, by falsity or other unlawful means;
2. Where he has violated the criteria for a permit or a modified permit as referred to in Article 10 (5) or has violated the conditions for a permit as referred to in Article 10 (3);
3. Where he has committed such acts as falling under any of the subparagraphs of Article 15 (1) or under any of the subparagraphs of Article 15 (2);
4. Where the enterpriser who installed and operated the discharge facilities has removed the relevant facilities in order to discontinue the business; and
5. Where, in addition, he has violated this Act or orders issued under this Act.

(2) Deleted. <by Act No. 5870, Feb. 8, 1999>

#### **Article 20-2 (Disposition of Imposing Penalty)**

(1) In a case where it is required to order a suspension of operation as provided in Article 20 (1) with regard to the enterpriser who installs and operates the discharge facilities falling under one of the following subparagraphs (excluding the discharge facilities that do not discharge wastewater) but it is acknowledged that the disposition of suspension of operation has a good possibility to cause a noticeable impediment to the everyday living of the residents concerned, national economy such as external confidence, employment, prices and to other public interests, the Minister of Environment may impose a penalty not exceeding 300 million won in lieu of the said disposition of suspension of operation:

1. Discharge facilities of such medical institutions as prescribed by the Medical Service Act;
2. Facilities and equipments for generating electricity of power plants;
3. Discharge facilities of such schools as prescribed by the Elementary and Secondary Education Act and the Higher Education Act;
- 3-2. Discharge facilities of manufacturing business; and
4. Other discharge facilities as prescribed by the Presidential Decree.

(2) The amount of a penalty depending on the categories, degree, etc., of the offense because of which the penalty as referred to in paragraph (1) is imposed, and other necessary matters, shall be determined by the Ordinance of the Ministry of Environment.

(3) In a case where the enterpriser fails to pay the penalty as referred to in paragraph (1) until the payment period is over, the Minister of Environment shall collect it in the same manner as the national taxes in arrears have been collected.

(4) The penalty collected in accordance with the provisions of paragraph (1) shall be the revenue of the special account for environmental improvement as prescribed by the Act.

(5) In a case where the rights of the Minister of Environment concerning the imposition and collection of the penalty are delegated to the Mayor/Do governor in accordance with Article 55, the provisions of Article 19 (7) shall be applicable, mutatis mutandis, to the grant of the collection expenses thereof.

#### **Article 21 (Measures of Closure, etc. against Unlawful Facilities)**

(1) The Minister of Environment shall issue the order for suspension of use of the discharge facilities to the person who installs or uses the discharge facilities without having obtained the permit or having made the report as prescribed in the provisions of Article 10 (1) through (3): Provided, That in a case where it is acknowledged that even though the relevant discharge facilities are improved or the preventive facilities are installed or improved, the degree of the pollutants discharged from the said discharge facilities has no possibility of falling under the permissible discharge standards as prescribed in the provisions of Article 8 (in a case of the discharge facilities that do not discharge wastewater, referring to the case where it is acknowledged that there exists a possibility for the wastewater generated from the said discharge facilities to be discharged into the public waters), or where the place of installation of the said discharge facilities is one in which the installation of the discharge facilities is prohibited pursuant to the provisions of other Acts and subordinate statutes, permanent closure of the discharge facilities shall be ordered.

(2) Deleted. <By Act No. 5870, Feb. 8, 1999>

#### **Article 22 (Measurement of Pollutants)**

In order that the enterpriser may operate his discharge and preventive facilities properly, he may take a self-measurement of pollutants released therefrom or have a measuring agent as prescribed in Article 17 of the Development of and Support for Environmental Technology Act carry out the measurement of such pollutants.

#### **Article 23 (Environmental Engineer)**

(1) The enterpriser shall appoint an environmental engineer for law\_content operation and management of the discharge and preventive facilities, and report what he has done to the Minister of Environment. This provision shall also apply to the case where the environmental engineer is replaced by a new one.

(2) The environmental engineer shall properly guide and supervise those who are engaged in the discharge and preventive facilities not to violate this Act or any order given under this Act and properly manage the discharge and preventive facilities.

(3) Any enterpriser shall supervise matters managed by any environmental engineer.

(4) Any enterpriser and people who are engaged in the discharge and preventive facilities shall not interfere with what the environmental engineer is officially doing for law\_content operation and management of the discharge and preventive facilities; and when they receive from the environmental engineer a request necessary for performing his official duties, they shall comply with it unless there is a justifiable reason for not doing so.

(5) The scope of workplaces for which the environment engineer is to be hired in accordance with the provisions of paragraph (1), the qualification criteria for the environmental engineer and the period of appointment (including the appointment in the case of replacement) of the environmental engineer shall be determined by the Presidential Decree.

**Article 24 Deleted. <by Act No. 5870, Feb. 8, 1999>**

### **CHAPTER 3 WASTEWATER TERMINAL TREATMENT FACILITIES**

#### **Article 25 (Installation of Wastewater Terminal Treatment Facilities)**

(1) The State and a local autonomous government may install and operate the wastewater terminal treatment facilities (hereinafter referred to as the “terminal treatment facilities”) in order to jointly treat the pollutants discharged from each workplace, located in an area where it is difficult to maintain the environmental standards due to aggravation of water pollution, or in an area where it is deemed necessary for preservation of the water quality, and to have the wastewater disposed in such a way let out into the public waters; or the State or a local government may get the person falling under each of the following subparagraphs to install and operate the wastewater terminal treatment facilities. In this case, the enterpriser and other persons who have directly caused the water pollution under consideration, shall bear the part or whole of the expenses needed for installation and operation of the terminal treatment facilities under the conditions as prescribed, separately, by other Acts and subordinate statutes:

1. A person who falls under Article 14 (2) 1 through 3-1 of the Environment Improvement Expenses Liability Act; and
2. A person who falls under Article 14 (2) 4 of the Environment Improvement Expenses Liability Act and is recognized by the Minister of Environment as capable of operating the terminal treatment facilities.

(2) Types of the terminal treatment facilities as referred to in paragraph (1) shall be determined by the Presidential Decree.

#### **Article 26 (Basic Plan for Terminal Treatment Facilities)**

(1) The person who desires to install the terminal treatment facilities (including modification thereof) in accordance with Article 25 (1), shall prepare a basic plan for the terminal treatment facilities under the conditions as prescribed by the Presidential Decree; and then, shall obtain the approval of the Minister of Environment. This provision shall also apply to the case where alterations are to be made to the plan.

(2) When the basic plan for the terminal treatment facilities has been prepared or approved as provided in paragraph (1), the Minister of Environment shall designate the area in which such terminal disposal facilities may dispose wastewater (hereinafter referred to as the “joint treatment zone”), and give a public notice of it.

#### **Article 26-2 (Operation and Management, etc. of Terminal Treatment Facilities)**

(1) Any person who operates the terminal treatment facilities shall be prohibited from performing the act falling under each of the following subparagraphs:

1. The act of discharging pollutants which flow into drainage facilities and equipment under Article 27 (1) without flowing them into the terminal treatment facilities without any justifiable reasons or installing facilities capable of discharging pollutants without flowing them into the terminal treatment facilities;

2. The act of discharging pollutants flowed into the terminal treatment facilities without making them go through the final outlet or installing facilities capable of discharging pollutants without going through the final outlet; and

3. The act of treating pollutants mixing with water not polluted by pollutants flowed into the terminal treatment facilities or discharging pollutants which exceed the quality standards of the water discharged after mixing them with water to lower the pollution level before such pollutants pass the final outlet of the terminal treatment facilities.

(2) Any person who operates the terminal treatment facilities shall properly operate such facilities according to the maintenance and management standards prescribed by the Ordinance of the Ministry of Environment.

(3) The Minister of Environment may, when it is recognized that any terminal treatment facilities are not operated and managed in conformity with the standards under paragraph (2), order any person who operates such facilities to take necessary measures such as improvements of such facilities for a fixed period under the conditions as prescribed by the Ordinance of the Ministry of Environment.

#### **Article 27 (Installation and Management of Drainage Facilities and Equipment)**

(1) The person who is prescribed by the Presidential Decree, of the persons who desire to install the discharge facilities in the joint treatment zone designated under the provisions of Article 26 (2) and the persons who desire to discharge wastewater therein, shall make the wastewater discharged from his workplace flow in the terminal treatment facilities, and shall install such drainage facilities and equipments as drainage box culvert, etc. necessary for it.

(2) The enterpriser who has installed the drainage facilities and equipments as provided in paragraph (1) shall be considered to have installed the preventive facilities as prescribed in Article 11 (1) in so far as the pollutants treated by the relevant terminal treatment facilities are concerned.

(3) The installation method, structure standards, etc. of the drainage facilities and equipments to be installed as provided in paragraph (1) shall be determined by the Ordinance of the Ministry of Environment: Provided, That in a case where other Acts and subordinate statutes include provisions concerning the matters under consideration, such provisions shall apply to the matters under consideration in lieu of the Ordinance of the Ministry of Environment.

### **CHAPTER 4 PRESERVATION OF WATER QUALITY OF PUBLIC WATERS**

#### **Article 28 (Environmental Control of Water Pollution by River-System Influence Spheres)**

(1) Under the conditions as prescribed by the Presidential Decree, the Minister of Environment shall control the water quality, grasping the situation of water pollution by the river-system influence spheres, considering proper measures for preventing water pollution, etc.

(2) The Minister of Environment shall determine and publicly announce the influence spheres by the river systems and the target water quality in order to control water quality by the river-system influence spheres as provided in paragraph (1).

#### **Article 29 (Prohibition of Discharging, etc.)**

(1) No person shall conduct the acts of the following specifications unless there is a justifiable reason for doing so:

1. The act of leaking, flowing out or throwing into public waters any specified substances hazardous to the water quality, specified wastes as prescribed by the Wastes Control Act, petroleum products and crude oil (excluding the petroleum gas; hereinafter referred to as the “oil”) as prescribed by the Petroleum Business Act, toxic substances as prescribed by the Toxic Chemicals Control Act, and agricultural chemicals as prescribed by the Agrochemicals Control Act;

2. The act of throwing or dumping excreta, livestock wastewater, dead animals, wastes (excluding the specified wastes as prescribed by the Wastes Control Act) and sludge into public waters;

3. The act of washing motor vehicles in rivers, lakes and marshes; and

4. The act of remarkably polluting the water sources, rivers or lakes, such as flowing out or dumping a great deal of clay and sand into public waters.

(2) In a case where public waters are polluted or apprehended to be polluted due to the act as referred to in the provisions of paragraph (1) 1 or 2, the offender, the juristic person to which the offender belongs, and the employer of the offender (hereinafter referred to as the “offender, etc.”), shall take such measures as remove or prevent the pollution, such as removing the substances concerned, etc. (hereinafter referred to as the “removal or prevention measures”).

(3) In a case where the offender, etc. fails to take the removal or prevention measures as referred to in paragraph (2), the Mayor/Do governor may order the Offender, etc. to implement the removal or prevention measures.

(4) In a case where the person who has received the order for Removal or prevention measures as referred to in paragraph (3) fails to comply with it, or where it is deemed difficult to remove or prevent the water pollution only with such removal or prevention measures, the Mayor/Do governor may have the related head of Si/Gun/Gu (referring to the head of Gu in an autonomous Gu) vicariously execute the removal or prevention measures.

(5) The vicarious execution as referred to in paragraph (4) shall be governed by the conditions as prescribed by the Administrative Vicarious Execution Act. In this case, the order of the Mayor/Do governor referred to in paragraph (3) shall be deemed the order of the head of Si/Gun/Gu.

#### **Article 29-2 (Report on Water Polluting Accident)**

In a case where the person, who was transporting or in custody of any oils, toxic substances, agricultural chemicals or specified substances hazardous to the water quality, has accidentally



polluted the water by the said substances, he shall report what has happened to the local environment authorities or the Si/Gun/Gu without any delay.

**Article 29-3 (Passage Restrictions to Conserve Quality of Water Supply Sources)**

(1) Any person who drives any truck loaded with materials that are feared to pollute water supply sources if such truck is overturned or plunges such water supply sources shall be prohibited from driving his truck on the road section, prescribed by the Ordinance of the Ministry of Environment, of the area or other area adjacent to such area, which falls under each of the following subparagraphs:

1. The water supply source protection area;
2. The special countermeasure area;
3. The waterside designated and published respectively under Article 4 of the Act on the Improvement of Water Quality and Support for Residents of the Riverhead of the Han River System, under Article 4 of the Act on Management of Water and Support for Residents of the Nakdong River System, under Article 4 of the Water Control and Support for Residents of Riverhead of the Geum River System, and under Article 4 of the Water Control and Support for Residents of Riverhead of the Yeongsan and Seomjin River System; and
4. Other area prescribed by the Ordinance of the Ministry of Environment because of its possibility of causing serious pollutions to the water supply sources.

(2) The term “materials feared to contaminate the water supply sources” referred to in the portion other than each subparagraph of paragraph (1) means materials falling under each of the following subparagraphs:

1. Specific materials harmful to water quality;
2. Designated wastes under subparagraph 4 of Article 2 of the Wastes Control Act (limited to wastes in the state of liquid and other wastes prescribed by the Ordinance of the Ministry of Environment);
3. Oils;
4. Toxic materials under subparagraph 3 of Article 2 of the Toxic Chemicals Control Act;
5. Agrochemicals and raw materials under subparagraphs 1 through 3 of Article 2 of the Agrochemicals Control Act;
6. Radioactive isotopes and radioactive wastes under subparagraphs 6 and 18 of Article 2 of the Atomic Energy Act; and
7. Other materials prescribed by the Presidential Decree.

(3) Necessary matters such as unpassable roads and road sections and vehicles, etc. under paragraph (1) shall be determined by the Ordinance of the Ministry of Environment after consultations made by the Minister of Environment with the Commissioner of the National Police Agency.

(4) The Commissioner of the National Police Agency shall, when it is deemed necessary to restrict the driving of vehicles, take the measures falling under each of the following subparagraphs:

1. Putting up signboards restricting the driving of vehicles; and
2. Cracking down vehicles violating driving restrictions.

**Article 30 (Prevention of Water Pollution to Be Caused by Occupation, Use, Reclamation, etc., of Public Waterways)**

(1) The administrative agency, which desires to give the permit or authorization on occupation and use or reclamation of public waters, shall attach necessary conditions for preventing water pollution of the public waters concerned.

(2) Necessary matters concerning the contents of the condition as referred to in paragraph (1) and concerning the prevention methods of the water pollution shall be determined by the Presidential Decree.

**Article 30-2 (Report, etc. on Installation of Water- Quality Pollution Sources)**

(1) Any person who intends to install or manage the sources of polluting water quality shall file a report thereof with the Minister of Environment as prescribed by the Ordinance of the Ministry of Environment. The same shall apply to the case where he intends to alter his reported matters.

(2) Any person who installs and operates other sources of polluting water quality shall take necessary measures, such as installing the facilities to prevent and control the discharging of any pollutants, under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(3) In a case where the Minister of Environment admits that the facilities or measures to control the discharging of pollutants as referred to in paragraph (2) are inappropriate, the Minister of Environment may order the improvement thereof to be made during a period determined by the Minister himself, under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(4) Where any person who has made the report as provided in paragraph (1) violates the improvement order as provided in paragraph (3), the Minister of Environment may order to suspend or close the operation of the sources of polluting water quality.

(5) The provisions of Articles 11-2 and 21 shall apply mutatis mutandis, to the sources of polluting water quality.

**Article 31 (Prevention of Water Pollution due to Use of Detergents, etc.)**

(1) For the purpose of preventing water pollution of public waters, each citizen shall economically use water, discharge the leftovers of food with reason, use the detergents in a proper manner, and cooperate with the State or a local government in executing their water preservation policies.

(2) In a case where the Minister of Environment admits that the use of such synthetic chemical substances as the detergents, etc., has the possibility to pollute public waters or the

possibility to cause an impediment to the operation of the sewage terminal treatment facilities, excreta treatment facilities, etc., the Minister of Environment may request the heads of the central administrative agencies concerned to substitute the said synthetic chemical substances with other ones, to put a restriction on the manufacture and sale of the said synthetic chemical substances, to use warning phrases as to the excessive use of the said synthetic chemical substances, etc. In this case, the heads of the central administrative agencies concerned shall comply with the said request unless there is a special reason for not doing so.

**Article 32 (Installation and Management, etc. of Public Facilities)**

(1) The Minister of Environment may, if deemed necessary for preventing the pollution of public waters, have the Mayor/Do governor or the head of a Si/Gun/Gu install or maintain the sewage box culverts, the wastewater or sewage terminal treatment facilities, the waste disposal facilities, etc., located within the area under his jurisdiction.

(2) The quality standards of the water discharged from the wastewater terminal treatment facilities or from the waste disposal facilities, etc., as referred to in paragraph (1) (hereinafter referred to as the “quality standards of the water let out into public waters”), shall be determined by the Ordinance of the Ministry of Environment.

(3) When determining the Ordinance of the Ministry of Environment as referred to in paragraph (2), the Minister of Environment shall consult with the heads of the central administrative agencies concerned.

(4) In a case where the quality of the water discharged from the wastewater terminal treatment facilities or from the waste disposal facilities, etc., as referred to in paragraph (1), fails to meet the quality standards of the water let out into public waters, the Minister of Environment may have the person who installs and operates the said facilities take such necessary measures as improving the said facilities, etc.

**Article 32-2 (Reflection in Plans for National Territory)**

Where the Special Metropolitan City Mayor, the Metropolitan City Mayor, Do governor, or the head of Si or Gun prepares the comprehensive plan for Si, Do or Gun in accordance with the Framework Act on the National Land, he shall reflect the measures to prevent water quality from being contamination under Article 28 (1) and the installation program of sewage terminal treatment facilities, the excreta treatment facilities, etc. in the said comprehensive plan under the conditions as prescribed by the Presidential Decree.

**Article 32-3 (Reflection in Basic Urban Plan)**

In a case where the Special Metropolitan City Mayor, the Metropolitan City Mayor, or the head of Si/Gun establishes the basic urban plan in accordance with the provisions of Article 18 of the National Land Planning and Utilization Act, he shall comprehensively reflect, in the said basic urban plan, installation programs of the sewage terminal treatment facilities, the excreta treatment facilities, etc. included in the comprehensive plan for Do as prescribed in Article 32-2 and the wide-area development plan as prescribed in Article 5 of the Balanced Regional Development and Support for Local Small and Medium Enterprises Act.

**CHAPTER 5 WATER-QUALITY CONSERVATION OF LAKES AND MARSHES**

**Article 33 (Periodical Survey and Measurement)**

The Minister of Environment and the Mayor/Do governor shall periodically survey and measure the current use of water, the distribution, the quantity of pollutants and the pollution level of water quality of lakes and marshes under the conditions as prescribed by the Presidential Decree.

**Article 34 (Designation of Lakes and Marshes, and Area for Conservation of Water Quality of Lakes and Marshes)**

(1) The Minister of Environment may designate and publish any lake and any marsh recognized as necessary to be specially managed for the conservation of water quality therein as a result of the survey and measurement conducted in accordance with Article 33 and designate and publish any area affecting the water quality of any lake or any marsh as the area for the conservation of the water quality of such lake or such marsh.

(2) The Minister of Environment shall, when he designates and publishes any lake and any marsh as well as any area for the conservation of water quality therein in accordance with paragraph (1), consult with the heads of central administrative agencies concerned and listen to opinions of the Mayor/Do governor and the water surface manager. The same shall apply to the case where he alters or cancels the designation of any lake and any marsh as well as any area for the conservation of water quality therein.

(3) The Mayor/Do governor or the water surface manager shall, when he presents his opinion to the Minister of Environment, listen to the opinions of residents and take into account their opinions.

**Article 35 (Plan for Conservation of Water Quality of Designated Lakes and Marshes)**

(1) The Mayor/Do governor shall, when any lake, any marsh or any area for the conservation of water quality is designated and published in accordance with Article 34, map out a plan for the conservation of water quality of designated lakes and marshes based on the prevention countermeasures under Article 28 (1) every 5 years after consulting with the water surface manager and get approval therefor from the Minister of Environment. The same shall apply to the case where the Mayor/Do governor alters such plan.

(2) Where the area for the conservation of water quality of a designated lake or a marsh overlaps not less than two administrative areas of the City/Do, the Mayor/Do governor having jurisdiction over such areas shall jointly draw up the plan for the conservation of water quality of designated lakes and marshes through consultations.

(3) The plan for the conservation of water quality of designated lakes and marshes shall include matters falling under each of the following subparagraphs:

1. Principal measures for the management of water quality of designated lakes and marshes;
2. Matters relating to the upgrades of sewerages, etc. and project for the conservation of water quality of designated lakes and marshes; and
3. Matters relating to the dredging operation, the removal of aquatic plants and water-surface cleaning for designated lakes and marshes.

(4) The State may subsidize costs necessary for the conservation of water quality of designated lakes and marshes within limits of budget.

**Article 36 (Application for Mediation, etc.)**

(1) The Mayor/Do governor concerned may, when the consultations referred in Article 35 (2) fail to produce any agreement, file an application for mediation with the Minister of Environment.

(2) Necessary matters concerning procedures for filing an application for mediation shall be prescribed by the Ordinance of the Ministry of Environment.

**Article 37 (Operation of Facilities Subject to Control)**

(1) Any person who operates facilities (hereinafter referred to as “facilities subject to control”) which fall under each of the following subparagraphs and have a serious impact on the water quality of a designated lake or a designated mare in the area for the conservation of water quality of a designated lake or a marsh shall operate such facilities according to the management standards under paragraph (2):

1. Facilities installed to run the business of a restaurant under Article 21 (1) 3 of the Food Sanitation Act;

2. Facilities installed to run the business of catering to tourists under subparagraph 3 of Article 3 of the Tourism Promotion Act; and

3. Other facilities, prescribed by the Presidential Decree, which are feared to contaminate water quality of a designated lake or a designated marsh.

(2) Standards for managing facilities subject to control shall be prescribed by the Ordinance of the Ministry of Environment taking into account the kind and size of facilities, and the extent of such facilities contaminating water quality.

**Article 38 (Recommendation of Growing Specific Crops)**

(1) The Mayor/Do governor may, when he deems it necessary to conserve the water quality of a designated lake or a marsh, recommend any person growing crops in the area for the conservation of the water quality of a lake or a marsh kinds of crops to grow, methods of growing crops and the suspension of growing such crops.

(2) The Mayor/Do governor may compensate any damage suffered by any person who grows crops or suspends growing crops in compliance with the recommendation made under paragraph (1) under the conditions as prescribed by the Presidential Decree.

**Article 38-2 (Removal and Disposal of Trashes in Lake or March)**

(1) The water surface manager shall remove trashes in a lake or a marsh, and the head of Si/Gun/Gu having jurisdiction over such lake or such marsh shall transport and dispose of such removed trashes.

(2) The water surface manager and the head of Si/Gun/Gu shall enter into an agreement governing who is in charge of transporting and disposing trashes under paragraph (1) and the sharing of costs involved in the transportation and disposal of such trashes.

(3) The provisions of Article 36 shall apply mutatis mutandis to the case where a mediation is required after the agreement referred to in paragraph (2) fails to be entered. In this case, the “Mayor/Do governor concerned” and the “consultations” shall be deemed the “water surface manager and the head of Si/Gun/Gu” and the “agreement,” respectively.

**Article 38-3 (Improvements Order, etc.)**

(1) The Minister of Environment may, where he recognizes the existence of aquatic plants, etc. as having a serious impact on the water quality of a lake or a marsh, order the water surface manager, the manager of intake facilities which use such lake or such marsh as a water supply source or the manager of water purification facilities to take measures necessary to prevent the existence of such aquatic plants from inflicting any damage. In this case, the Minister of Environment may financially support a prevention project within limits of budget.

(2) The Mayor/Do governor may order any person who has failed to operate the facilities subject to control in the area for the conservation of the water quality of a lake or a marsh in conformity with the management standards as prescribed in Article 37 (2) to take measures necessary to improve the facilities subject to control and the method of treating pollutants within a fixed period of not more than 6 months.

(3) The Mayor/Do governor may, where the operator of the facilities subject to control who is under the order given in accordance with paragraph (2) fails to execute such order, order again him to suspend using the facilities in question and take measures necessary to conserve the water quality of the designated lake or the designated marsh.

**Article 38-4 (Limitations on Fishing Act)**

(1) The head of Si/Gun/Gu may designate any area where the fishing is prohibited or limited, taking into account the objective of utilizing a lake or a marsh and the water quality of such lake or such marsh under the conditions as prescribed by the Presidential Decree. In this case, the Minister of Environment shall make consultations thereof with the water surface manager.

(2) Any person who intends to fish in the fishing-limited area under paragraph (1) shall observe matters such as fishing methods and time prescribed by the Ordinance of the Ministry of Environment. In this case, the Minister of Environment shall, when he makes the Ordinance of the Ministry of Environment with respect to such matters, consult with the Minister of Maritime and Fisheries.

(3) The head of Si/Gun/Gu may collect fees from any person who intends to fish in the fishing-limited area under the conditions as prescribed by the ordinance of such Si/Gun/Gu to meet costs involved in the removal of trashes for the prevention of pollution in the fishing-limited area and its surrounding area.

**Article 38-5 (Prohibition on Fish Farming License)**

The heads of administrative agencies shall be prohibited from granting any license for a fish farming which requires the setup of a fish-holder fish farm in the water supply source lake and marsh from among the fish farming business under Article 6 (1) of the Inland Water Fisheries Act.

**CHAPTER 6 WASTEWATER TREATMENT BUSINESS**

**Articles 39 through 42 Deleted. <by Act No. 6262, Feb. 3, 2000>**

**Article 43 (Registration of Wastewater Treatment Business)**

(1) The person who desires to run the business of treating wastewater on consignment (hereinafter referred to as the “wastewater treatment business”) shall register the business with the Minister of Environment after having provided himself with the technical capability, facilities and equipment under the conditions as prescribed by the Ordinance of the Ministry of Environment. The same shall apply to the case where he intends to alter important matters prescribed by the Ordinance of the Ministry of Environment from among the registered matters.

(2) Deleted. <By Act No. 5389, Aug. 28, 1997>

(3) Matters to be observed by the wastewater treatment businessman and other necessary matters shall be determined by the Ordinance of the Ministry of Environment.

(4) Deleted. <By Act No. 6262, Feb. 3, 2000>

**Article 43-2 (Cause of Disqualification)**

Any person falling under each of the following subparagraphs shall be prohibited from registering his business of treating wastewater:

1. Person of incompetency or the person of quasi-incompetency;
2. Person who has yet to be reinstated after having been declared bankrupt;
3. Person for whom two years have yet to elapse after the registration of his business of treating wastewater was revoked;
4. Person who has been sentenced to imprisonment for violating this Act, the Clean Air Conservation Act or the Noise and Vibration Control Act and for whom two years have yet to elapse after the execution of the sentenced was terminated or the exception of the execution was made definite; and
5. A corporation that has an officer falling under each of subparagraphs 1 through 4.

**Article 43-3 (Cancellation of Registration)**

The Minister of Environment may, where any operator of the business of treating wastewater falls under any case of the following subparagraphs, cancel his registration or order his business suspended for a fixed period of not more than 6 months: Provided, That the Minister of Environment shall cancel his registration when he falls under subparagraphs 1 or 2:

1. Where he falls under each subparagraph of Article 43-2: Provided, That the same shall not apply to the case where any officer of a corporation falls under subparagraph 5 of Article 43-2 and he is dismissed as an officer within 6 months from the date on which he is found to fall under such subparagraph;
2. Where he has registered his business in a fraudulent and illegal manner;
3. Where he has rented his registration certificate;

4. Where he has been subjected to a disposition taken to suspend his business not less than twice a year;
5. Where he has improperly operated his business of treating wastewater by deliberation or gross negligence;
6. Where he has failed to commence his business of treating wastewater within 2 years from the date on which his business was registered or shown no business records for two consecutive years; and
7. Where he has committed a violation of an order given by or under this Act.

**Article 43-4 (Succession of Rights and Duties)**

(1) If an operator of the business of treating wastewater transfers his business, dies or his corporation is merged with other corporation, the transferee of the business, a successor, a corporation surviving such merger or a corporation incorporated by such merger shall succeed the previous business operator's rights and duties. In this case, the transferee, the successor or the corporation, who falls under any of subparagraphs 1 through 4 of Article 43-2 may transfer his business to other person or corporation within 3 months.

(2) Any person who takes over the facilities of the business of treating wastewater according to the procedures such as an auction under the Civil Execution Act, a realization under the Bankruptcy Act and a sale of seized property under the National Tax Collection Act, the Customs Act or the Local Tax Act shall succeed the rights and duties of the previous operator of the business of treating wastewater: Provided, That the same shall not apply to the case where the person who takes over such facilities falls under any of the subparagraphs of Article 43-2.

**Article 44 (Disposition of Penalty Surcharge)**

(1) In case where a business suspension is to be ordered as referred to in Article 43-3 to the person who has made a registration of wastewater treatment business as referred to in Article 43 (1), and where it is admitted that there exist concerns over causing a significant impediment by the said business suspension to the life of the residents and to other public interests, the Minister of Environment may impose the penalty surcharge not exceeding 200 million won in lieu of the disposition of the business suspension: Provided, That the same shall not apply to the cases falling under the provisions of subparagraphs 3 through 5 of Article 43-3.

(2) Provisions of Article 20-2 (2) through (5) shall apply mutatis mutandis to the imposition and, collection etc. of the penalty surcharge as referred to in paragraph (1).

**CHAPTER 7 PREVENTION OF SOIL POLLUTION**

**Articles 45 and 46 Deleted. <by Act No. 5870, Feb. 8, 1999>**

**Article 46-2 (Restriction on Use of Agricultural Chemicals at Golf Courses)**

Any person who installs and manages a golf course may not use the agricultural chemicals prescribed by the Presidential Decree, which are of deadly or highly poisonous nature from



among the agricultural chemicals under subparagraph 1 of Article 2 of the Agrochemicals Control Act (hereinafter referred to as the “deadly or highly poisonous agricultural chemicals”) to the grass and trees in the golf course: Provided, That the same shall not apply to a case where the head of any competent administrative agency recognizes it as inevitable for preventing harmful insects and infectious diseases.

**Article 47 (Permissible Agricultural Chemicals Residue Standards)**

(1) In a case where the Minister of Environment deems it necessary for preventing the pollution of water or soil, he may determine the permissible standards for agricultural chemicals residue in water or soil.

(2) In a case where the Minister of Environment admits that the quantity of agricultural chemicals residue in water or soil exceeds or has a good possibility to exceed the standards as referred to in paragraph (1), he may request the head of the central administrative agency concerned to take such necessary measures as the prohibition of manufacture of the agricultural chemicals concerned or the alteration thereof, or the collection, removal or destruction of the said agricultural chemicals. The head of the central administrative agency concerned, in this case, shall comply with the request unless there is a special reason for not doing so.

**CHAPTER 8 SUPPLEMENTARY PROVISIONS**

**Article 48 (Education of Environmental Engineer, etc.)**

(1) Any person who employs technicians or environmental engineers engaged in the business of treating wastewater shall have the said technicians or managers undergo the education conducted by the Minister of Environment or the Mayor/Do governor under the conditions as prescribed by the Ordinance of the Ministry of Environment.

(2) The Minister of Environment or the Mayor/Do governor may collect the expenses required for the education referred to in paragraph (1) from any person who employs those subject to education under the conditions as determined by the Ordinance of the Ministry of Environment.

**Article 49 (Report, Inspection, etc.)**

(1) The Minister of Environment or the Mayor/Do governor may, if prescribed by the Ordinance of the Ministry of Environment, order the persons of the following specifications to make a necessary report or to submit the data; and have a relevant public official enter the facilities or workplaces, etc. in question to take pollutants so that confirmation may be made on whether or not the permissible discharge standards under Article 8, the criteria for a permission or a modified permission under Article 10 (5), the conditions for a permission under Article 10-3, or the standards for the quality of discharged water under Article 32 (2) are observed, or to inspect relevant documents, facilities, equipments, etc.:

1. The enterprise owner;

1-2. The person who installs and operates the terminal treatment facilities (including the facilities as stipulated by the Ordinance of the Ministry of Environment from among the

sewerage terminal treatment facilities as referred to in subparagraph 5 of Article 2 of the Sewerage Act);

2. The person who made a report on the specified facilities as prescribed in the provisions of Article 30-2 (1);

3. The person who operates the facilities subject to control;

4. Deleted; <By Act No. 6262, Feb. 3, 2000>

5. The wastewater treatment businessman as prescribed in the provisions of Article 43 (1);

6. Deleted; and <by Act No. 5870, Feb. 8, 1999>

7. The person who is entrusted with affairs of the Minister of Environment or the Mayor/Do governor under Article 55 (2).

(2) When taking pollutants to decide whether or not the permissible discharge standards, the standards for the quality of discharged water are observed, or pollutants at the discharge facilities that do not discharge wastewater are discharged, in accordance with the provisions of paragraph (1), the Minister of Environment shall entrust an inspection institution as prescribed by the Ordinance of the Ministry of Environment with the inspection on the degree of pollution: Provided, That this provision shall not apply to the cases of pollutants for which it is possible to decide, on the spot, whether or not they exceed the permissible discharge standards and the standards for the quality of discharged water which are prescribed by the Ordinance of the Ministry of Environment.

(3) The public official who comes in and out of the place concerned and conducts the inspection as provided in paragraph (1) shall carry with himself the voucher of authority and show it to the persons concerned.

#### **Article 50 (Subsidy from National Treasury)**

The State may subsidize, within the limit of its budget, expenses needed for local government's projects to preserve the water quality.

#### **Article 51 (Cooperation of Relevant Agency)**

If the Minister of Environment deems it necessary for attaining the purpose of this Act, he may request the head of the agency concerned to take the following measures. In this case, the head of the agency concerned shall comply with the request unless there is a special reason for not doing so:

1. Improvement of the method of exterminating noxious insects;

2. Regulation of the use of agricultural chemicals;

3. Regulation of the use of agricultural water;

4. Designation of a special zone for industrial rearrangement;

5. Designation of a green zone, scenic zone and open area;

6. Installation of wastewater or sewage treatment facilities;
7. Dredging of public waters;
8. Revocation of the permit on occupation and use of rivers; suspension or change of river-related construction work; transferral or removal of structures, etc., installed for or on the course of the said river-related construction work;
9. Revocation of the permit on occupation and use of public waters; suspension of or restriction on the use of public waters; remodelling or removal of facilities, etc.;
10. Taking water-pollution preventive measures with respect to the facilities which have a possibility to cause water pollution accidents, such as oil pipeline, oil storage facilities, agricultural-chemicals safekeeping facilities, etc.; and submission of the materials concerning the present conditions of the said facilities; and
11. Other matters as prescribed by the Presidential Decree.

**Article 52 (Criteria for Administrative Disposition)**

The criteria for administrative dispositions taken against acts violating this Act or an order issued under this Act shall be determined by the Ordinance of the Ministry of Environment.

**Article 53 (Hearing)**

Where the Minister of Environment or the Mayor/Do governor intends to take any of the following administrative dispositions, he shall hold a hearing:

1. Revocation of permit or order for closure of discharge facilities referred to in Article 11 (3), 20 (1) or 21 (1);
- 1-2. Order given to close down the source of polluting water quality under Article 30-2 (4);
2. Deleted; <by Act No. 6262, Feb. 3, 2000>
3. Revocation of registration referred to in Article 43-3; and

4. and 5. Deleted. <by Act No. 5870, Feb. 8, 1999>

**Article 54 (Fee)**

The person who desires to obtain or make one of the following permits, etc. or reports, etc., shall pay the relevant fee under the conditions as prescribed by the Ordinance of the Ministry of Environment:

1. The permit on or the permit on a change of, and the report on or the report on a change of installation of the discharge facilities as prescribed in Article 10 (1) through (3);
2. Deleted; <by Act No. 6262, Feb. 3, 2000>
3. The registration of the wastewater treatment business or the registration of a modification thereof as prescribed in Article 43 (1); and
4. Deleted. <by Act No. 5870, Feb. 8, 1999>

### **Article 55 (Delegation and Entrustment)**

(1) Under the conditions as prescribed by the Presidential Decree, the rights belonging to the Minister of Environment under this Act may be delegated, in part, to the Mayor/Do governor or the head of a regional environmental government agency.

(2) The Minister of Environment or the Mayor/Do governor may, under the conditions as prescribed by the Presidential Decree, entrust related specialized institution with part of his duties as prescribed by this Act.

## **CHAPTER 9 PENAL PROVISIONS**

### **Article 56 (Penal Provisions)**

Any person falling under each of the following subparagraphs shall be punished by imprisonment with prison labor for not more than 7 years or by a fine not exceeding 50 million won:

1. Person who has installed or altered discharge facilities without getting permission or alteration permission under Article 10 (1) or (2), or getting such permission or alteration permission in a fraudulent manner, or run his business using such discharge facilities;
2. Person who has installed discharge facilities in an area in which such discharge facilities are restricted in being installed under Article 10 (6) and (7) or run his business using such discharge facilities; and
3. Person who has committed the acts falling under each subparagraph of Article 15 (2).

### **Article 56-2 (Penal Provisions)**

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

1. The person who has installed the discharge facilities without making the report as prescribed in Article 10 (1), or after having made a false report, or the person who has operated his business using the said discharge facilities;
2. and 3. Deleted; <by Act No. 5389, Aug. 28, 1997>
4. The person who has committed the act which falls under one of the provisions of the subparagraphs of Article 15 (1);
5. The person who has violated the order for suspension of operation as prescribed in Article 17;
6. Deleted; <By Act No. 5389, Aug. 28, 1997>
7. The person who has violated the order for suspension of operation or the order for permanent closure as prescribed in Article 20;

8. The Person who has committed the act falling under each subparagraph of Article 26-2 (1); and

9. The person who has violated an order given to cease using his facilities subject to control under Article 38-3 (3).

**Article 56-3 (Penal Provisions)**

The person who leaks, flows out, or throws out the specified substances hazardous to water quality, etc., in contravention of the provisions of Article 29 (1) 1, shall be punished by the imprisonment for not more than three years or a fine not exceeding fifteen million won.

**Article 57 (Penal Provisions)**

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

1. Deleted; <by Act No. 5389, Aug. 28, 1997>
2. The person who has started to operate without having made the report on commencement of operation as prescribed in Article 14 (1);
- 2-2. The person who has refused, obstructed or avoided the investigation as referred to in Article 14 (3);
3. The person who has violated an order given to take measures to improve his facilities under Article 26-2 (3);
4. The person who has violated the restriction of passage under Article 29-3 (1);
5. The person who has leaked or flown out by negligence in conducting his business or by grave negligence, the specified substances hazardous to the water quality, in contravention of Article 29 (1) 1;
6. The person who has dumped the excreta, livestock wastewater, etc. in contravention of Article 29 (1) 2;
7. The person who has flown out or thrown away lots of clay and sand, in contravention of Article 29 (1) 4;
8. The person who has violated the order for taking the removal or prevention measures as prescribed in Article 29 (3);
9. The person who has installed or managed the sources of polluting water quality without having made the report as prescribed in Article 30-2 (1);
10. The person who has violated the order for suspension of operation or the order for permanent close as prescribed in Article 30-2 (4) or (5);
- 10-2. The person who has violated the order for measures such as improvement of facilities referred to in Article 32 (4);

10-3. The person who has committed the act of fishing in the area where the fishing is prohibited under Article 38-4;

11. Deleted; <by Act No. 6262, Feb. 3, 2000>

12. The person who has carried on the wastewater treatment business without making a registration on or the registration on a modification of the wastewater treatment business as prescribed in Article 43 (1); or

13. The businessman installing and operating the discharge facilities that do not discharge wastewater, who has refused, obstructed or avoided entry and investigation by the related public officials as referred to in Article 49 (1); or

14. Deleted. <by Act No. 5870, Feb. 8, 1999>

#### **Article 58 (Penal Provisions)**

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

1. The person who has not observed the matters to be observed as prescribed in Article 11 (2);

2. The business operator who installs and operates the discharge facilities that do not discharge wastewater that has failed to attach the apparatus as referred to in Article 15 (4);

3. Deleted; <by Act No. 5870, Feb. 8, 1999>

4. The person who has failed to appoint the environment engineer, or failed to make the report on the said appointment (including the case of replacement with a new environmental engineer), in contravention of the provisions of Article 23 (1);

4-2. The wastewater treatment businessman who has not observed the matters to be observed as prescribed in Article 43 (3); and

5. The person who has refused, obstructed or avoided (excluding the business operator who installs and operates the discharge facilities that do not discharge wastewater) the entry and inspection of the public official concerned as prescribed in Article 49 (1).

#### **Article 59 (Penal Provisions)**

The person who falls under one of the following subparagraphs shall be punished by a fine not exceeding one million won:

1. Deleted; <by Act No. 4653, Dec. 27, 1993>

2. Deleted; <by Act No. 6199, Jan. 21, 2000>

3. The person who has failed to attach the apparatus as referred to in Article 15 (4) (excluding the business operator who installs and operates the discharge facilities that do not discharge wastewater);

4. Deleted; <by Act No. 5389, Aug. 28, 1997>

5. Deleted; and <by Act No. 5870, Feb. 8, 1999>

6. The person who has obstructed the official activities of the environment manager, or the person who has refused, without any justifiable reason, a request of the environment manager, in contravention of the provisions of Article 23 (4).

**Article 60 (Fine for Negligence)**

(1) Any person who has used the deadly or highly poisonous agricultural chemicals to the grass and trees in the golf course in violation of Article 46-2 shall be punished by a fine for negligence not exceeding 10 million won.

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

1. The person who has failed to keep records with respect to the actual operation of discharge facilities, etc. in contravention of Article 15 (3) or has made a record in falsity; and

2. The person who has failed to install facilities and take necessary measures in contravention of Article 30-2 (2).

(3) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence of not exceeding five hundred thousand won:

1. The person who has failed to make the report on alteration as prescribed in Article 10 (2) or (3);

1-2. Deleted; <By Act No. 5389, Aug. 28, 1997>

2. and 3. Deleted; <by Act No. 5095, Dec. 29, 1995>

4. Deleted; <by Act No. 6199, Jan. 21, 2000>

5. Deleted; <by Act No. 5870, Feb. 8, 1999>

6. The person who has violated the provisions of Article 29 (1) 3;

6-2. The person who has failed to make the report on alteration as prescribed in Article 30-2 (1);

7. The person who has fished in the fishing-limited area in contravention of the limitations provided in Article 38-4 (2);

8. The person who has failed to have the environment engineer, etc., undergo the education in contravention of the provisions of Article 48; and

9. The person who has failed to make the report as prescribed in Article 49 (1) or who made a false report; or the person who has failed to submit the materials as prescribed in Article 49 (1) or who submitted false materials.

(4) The fine for negligence as referred to in the provisions of paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, the Mayor/Do governor or the head of Si/Gun/Gu (hereinafter referred to as the “person having the authority to impose”) under the conditions as prescribed by the Presidential Decree.

(5) The person who is dissatisfied with the disposition of a fine for negligence as referred to in paragraph (4), may file a complaint with the person having the authority to impose within thirty days from the date on which he is informed of the said disposition.

(6) In a case where the person who was subject to the disposition of a fine for negligence as referred to in paragraph (4) has filed a complaint as provided in paragraph (5), the person having the authority to impose shall notify it, without any delay, to the competent court, which shall, upon receiving the notification, adjudicate on the case of a fine for negligence under the Non-Contentious Case Litigation Procedure Act.

(7) In a case where no complaint is filed and the fine for negligence is not paid either within the period as referred to in paragraph (5), the said fine for negligence shall be collected according to the example of a disposition taken to collect national taxes or local taxes in arrears.

#### **Article 61 (Joint Penal Provisions)**

In a case where a representative of a juristic person, or, agents, employees, or other employed persons of a juristic person or an individual commits an offense as prescribed in the provisions of Articles 56 through 59 in connection with the affairs of the juristic person or the individual, the penalty of a fine as prescribed in each corresponding Article shall be imposed on the said juristic person or the individual, in addition to the punishment of the offender himself.

### **ADDENDA**

#### **Article 1 (Enforcement Date)**

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

#### **Article 2 (Transitional Measures concerning Methods of Official Test on Water Pollution)**

The methods of the official test on environmental pollution, having already been given a public notice of under the provisions of Article 22-3 of the previous Environmental Preservation Act at the time this Act enters into force, shall be considered as the methods of the official test on water pollution given a public notice of under the provisions of Article 7.

#### **Article 3 (Transitional Measures concerning Permissible Discharge Standards)**

The permissible discharge standards as prescribed in the provisions of Article 14 or 15-3 (2) of the previous Environmental Preservation Act at the time this Act enters into force, shall be considered as the permissible discharge standards as prescribed in the provisions of Article 8 or 13 (3).

#### **Article 4 (Transitional Measures concerning Discharge and Preventive Facilities)**

(1) The person, who has already obtained the permit on installation or alteration of the discharge facilities under the provisions of Article 15 (1) or (2) of the previous Environmental



Preservation Act at the time this Act enters into force, shall be considered to have obtained it under the provisions of Article 10 (1) or (2).

(2) The preventive facilities or the joint preventive facilities, having been installed under the main provisions of Article 15-2 (1) or the provisions of Article 15-3 (1) of the previous Environmental Preservation Act at the time this Act enters into force, shall be considered to have been installed under the main sentence of Article 11 (1) or the provisions of Article 13 (1) or (2); and non-installation of the preventive facilities under the proviso of Article 15-2 (1) of the previous Environmental Preservation Act shall be considered as non-installation thereof under the proviso of Article 11 (1).

(3) The person, who made the report on commencement of the use of the discharge and preventive facilities or the person who obtained the judgment of conformity under the provisions of Article 16 of the previous Environmental Preservation Act at the time this Act enters into force, shall be considered to have made the report on completion of installation or to have obtained the judgment of conformity under the provisions of Article 14.

(4) The person, who received the improvement order, the order for temporary suspension of operation, the movement order, the permit revocation or the order for permanent closure with respect to the Discharge or preventive facilities under the provisions of Articles 17 through 19, 20 or 21 of the previous Environmental Preservation Act at the time this Act enters into force, shall be considered to have received the said order under the provisions of Articles 16 through 18, 20 or 21.

#### **Article 5 (Transitional Measures concerning Manager of Discharge Facilities)**

The report on appointment of or the order to replace the manager of the discharge facilities made or issued under the provisions of Article 23 or 23-2 of the previous Environmental Preservation Act at the time this Act enters into force shall be considered as the report on appointment or the order to replace made or issued under the provisions of Article 23 (1) or 24.

#### **Article 6 (Transitional Measures concerning Discharge Dues)**

The order to pay the discharge dues, payment thereof and disposition on failure to pay them under the provisions of Article 19-2 of the previous Environmental Preservation Act at the time this Act enters into force, shall be considered as the order to pay the discharge dues, payment thereof and disposition on failure to pay them as provided in the provisions of Article 19.

#### **Article 7 (Transitional Measures concerning Self- Measurement, etc.)**

The measurement taken under the provisions of Article 22 of the previous Environmental Preservation Act at the time this Act enters into force, shall be considered as a measurement taken under the provisions of Article 22; and the designation of a measuring agent done under the provisions of Article 22-2 of the previous Environmental Preservation Act at the time this Act enters into force, as the designation of a measuring agent done under the provisions of Article 44.

#### **Article 8 (Transitional Measures concerning Wastewater Terminal Treatment Facilities)**

(1) The combined wastewater treatment facilities installed or in the process of installation as a part of the environmental pollution preventive projects under the provisions of Article 43 (1) of the previous Environmental Preservation Act at the time this Act enters into force, shall be

considered as the wastewater terminal treatment facilities under the main sentence of Article 25 (1): Provided, That the matter of bearing the expenses needed for the installation and operation thereof shall be governed by the provisions of Articles 43 through 46 of the previous Environmental Preservation Act.

(2) In the case as referred to in paragraph (1), the Minister of Environment shall designate the Joint Treatment Zone in accordance with the provisions of Article 26 (2) within three months from the enforcement date of this Act, and then give a public notice of it.

(3) The matter of bearing the expenses needed for installation and operation of the wastewater terminal treatment facilities installed under the main sentence of Article 25 (1) shall be governed by the provisions of Articles 43 through 46 of the previous Environmental Preservation Act.

#### **Article 9 (Transitional Measures concerning Preventive Facilities Business)**

The person who registered the preventive facilities business or registered an alteration thereof or the person whose registration of the preventive facilities business was revoked under the provisions of Article 47 or 49 of the previous Environmental Preservation Act at the time this Act enters into force, shall be considered to have registered the said preventive facilities business or have registered an alteration thereof or to have his registration revoked under the provisions of Article 39 or 41.

#### **Article 10 (Transitional Measures concerning Wastewater Treatment Business)**

The person who has been designated as the wastewater treatment businessman at the time this Act enters into force, shall be considered to have obtained the permit on the wastewater treatment business under the provisions of Article 43 (1): Provided, That he shall provide himself with the capital, technical capability, facilities and equipments as prescribed in the provisions of Article 43 (1) within six months from the enforcement date of this Act.

#### **Article 11 (Transitional Measures concerning Permissible Standards of Agricultural Chemicals Residue)**

The permissible standards of agricultural chemicals residue as prescribed in the provisions of Article 42-2 of the previous Environmental Preservation Act at the time this Act enters into force shall be considered as the permissible standards of agricultural chemicals residue as prescribed in the provisions of Article 47.

#### **Article 12 (Transitional Measures Concerning Education of Discharge Facilities Managers, etc.)**

The education and training of such technical personnel as the discharge facilities Managers, etc., conducted under the provisions of Article 61-2 of the previous Environmental Preservation Act at the time this Act enters into force shall be considered as the education conducted under the provisions of Article 48.

#### **Article 13 (Transitional Measures Concerning Hearing)**

The hearing having been conducted under the provisions of Article 62-4 of the previous Environmental Preservation Act at the time this Act enters into force shall be considered as the hearing conducted under the provisions of Article 53: Provided, That as for the case of hearing of which procedures are still in progress at the time this Act enters into force, the hearing shall be conducted according to the previous provisions concerned until it is finished.

**Article 14 (Transitional Measures concerning Public Announcements, Dispositions and Continuing Actions Made or Taken under Previous Environmental Preservation Act)**

The public announcements, conditional permits, administrative dispositions or other actions of administrative agencies, or various applications, reports or other actions to the said administrative agencies, which were conducted under the previous Environmental Preservation Act before this Act enters into force, shall be considered as the actions of or to the said administrative agencies under this Act.

**Article 15 (Transitional Measures concerning Application of Penal Provisions)**

The application of penal provisions to the offenses committed against the previous Environmental Preservation Act before this Act enters into force, shall be governed by the previous provisions concerned.

**Article 16 (Relation with Other Acts and Subordinate Statutes)**

In a case where provisions of the previous Environmental Preservation Act have been cited in other Acts and subordinate statutes the time this Act enters into force, and where there are in this Act provisions corresponding to the cited ones, this Act or the corresponding provisions of this Act shall be considered to have been cited in lieu of the actually cited provisions.

**ADDENDUM <Act No. 4388, May 31, 1991>**

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

**ADDENDA <Act No. 4536, Dec. 8, 1992>**

(1) (Enforcement Date) This Act shall enter into force at the expiration of six months after its promulgation.

(2) (Transitional Measures Concerning Change of the Name of Discharge Facilities Manager) The discharge facilities manager as prescribed by the previous provisions at the time this Act enters into force, shall be considered as the environment manager as prescribed by this Act.

**ADDENDA <Act No. 4653, Dec. 27, 1993>**

(1) (Enforcement Date) This Act shall enter into force at the expiration of six months after its promulgation.

(2) (Transitional Measures Concerning Designation of the Measuring Agent) The measuring agent designated, or designated replacing the old measuring agent, pursuant to the previous provisions concerned at the time this Act enters into force, shall be considered as the measuring agent registered, or registered after a displacement concerned, under the revised provisions of Article 44.

(3) (Transitional Measures concerning Application of Penal Provisions) The application of penal provisions to the actions committed before this Act enters into force, shall be governed by the previous provisions concerned.

**ADDENDA <Act No. 4714, Jan. 5, 1994>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 1995.

**Articles 2 and 3 Omitted.**

**ADDENDA <Act No. 4782, Aug. 3, 1994>**

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

(2) through (4) Omitted.

**ADDENDA <Act No. 4970, Aug. 4, 1995>**

**Article 1 (Enforcement Date)**

This Act shall enter into force from the day of six months passage after its promulgation.

**Articles 2 through 8 Omitted.**

**ADDENDA <Act No. 5095, Dec. 29, 1995>**

(1) (Enforcement Date) This Act shall enter into force on July 1, 1996: Provided, That the revised provisions of Article 19 (1) through (3) shall enter into force on January 1, 1997 with respect to the discharge facilities whose scale corresponds to the one as prescribed by the Presidential Decree, and on January 1, 2000 with respect to the other discharge facilities.

(2) (Transitional Measures concerning the Reported Discharge Facilities) The facilities, of the discharge facilities having been reported pursuant to the provisions of Article 10 (1) of the previous Act at the time this Act enters into force, which correspond to the specified facilities as set forth by the revised provisions of Article 30-2, shall be considered as the specified facilities reported under the revised provisions of Article 30-2.

(3) (Transitional Measures concerning Penal Provisions) The application of penal provisions to the actions committed before this Act enters into force shall be governed by the previous provisions concerned.

**ADDENDA <Act No. 5389, Aug. 28, 1997>**

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

(2) (Transitional Measures on Wastewater Treatment Businessmen) Any person who has obtained the permit on wastewater treatment business under the amended provisions of Article 43 (1).

(3) (Transitional Measures on Penal Provisions) The application of penal provisions to acts committed prior to the entry into force of this Act shall be governed by the previous provisions.

(4) Omitted.

**ADDENDA <Act No. 5390, Aug. 28, 1997>**

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

(2) and (3) Omitted.

**ADDENDA <Act No. 5453, Dec. 13, 1997>**

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures following Amendment of Grassland Act, etc.)**

(1) Omitted.

(2) The terms “of approval” in the amended provisions of subparagraph 1 of Article 53 of the Water Quality Conservation Act and “registration” in the amended provisions of subparagraph 3 of the same Article shall be deemed to be read as “of approval and permit” and “permit” from the date of entry into force of this Act until February 28, 1998.

(3) through (8) Omitted.

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

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

**ADDENDA <Act No. 5870, Feb. 8, 1999>**

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

(2) (Transitional Measures concerning Application of Penal Provisions, etc.) The application of penal provisions and a fine for negligence to acts committed before this Act enters into force, shall be subject to previous relevant provisions.

**ADDENDA <Act No. 5893, Feb. 8, 1999>**

**Article 1 (Enforcement Date)**

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

**Articles 2 through 6 Omitted.**

**ADDENDA <Act No. 5914, Feb. 8, 1999>**

**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. 6199, Jan. 21, 2000>**

**Article 1 (Enforcement Date)**

This Act shall enter into force after the lapse of nine months from the date of its promulgation.

**Article 2 (Abrogation of Other Act)**

The Water Quality Control of Lakes and Marshes Act is hereby abrogated.

**Article 3 (Transitional Measures concerning Specific Facilities)**

Any person who files a report in respect of the installation of specific facilities at the time that this Act enters into force shall be deemed to be the person who files a report in respect of the installation of other source of polluting water quality under the amended provisions of Article 30-2 (1).

**Article 4 (Transitional Measures concerning Fishing Prohibition Area and Fishing Restricted Area)**

The fishing prohibited area and the fishing restricted area which are designated in according to the previous Water Quality Control of Lakes and Marshes Act at the time that this Act enters into force shall be deemed the fishing prohibited area and the fishing restricted area designated in accordance with this Act.

**Article 5 (Transitional Measures concerning Application of Penal Provisions)**

The application of the penal provisions and the fine for negligence to any act committed prior to the enforcement of this Act shall be governed by the previous provisions, respectively.

**Article 6 (Transitional Measures concerning Publication, Disposition and Continuing Act under Previous Water Quality Control of Lakes and Marshes Act)**

Any publication, any administrative disposition, the act of any administrative agency, various applications and reports and acts against administrative agencies, which have been performed under the previous Water Quality Control of Lakes and Marshes Act prior to the enforcement of this Act, shall be deemed the acts performed by or against administrative agencies under this Act.

**Article 7 (Relation with Other Acts)**

Where the previous Water Quality Control of Lakes and Marshes Act is cited by other Acts and subordinate statutes at the time that this Act enters into force and the Act has the provisions corresponding to such cited provisions, this Act and the provisions of this Act shall be deemed to be cited.

**ADDENDA <Act No. 6262, Feb. 3, 2000>**

**Article 1 (Enforcement Date)**

This Act shall enter into force after the lapse of six months from the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 10 Omitted.**

**ADDENDA<Act No. 6451, Mar. 28, 2001>**

**Article 1 (Enforcement Date)**

This Act shall enter into force after the lapse of six months from the date of its promulgation.  
(Proviso Omitted.)

**Articles 2 through 5 Omitted.**

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

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

**ADDENDA <Act No. 6654, Feb. 4, 2002>**

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

**ADDENDUM <Act No. 6829, Dec. 26, 2002>**

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

**ADDENDA <Act No. 6913, May 29, 2003>**

**Article 1 (Enforcement Date)**

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

**Articles 2 and 3 Omitted.**

**ADDENDA <Act No. 7168, Feb. 9, 2004>**

**Article 1 (Enforcement Date)**

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

**Article 2 (Transitional Measures concerning Discharge Facilities)**

The person who has installed or is installing discharge facilities falling under the discharge facilities that do not discharge wastewater at the restricted area as referred to in Article 10 (6) and (7) by obtaining a permission for installing the wastewater discharge facilities as referred to in the previous provisions of Article 10 (1) at the time of enforcement of this Act, shall be deemed to have obtained a permission for installing the discharge facilities that do not discharge wastewater as referred to in the amended provisions of the proviso of Article 10 (1).

**Article 3 (Transitional Measures concerning Changes in Title of Environmental Engineer)**

The environmental manager as referred to in the previous provisions at the time of enforcement of this Act shall be deemed to be the environmental engineer as referred to in the amended provisions of this Act.

**Article 4 Omitted.**