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Chinese and English Version

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中华人民共和国主席令

(第 31 号)

《中华人民共和国固体废物污染环境防治法》已由中华人民共和国第十届全国人民代表大会常务委员会第十三次会议于 2004 年 12 月 29 日修订通过,现将修订后的《中华人民共和国固体废物污染环境防治法》公布,自 2005 年 4 月 1 日起施行。

中华人民共和国主席 胡锦

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2004 年 12 月 29 日

中华人民共和国固体废物污染环境防治法

(1995 年 10 月 30 日第八届全国人民代表大会常务委员会第十六次会议通过
2004 年 12 月 29 日第十届全国人民代表大会常务委员会第十三次会议修订)

第一章 总则

第一条 为了防治固体废物污染环境,保障人体健康,维护生态安全,促进经济社会可持续发展,制定本法。

第二条 本法适用于中华人民共和国境内固体废物污染环境的防治。

固体废物污染海洋环境的防治和放射性固体废物污染环境的防治不适用本法。

第三条 国家对固体废物污染环境的防治,实行减少固体废物的产生量和危害性、充分合理利用固体废物和无害化处置固体废物的原则,促进清洁生产和循环经济发展。

国家采取有利于固体废物综合利用活动的经济、技术政策和措施,对固体废物实行充分回收和合理利用。

国家鼓励、支持采取有利于保护环境的集中处置固体废物的措施,促进固体废物污染环境防治产业发展。

第四条 县级以上人民政府应当将固体废物污染环境防治工作纳入国民经济和社会发展规划,并采取有利于固体废物污染环境防治的经济、技术政策和措施。

国务院有关部门、县级以上地方人民政府及其有关部门组织编制城乡建设、土地利用、区域开发、产业发展等规划,应当统筹考虑减少固体废物的产生量和危害性、促进固体废物的综合利用和无害化处置。

第五条 国家对固体废物污染环境防治实行污染者依法负责的原则。

产品的生产者、销售者、进口者、使用者对其产生的固体废物依法承担污染防治责任。

第六条 国家鼓励、支持固体废物污染环境防治的科学研究、技术开发、推广先进的防治技术和普及固体废物污染环境防治的科学知识。

各级人民政府应当加强防治固体废物污染环境的宣传教育,倡导有利于环境保护的生产方式和生活方式。

第七条 国家鼓励单位和个人购买、使用再生产品和可重复利用产品。

第八条 各级人民政府对在固体废物污染防治工作以及相关的综合利用活动中作出显著成绩的单位和个人给予奖励。

第九条 任何单位和个人都有保护环境的义务,并有权对造成固体废物污染环境单位和个人进行检举和控告。

第十条 国务院环境保护行政主管部门对全国固体废物污染环境的防治工作实施统一监督管理。国务院有关部门在各自的职责范围内负责固体废物污染防治的监督管理工作。

县级以上地方人民政府环境保护行政主管部门对本行政区域内固体废物污染环境的防治工作实施统一监督管理。县级以上地方人民政府有关部门在各自的职责范围内负责固体废物污染防治的监督管理工作。

国务院建设行政主管部门和县级以上地方人民政府环境卫生行政主管部门负责生活垃圾清扫、收集、贮存、运输和处置的监督管理工作。

第二章 固体废物污染环境的监督管理

第十一条 国务院环境保护行政主管部门会同国务院有关行政主管部门根据国家环境质量标准和国家经济、技术条件,制定国家固体废物污染环境防治技术标准。

第十二条 国务院环境保护行政主管部门建立固体废物污染环境监测制度，制定统一的监测规范，并会同有关部门组织监测网络。

大、中城市人民政府环境保护行政主管部门应当定期发布固体废物的种类、产生量、处置状况等信息。

第十三条 建设产生固体废物的项目以及建设贮存、利用、处置固体废物的项目，必须依法进行环境影响评价，并遵守国家有关建设项目环境保护管理的规定。

第十四条 建设项目的环境影响评价文件确定需要配套建设的固体废物污染防治设施，必须与主体工程同时设计、同时施工、同时投入使用。固体废物污染防治设施必须经原审批环境影响评价文件的环境保护行政主管部门验收合格后，该建设项目方可投入生产或者使用。对固体废物污染防治设施的验收应当与对主体工程的验收同时进行。

第十五条 县级以上人民政府环境保护行政主管部门和其他固体废物污染环境防治工作的监督管理部门，有权依据各自的职责对管辖范围内与固体废物污染环境防治有关的单位进行现场检查。被检查的单位应当如实反映情况，提供必要的资料。检查机关应当为被检查的单位保守技术秘密和业务秘密。

检查机关进行现场检查时，可以采取现场监测、采集样品、查阅或者复制与固体废物污染环境防治相关的资料等措施。检查人员进行现场检查，应当出示证件。

第三章 固体废物污染环境的防治

第一节 一般规定

第十六条 产生固体废物的单位和个人，应当采取措施，防止或者减少固体废物对环境的污染。

第十七条 收集、贮存、运输、利用、处置固体废物的单位和个人，必须采取防扬散、防流失、防渗漏或者其他防止污染环境的措施；不得擅自倾倒、堆放、丢弃、遗撒固体废物。

禁止任何单位或者个人向江河、湖泊、运河、渠道、水库及其最高水位线以下的滩地和岸坡等法律、法规规定禁止倾倒、堆放废弃物的地点倾倒、堆放固体废物。

第十八条 产品和包装物的设计、制造，应当遵守国家有关清洁生产的规定。国务院标准化行政主管部门应当根据国家经济和技术条件、固体废物污染环境防治状况以及产品的技术要求，组织制定有关标准，防止过度包装造成环境污染。

生产、销售、进口依法被列入强制回收目录的产品和包装物的企业，必须按照国家有关规定对该产品和包装物进行回收。

第十九条 国家鼓励科研、生产单位研究、生产易回收利用、易处置或者在环境中可降解的薄膜覆盖物和商品包装物。

使用农用薄膜的单位和个人，应当采取回收利用等措施，防止或者减少农用薄膜对环境的污染。

第二十条 从事畜禽规模养殖应当按照国家有关规定收集、贮存、利用或者处置养殖过程中产生的畜禽粪便，防止污染环境。

禁止在人口集中地区、机场周围、交通干线附近以及当地人民政府划定的区域露天焚烧秸秆。

第二十一条 对收集、贮存、运输、处置固体废物的设施、设备和场所，应当加强管理和维护，保证其正常运行和使用。

第二十二条 在国务院和国务院有关主管部门及省、自治区、直辖市人民政府划定的自然保护区、风景名胜区、饮用水水源保护区、基本农田保护区和其他需要特别保护的区域内，禁止建设工业固体废物集中贮存、处置的设施、场所和生活垃圾填埋场。

第二十三条 转移固体废物出省、自治区、直辖市行政区域贮存、处置的，应当向固体废物移出地的省、自治区、直辖市人民政府环境保护行政主管部门提出申请。移出地的省、自治区、直辖市人民政府环境保护行政主管部门应当商经接受地的省、自治区、直辖市人民政府环境保护行政主管部门同意后，方可批准转移该固体废物出省、自治区、直辖市行政区域。未经批准的，不得转移。

第二十四条 禁止中华人民共和国境外的固体废物进境倾倒、堆放、处置。

第二十五条 禁止进口不能用作原料或者不能以无害化方式利用的固体废物；对可以用作原料的固体废物实行限制进口和自动许可进口分类管理。

国务院环境保护行政主管部门会同国务院对外贸易主管部门、国务院经济综合宏观调控部门、海关总署、国务院质量监督检验检疫部门制定、调整并公布禁止进口、限制进口和自动许可进口的固体废物目录。

禁止进口列入禁止进口目录的固体废物。进口列入限制进口目录的固体废物，应当经国务院环境保护行政主管部门会同国务院对外贸易主管部门审查许可。进口列入自动许可进口目录的固体废物，应当依法办理自动许可手续。

进口的固体废物必须符合国家环境保护标准 ,并经质量监督检验检疫部门检验合格。

进口固体废物的具体管理办法 ,由国务院环境保护行政主管部门会同国务院对外贸易主管部门、国务院经济综合宏观调控部门、海关总署、国务院质量监督检验检疫部门制定。

第二十六条 进口者对海关将其所进口的货物纳入固体废物管理范围不服的 ,可以依法申请行政复议 ,也可以向人民法院提起行政诉讼。

第二节 工业固体废物污染环境的防治

第二十七条 国务院环境保护行政主管部门应当会同国务院经济综合宏观调控部门和其他有关部门对工业固体废物对环境的污染作出界定 ,制定防治工业固体废物污染环境的技术政策 ,组织推广先进的防治工业固体废物污染环境的生产工艺和设备。

第二十八条 国务院经济综合宏观调控部门应当会同国务院有关部门组织研究、开发和推广减少工业固体废物产生量和危害性的生产工艺和设备 ,公布限期淘汰产生严重污染环境的工业固体废物的落后生产工艺、落后设备的名录。

生产者、销售者、进口者、使用者必须在国务院经济综合宏观调控部门会同国务院有关部门规定的期限内分别停止生产、销售、进口或者使用列入前款规定的名录中的设备。生产工艺的采用者必须在国务院经济综合宏观调控部门会同国务院有关部门规定的期限内停止采用列入前款规定的名录中的工艺。

列入限期淘汰名录被淘汰的设备 ,不得转让给他人使用。

第二十九条 县级以上人民政府有关部门应当制定工业固体废物污染环境防治工作规划,推广能够减少工业固体废物产生量和危害性的先进生产工艺和设备,推动工业固体废物污染环境防治工作。

第三十条 产生工业固体废物的单位应当建立、健全污染环境防治责任制度,采取防治工业固体废物污染环境的措施。

第三十一条 企业事业单位应当合理选择和利用原材料、能源和其他资源,采用先进的生产工艺和设备,减少工业固体废物产生量,降低工业固体废物的危害性。

第三十二条 国家实行工业固体废物申报登记制度。

产生工业固体废物的单位必须按照国务院环境保护行政主管部门的规定,向所在地县级以上地方人民政府环境保护行政主管部门提供工业固体废物的种类、产生量、流向、贮存、处置等有关资料。

前款规定的申报事项有重大改变的,应当及时申报。

第三十三条 企业事业单位应当根据经济、技术条件对其产生的工业固体废物加以利用;对暂时不利用或者不能利用的,必须按照国务院环境保护行政主管部门的规定建设贮存设施、场所,安全分类存放,或者采取无害化处置措施。

建设工业固体废物贮存、处置的设施、场所,必须符合国家环境保护标准。

第三十四条 禁止擅自关闭、闲置或者拆除工业固体废物污染环境防治设施、场所;确有必要关闭、闲置或者拆除的,必须经所在地县级以上地方人民政府环境保护行政主管部门核准,并采取措施,防止污染环境。

第三十五条 产生工业固体废物的单位需要终止的,应当事先对工业固体废物的贮存、处置的设施、场所采取污染防治措施,并对未处置的工业固体废物作

出妥善处置，防止污染环境。

产生工业固体废物的单位发生变更的，变更后的单位应当按照国家有关环境保护的规定对未处置的工业固体废物及其贮存、处置的设施、场所进行安全处置或者采取措施保证该设施、场所安全运行。变更前当事人对工业固体废物及其贮存、处置的设施、场所的污染防治责任另有约定的，从其约定；但是，不得免除当事人的污染防治义务。

对本法施行前已经终止的单位未处置的工业固体废物及其贮存、处置的设施、场所进行安全处置的费用，由有关人民政府承担；但是，该单位享有的土地使用权依法转让的，应当由土地使用权受让人承担处置费用。当事人另有约定的，从其约定；但是，不得免除当事人的污染防治义务。

第三十六条 矿山企业应当采取科学的开采方法和选矿工艺，减少尾矿、矸石、废石等矿业固体废物的产生量和贮存量。

尾矿、矸石、废石等矿业固体废物贮存设施停止使用后，矿山企业应当按照国家有关环境保护规定进行封场，防止造成环境污染和生态破坏。

第三十七条 拆解、利用、处置废弃电器产品和废弃机动车船，应当遵守有关法律、法规的规定，采取措施，防止污染环境。

第三节 生活垃圾污染环境的防治

第三十八条 县级以上人民政府应当统筹安排建设城乡生活垃圾收集、运输、处置设施，提高生活垃圾的利用率和无害化处置率，促进生活垃圾收集、处置的产业化发展，逐步建立和完善生活垃圾污染环境防治的社会服务体系。

第三十九条 县级以上地方人民政府环境卫生行政主管部门应当组织对城市生活垃圾进行清扫、收集、运输和处置，可以通过招标等方式选择具备条件的单位从事生活垃圾的清扫、收集、运输和处置。

第四十条 对城市生活垃圾应当按照环境卫生行政主管部门的规定，在指定的地点放置，不得随意倾倒、抛撒或者堆放。

第四十一条 清扫、收集、运输、处置城市生活垃圾，应当遵守国家有关环境保护和环境卫生管理的规定，防止污染环境。

第四十二条 对城市生活垃圾应当及时清运，逐步做到分类收集和运输，并积极开展合理利用和实施无害化处置。

第四十三条 城市人民政府应当有计划地改进燃料结构，发展城市煤气、天然气、液化气和其他清洁能源。

城市人民政府有关部门应当组织净菜进城，减少城市生活垃圾。

城市人民政府有关部门应当统筹规划，合理安排收购网点，促进生活垃圾的回收利用工作。

第四十四条 建设生活垃圾处置的设施、场所，必须符合国务院环境保护行政主管部门和国务院建设行政主管部门规定的环境保护和环境卫生标准。

禁止擅自关闭、闲置或者拆除生活垃圾处置的设施、场所；确有必要关闭、闲置或者拆除的，必须经所在地县级以上地方人民政府环境卫生行政主管部门和环境保护行政主管部门核准，并采取措施，防止污染环境。

第四十五条 从生活垃圾中回收的物质必须按照国家规定的用途或者标准使用，不得用于生产可能危害人体健康的产品。

第四十六条 工程施工单位应当及时清运工程施工过程中产生的固体废物，并按照环境卫生行政主管部门的规定进行利用或者处置。

第四十七条 从事公共交通运输的经营单位，应当按照国家有关规定，清扫、收集运输过程中产生的生活垃圾。

第四十八条 从事城市新区开发、旧区改建和住宅小区开发建设的单位，以及机场、码头、车站、公园、商店等公共设施、场所的经营管理单位，应当按照国家有关环境卫生的规定，配套建设生活垃圾收集设施。

第四十九条 农村生活垃圾污染环境防治的具体办法，由地方性法规规定。

第四章 危险废物污染环境防治的特别规定

第五十条 危险废物污染环境的防治，适用本章规定；本章未作规定的，适用本法其他有关规定。

第五十一条 国务院环境保护行政主管部门应当会同国务院有关部门制定[国家危险废物名录](#)，规定统一的危险废物鉴别标准、鉴别方法和识别标志。

第五十二条 对危险废物的容器和包装物以及收集、贮存、运输、处置危险废物的设施、场所，必须设置危险废物识别标志。

第五十三条 产生危险废物的单位，必须按照国家有关规定制定危险废物管理计划，并向所在地县级以上地方人民政府环境保护行政主管部门申报危险废物的种类、产生量、流向、贮存、处置等有关资料。

前款所称危险废物管理计划应当包括减少危险废物产生量和危害性的措施以及危险废物贮存、利用、处置措施。危险废物管理计划应当报产生危险废物的

单位所在地县级以上地方人民政府环境保护行政主管部门备案。

本条规定的申报事项或者危险废物管理计划内容有重大改变的,应当及时申报。

第五十四条 国务院环境保护行政主管部门会同国务院经济综合宏观调控部门组织编制危险废物集中处置设施、场所的建设规划,报国务院批准后实施。

县级以上地方人民政府应当依据危险废物集中处置设施、场所的建设规划组织建设危险废物集中处置设施、场所。

第五十五条 产生危险废物的单位,必须按照国家有关规定处置危险废物,不得擅自倾倒、堆放;不处置的,由所在地县级以上地方人民政府环境保护行政主管部门责令限期改正;逾期不处置或者处置不符合国家有关规定的,由所在地县级以上地方人民政府环境保护行政主管部门指定单位按照国家有关规定代为处置,处置费用由产生危险废物的单位承担。

第五十六条 以填埋方式处置危险废物不符合国务院环境保护行政主管部门规定的,应当缴纳危险废物排污费。危险废物排污费征收的具体办法由国务院规定。

危险废物排污费用于污染环境的防治,不得挪作他用。

第五十七条 从事收集、贮存、处置危险废物经营活动的单位,必须向县级以上人民政府环境保护行政主管部门申请领取经营许可证;从事利用危险废物经营活动的单位,必须向国务院环境保护行政主管部门或者省、自治区、直辖市人民政府环境保护行政主管部门申请领取经营许可证。具体管理办法由国务院规定。

禁止无经营许可证或者不按照经营许可证规定从事危险废物收集、贮存、利

用、处置的经营活动。

禁止将危险废物提供或者委托给无经营许可证的单位从事收集、贮存、利用、处置的经营活动。

第五十八条 收集、贮存危险废物，必须按照危险废物特性分类进行。禁止混合收集、贮存、运输、处置性质不相容而未经安全性处置的危险废物。

贮存危险废物必须采取符合国家环境保护标准的防护措施，并不得超过一年；确需延长期限的，必须报经原批准经营许可证的环境保护行政主管部门批准；法律、行政法规另有规定的除外。

禁止将危险废物混入非危险废物中贮存。

第五十九条 转移危险废物的，必须按照国家有关规定填写危险废物转移联单，并向危险废物移出地设区的市级以上地方人民政府环境保护行政主管部门提出申请。移出地设区的市级以上地方人民政府环境保护行政主管部门应当商经接受地设区的市级以上地方人民政府环境保护行政主管部门同意后，方可批准转移该危险废物。未经批准的，不得转移。

转移危险废物途经移出地、接受地以外行政区域的，危险废物移出地设区的市级以上地方人民政府环境保护行政主管部门应当及时通知沿途经过的设区的市级以上地方人民政府环境保护行政主管部门。

第六十条 运输危险废物，必须采取防止污染环境的措施，并遵守国家有关危险货物运输管理的规定。

禁止将危险废物与旅客在同一运输工具上载运。

第六十一条 收集、贮存、运输、处置危险废物的场所、设施、设备和容器、包装物及其他物品转作他用时，必须经过消除污染的处理，方可使用。

第六十二条 产生、收集、贮存、运输、利用、处置危险废物的单位，应当制定意外事故的防范措施和应急预案，并向所在地县级以上地方人民政府环境保护行政主管部门备案；环境保护行政主管部门应当进行检查。

第六十三条 因发生事故或者其他突发性事件，造成危险废物严重污染环境的单位，必须立即采取措施消除或者减轻对环境的污染危害，及时通报可能受到污染危害的单位和居民，并向所在地县级以上地方人民政府环境保护行政主管部门和有关部门报告，接受调查处理。

第六十四条 在发生或者有证据证明可能发生危险废物严重污染环境、威胁居民生命财产安全时，县级以上地方人民政府环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门必须立即向本级人民政府和上一级人民政府有关行政主管部门报告，由人民政府采取防止或者减轻危害的有效措施。有关人民政府可以根据需要责令停止导致或者可能导致环境污染事故的作业。

第六十五条 重点危险废物集中处置设施、场所的退役费用应当预提，列入投资概算或者经营成本。具体提取和管理办法，由国务院财政部门、价格主管部门会同国务院环境保护行政主管部门规定。

第六十六条 禁止经中华人民共和国过境转移危险废物。

第五章 法律责任

第六十七条 县级以上人民政府环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门违反本法规定，有下列行为之一的，由本级人民政府或者上级人民政府有关行政主管部门责令改正，对负有责任的主管人员和

其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任：

- (一) 不依法作出行政许可或者办理批准文件的；
- (二) 发现违法行为或者接到对违法行为的举报后不予查处的；
- (三) 有不依法履行监督管理职责的其他行为的。

第六十八条 违反本法规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门责令停止违法行为，限期改正，处以罚款：

(一) 不按照国家规定申报登记工业固体废物，或者在申报登记时弄虚作假的；

(二) 对暂时不利用或者不能利用的工业固体废物未建设贮存的设施、场所安全分类存放，或者未采取无害化处置措施的；

(三) 将列入限期淘汰名录被淘汰的设备转让给他人使用的；

(四) 擅自关闭、闲置或者拆除工业固体废物污染防治设施、场所的；

(五) 在自然保护区、风景名胜区、饮用水水源保护区、基本农田保护区和其他需要特别保护的区域内，建设工业固体废物集中贮存、处置的设施、场所和生活垃圾填埋场的；

(六) 擅自转移固体废物出省、自治区、直辖市行政区域贮存、处置的；

(七) 未采取相应防范措施，造成工业固体废物扬散、流失、渗漏或者其他环境污染的；

(八) 在运输过程中沿途丢弃、遗撒工业固体废物的。

有前款第一项、第八项行为之一的，处五千元以上五万元以下的罚款；有前款第二项、第三项、第四项、第五项、第六项、第七项行为之一的，处一万元以上十万元以下的罚款。

第六十九条 违反本法规定,建设项目需要配套建设的固体废物污染环境防治设施未建成、未经验收或者验收不合格,主体工程即投入生产或者使用的,由审批该建设项目环境影响评价文件的环境保护行政主管部门责令停止生产或者使用,可以并处十万元以下的罚款。

第七十条 违反本法规定,拒绝县级以上人民政府环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门现场检查的,由执行现场检查的部门责令限期改正;拒不改正或者在检查时弄虚作假的,处二千元以上二万元以下的罚款。

第七十一条 从事畜禽规模养殖未按照国家有关规定收集、贮存、处置畜禽粪便,造成环境污染的,由县级以上地方人民政府环境保护行政主管部门责令限期改正,可以处五万元以下的罚款。

第七十二条 违反本法规定,生产、销售、进口或者使用淘汰的设备,或者采用淘汰的生产工艺的,由县级以上人民政府经济综合宏观调控部门责令改正;情节严重的,由县级以上人民政府经济综合宏观调控部门提出意见,报请同级人民政府按照国务院规定的权限决定停业或者关闭。

第七十三条 尾矿、矸石、废石等矿业固体废物贮存设施停止使用后,未按照国家有关环境保护规定进行封场的,由县级以上地方人民政府环境保护行政主管部门责令限期改正,可以处五万元以上二十万元以下的罚款。

第七十四条 违反本法有关城市生活垃圾污染环境防治的规定,有下列行为之一的,由县级以上地方人民政府环境卫生行政主管部门责令停止违法行为,限期改正,处以罚款:

(一) 随意倾倒、抛撒或者堆放生活垃圾的;

(二)擅自关闭、闲置或者拆除生活垃圾处置设施、场所的；

(三)工程施工单位不及时清运施工过程中产生的固体废物，造成环境污染的；

(四)工程施工单位不按照环境卫生行政主管部门的规定对施工过程中产生的固体废物进行利用或者处置的；

(五)在运输过程中沿途丢弃、遗撒生活垃圾的。

单位有前款第一项、第三项、第五项行为之一的，处五千元以上五万元以下的罚款；有前款第二项、第四项行为之一的，处一万元以上十万元以下的罚款。

个人有前款第一项、第五项行为之一的，处二百元以下的罚款。

第七十五条 违反本法有关危险废物污染环境防治的规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门责令停止违法行为，限期改正，处以罚款：

(一)不设置危险废物识别标志的；

(二)不按照国家规定申报登记危险废物，或者在申报登记时弄虚作假的；

(三)擅自关闭、闲置或者拆除危险废物集中处置设施、场所的；

(四)不按照国家规定缴纳危险废物排污费的；

(五)将危险废物提供或者委托给无经营许可证的单位从事经营活动的；

(六)不按照国家规定填写危险废物转移联单或者未经批准擅自转移危险废物的；

(七)将危险废物混入非危险废物中贮存的；

(八)未经安全性处置，混合收集、贮存、运输、处置具有不相容性质的危险废物的；

(九) 将危险废物与旅客在同一运输工具上载运的；

(十) 未经消除污染的处理将收集、贮存、运输、处置危险废物的场所、设施、设备和容器、包装物及其他物品转作他用的；

(十一) 未采取相应防范措施，造成危险废物扬散、流失、渗漏或者造成其他环境污染的；

(十二) 在运输过程中沿途丢弃、遗撒危险废物的；

(十三) 未制定危险废物意外事故防范措施和应急预案的。

有前款第一项、第二项、第七项、第八项、第九项、第十项、第十一项、第十二项、第十三项行为之一的，处一万元以上十万元以下的罚款；有前款第三项、第五项、第六项行为之一的，处二万元以上二十万元以下的罚款；有前款第四项行为的，限期缴纳，逾期不缴纳的，处应缴纳危险废物排污费金额一倍以上三倍以下的罚款。

第七十六条 违反本法规定，危险废物产生者不处置其产生的危险废物又不承担依法应当承担的处置费用的，由县级以上地方人民政府环境保护行政主管部门责令限期改正，处代为处置费用一倍以上三倍以下的罚款。

第七十七条 无经营许可证或者不按照经营许可证规定从事收集、贮存、利用、处置危险废物经营活动的，由县级以上人民政府环境保护行政主管部门责令停止违法行为，没收违法所得，可以并处违法所得三倍以下的罚款。

不按照经营许可证规定从事前款活动的，还可以由发证机关吊销经营许可证。

第七十八条 违反本法规定，将中华人民共和国境外的固体废物进境倾倒、堆放、处置的，进口属于禁止进口的固体废物或者未经许可擅自进口属于限制进

口的固体废物用作原料的，由海关责令退运该固体废物，可以并处十万元以上一百万元以下的罚款；构成犯罪的，依法追究刑事责任。进口者不明的，由承运人承担退运该固体废物的责任，或者承担该固体废物的处置费用。

逃避海关监管将中华人民共和国境外的固体废物运输入境，构成犯罪的，依法追究刑事责任。

第七十九条 违反本法规定，经中华人民共和国过境转移危险废物的，由海关责令退运该危险废物，可以并处五万元以上五十万元以下的罚款。

第八十条 对已经非法入境的固体废物，由省级以上人民政府环境保护行政主管部门依法向海关提出处理意见，海关应当依照本法第七十八条的规定作出处罚决定；已经造成环境污染的，由省级以上人民政府环境保护行政主管部门责令进口者消除污染。

第八十一条 违反本法规定，造成固体废物严重污染环境的，由县级以上人民政府环境保护行政主管部门按照国务院规定的权限决定限期治理；逾期未完成治理任务的，由本级人民政府决定停业或者关闭。

第八十二条 违反本法规定，造成固体废物污染环境事故的，由县级以上人民政府环境保护行政主管部门处二万元以上二十万元以下的罚款；造成重大损失的，按照直接损失的百分之三十计算罚款，但是最高不超过一百万元，对负有责任的主管人员和其他直接责任人员，依法给予行政处分；造成固体废物污染环境重大事故的，并由县级以上人民政府按照国务院规定的权限决定停业或者关闭。

第八十三条 违反本法规定，收集、贮存、利用、处置危险废物，造成重大环境污染事故，构成犯罪的，依法追究刑事责任。

第八十四条 受到固体废物污染损害的单位和个人，有权要求依法赔偿损失。

赔偿责任和赔偿金额的纠纷，可以根据当事人的请求，由环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门调解处理；调解不成的，当事人可以向人民法院提起诉讼。当事人也可以直接向人民法院提起诉讼。

国家鼓励法律服务机构对固体废物污染环境诉讼中的受害人提供法律援助。

第八十五条 造成固体废物污染环境的，应当排除危害，依法赔偿损失，并采取措施恢复环境原状。

第八十六条 因固体废物污染环境引起的损害赔偿诉讼，由加害人就法律规定的免责事由及其行为与损害结果之间不存在因果关系承担举证责任。

第八十七条 固体废物污染环境的损害赔偿责任和赔偿金额的纠纷，当事人可以委托环境监测机构提供监测数据。环境监测机构应当接受委托，如实提供有关监测数据。

第六章 附则

第八十八条 本法下列用语的含义：

(一) 固体废物，是指在生产、生活和其他活动中产生的丧失原有利用价值或者虽未丧失利用价值但被抛弃或者放弃的固态、半固态和置于容器中的气态的物品、物质以及法律、行政法规规定纳入固体废物管理的物品、物质。

(二) 工业固体废物，是指在工业生产活动中产生的固体废物。

(三) 生活垃圾，是指在日常生活中或者为日常生活提供服务的活动中产生

的固体废物以及法律、行政法规规定视为生活垃圾的固体废物。

(四) 危险废物，是指列入[国家危险废物名录](#)或者根据国家规定的危险废物鉴别标准和鉴别方法认定的具有危险特性的固体废物。

(五) 贮存，是指将固体废物临时置于特定设施或者场所中的活动。

(六) 处置，是指将固体废物焚烧和用其他改变固体废物的物理、化学、生物特性的方法，达到减少已产生的固体废物数量、缩小固体废物体积、减少或者消除其危险成份的活动，或者将固体废物最终置于符合环境保护规定要求的填埋场的活动。

(七) 利用，是指从固体废物中提取物质作为原材料或者燃料的活动。

第八十九条 液态废物的污染防治，适用本法；但是，排入水体的废水的污染防治适用有关法律，不适用本法。

第九十条 中华人民共和国缔结或者参加的与固体废物污染环境防治有关的国际条约与本法有不同规定的，适用国际条约的规定；但是，中华人民共和国声明保留的条款除外。

第九十一条 本法自 2005 年 4 月 1 日起施行。

Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes

Promulgation date:	12-29-2004	Department:	Standing Committee of the National People's Congress
Effective date:	04-01-2005	Subject:	Environmental Protection

Order of the President of the People's Republic of China

(No. 31)

The Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes was amended and adopted at the 13th session of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on December 29, 2004, and the amended Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes is hereby promulgated and shall come into force as of April 1, 2005.

Chairman of the People's Republic of China: Hu Jintao

December 29, 2004

Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes

(Adopted at the 16th Meeting of the Standing Committee of the Eighth National People's Congress on October 30, 1995, and amended at the 13th session of the Standing Committee of the Tenth National People's Congress of the People's Republic of China on December 29, 2004)

Chapter I General Provisions

Article 1 This Law is enacted for the purpose of preventing and controlling environmental pollution by solid wastes, safeguarding human health, maintaining the ecological safety and promoting the sustainable development of economy and society.

Article 2 This Law shall be applicable to the prevention and control of environmental pollution by solid wastes within the territory of the People's Republic of China.

This Law shall not be applicable to the prevention and control of marine environmental pollution by solid wastes or of environmental pollution by radioactive solid wastes.

Article 3 The State shall, in preventing and controlling environmental pollution by solid wastes, implement the principles of reducing the discharge and harm of solid wastes, fully and rationally utilizing solid wastes and making them harmless through treatment so as to promote cleaner production and the development of recycling economy.

The State shall adopt economic and technical policies and measures in favor of the comprehensive use of solid wastes, and fully recover and rationally utilize solid wastes.

The State shall encourage and support the adoption of beneficial measures of centralized treatment of solid wastes to the environmental protection and promote the industrial development of prevention and control of environmental pollution by solid wastes.

Article 4 The people's governments at or above the county level shall incorporate the prevention and control of environmental pollution by solid wastes into their environmental protection programs and adopt economic and technical policies and measures to facilitate the prevention and control of environmental pollution by solid wastes.

When relevant departments of the State Council, the people's governments at or above the county level and the relevant departments thereof formulate plans regarding urban-rural construction, land use, regional development and industrial development, they shall wholly take such factors into account as the reduction of discharge and harm of solid wastes and the promotion of comprehensive use and harmless treatment of solid wastes.

Article 5 For the prevention and control of environmental pollution by solid wastes, the State implements the principle that any entity or individual causing the pollution shall be responsible for it in accordance with law.

The manufacturers, sellers, importers and users shall be responsible for the prevention and control of solid wastes pollution produced thereby.

Article 6 The State shall encourage and support scientific research, technological development and the dissemination of advanced prevention and control technologies as well as of scientific knowledge in the field of prevention and control of environmental pollution by solid wastes.

The people's governments at all levels shall strengthen the publicity and education on the prevention and control of environmental pollution by solid wastes and advocate favorable production methods and living styles to the environmental protection.

Article 7 The State shall encourage the entities and individuals to purchase and use renewable products and reusable products.

Article 8 The people's governments at all levels shall give awards to the entities and individuals that have achieved outstanding successes in the prevention and control of environmental pollution by solid wastes and in relevant activities of comprehensive use.

Article 9 Any and all entities and individuals shall have the obligation to protect the environment and shall have the right to report or file charges against those entities or individuals that cause environmental pollution by solid wastes.

Article 10 The environmental protection administrative department of the State Council shall conduct unified supervision and management of the prevention and control of environmental pollution by solid wastes throughout the country. The relevant departments of the State Council shall be responsible for supervising and managing the prevention and control of environmental pollution by solid wastes within their respective functions.

The environmental protection administrative departments of the local people's governments at or above the county level shall conduct unified supervision and management of the prevention and control of environmental pollution by solid wastes within their own administrative areas. The relevant departments of local people's governments at or above the county level shall be responsible for supervision and management of the prevention and control of environmental pollution by solid wastes within their respective functions.

The construction administrative department of the State Council and the environmental sanitation administrative departments of the local people's governments at or above the county level shall be responsible for supervising and administering the cleaning, collection, storage, transportation and disposal of urban consumer wastes.

Chapter II Supervision and Administration of the Prevention and Control of Environmental Pollution by Solid Wastes

Article 11 The environmental protection administrative department of the State Council shall, pursuant to state environmental quality standards and state economic and technical conditions, formulate state technical standards on the prevention and control of environmental pollution by solid wastes in collaboration with the relevant administrative departments of the State Council.

Article 12 The environmental protection administrative department of the State Council shall establish a system for monitoring environmental pollution by solid wastes, formulate unified monitoring standards and, in conjunction with relevant departments, set up a monitoring network.

The environmental protection administrative departments of large and medium-sized cities shall regularly issue the types, discharging amount, disposal conditions and other information regarding the solid wastes.

Article 13 The construction of projects which discharge solid wastes and the construction of projects for storage, use and treatment of solid wastes shall be carried out upon the appraisal regarding their effects on environment and in compliance with the relevant state regulations concerning the management of environmental protection in respect of construction projects.

Article 14 The necessary supporting facilities for the prevention and control of environmental pollution by solid wastes as specified in the statement of the effect of the construction project shall be designed, built and put into operation simultaneously with the main part of the project. The construction project may be put into production or use, only after the facilities for the prevention and control of environmental pollution by solid wastes are found upon examination to meet the standards by the environmental protection administrative department that has originally examined and approved the statements about the effects on environment. The facilities for the prevention and control of environmental pollution by solid wastes shall be checked and accepted at the same time as the main part of the project is checked and accepted.

Article 15 The environmental protection administrative department of the people's government at or above the county level and other supervisory and administrative departments for the prevention and control of environmental pollution by solid wastes shall, in accordance with their respective functions, have the right to conduct on-site inspection of the entities within their jurisdictions that have something to do with the prevention and control of environmental pollution by solid wastes. The entities under inspection shall faithfully report the situation and provide necessary materials. The inspection authorities shall keep confidential the know-how and business secrets of the entities inspected.

When conducting on-site inspections, the inspection organ may adopt such measures as monitoring on the spot, collecting samples and consulting or printing materials relating to the prevention and control of environmental pollution by solid wastes.

Chapter III Prevention and Control of Environmental Pollution by Solid Wastes

Section I General Provisions

Article 16 Entities and individuals that discharge solid wastes shall adopt measures to prevent or reduce the environmental pollution by solid wastes.

Article 17 Entities and individuals that collect, store, transport, utilize or dispose of solid wastes shall take measures to prevent the scattering, run-off and leakage of solid wastes, as well as other measures against environmental pollution.

No entity or individual may dump solid wastes into or pile them up at rivers, lakes, ditches, reservoirs, bottomlands, banks or slopes under the highest waterline or other places where the

waste isn't allowed to be dumped or piled up according to laws and regulations.

Article 18 Any entity shall abide by state rules about the cleaner production for designing and manufacturing products and packages. The standardization administrative department of the State Council shall, pursuant to state economic and technical conditions, prevention and control situation of environmental pollution by solid wastes and technical requirements of products, formulate relevant standards to prevent environmental pollution by over-package.

The enterprises producing, selling or importing products and packages that have been listed in the catalogue subject to mandatory recycling shall reclaim the said products and packages according to state provisions.

Article 19 The State encourages scientific research and production institutions to do research on and manufacture plastic-sheet covering and packages of commodities that are easy to be recycled or treated, or easy to be degraded in the environment.

Entities and individuals that use agricultural films shall take measures like the recycling for utilization so as to prevent or reduce the environmental pollution by agricultural films.

Article 20 The engagement in the scale breeding of livestock and birds shall, according to relevant rules of the State, collect, store, utilize and dispose dung of livestock and birds produced in the breeding so as to prevent environmental pollution.

No straw or stalk may be burnt in the open air of population-centralized districts, surroundings of airports, neighboring districts of main communication arteries and districts as prescribed by the local people's governments.

Article 21 Management and maintenance of facilities, equipments and places for collecting, storing, transporting and treating solid wastes shall be improved so as to ensure their normal operation and function.

Article 22 No installation or site for centralized storage and treatment of industrial solid wastes or landfill of consumer wastes may be built in the nature reserves, scenic resorts, conservation areas of drinking water and basic farmlands and other areas requiring special protection that are prescribed by the State Council, relevant administrative departments of the State Council and the provinces, autonomous regions and municipalities directly under the Central Government.

Article 23 To transport any solid waste out of the administrative region of a province, autonomous region or municipality directly under the Central Government for storage or treatment, one shall apply to the environmental protection administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government where the solid waste is to be moved out for approval, which shall grant its

approval after consulting with and obtaining permission from the province, autonomous region or municipality directly under the Central Government where the solid waste is to be accepted. No transfer may be carried out without approval.

Article 24 It is forbidden to dump, pile up or treat any solid waste from abroad within the territory of China.

Article 25 The State forbids the import of solid wastes that cannot be used as raw material and those that can't be utilized through harmless treatment, and restricts the import of the solid wastes that can be used as raw materials and implements the classification management of automatic licensing import thereto.

The environmental protection administrative department of the State Council shall, in conjunction with the foreign trade administrative department and the economic comprehensive macro-control department of the State Council, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council, formulate, adjust and publish solid waste catalogues of import-forbidden, import-restricted and automatic licensing import.

The import of solid wastes as listed in the catalogue of import-forbidden shall be forbidden. The import of solid wastes as listed in the catalogue of import-restricted shall be examined and approved by the environmental protection administrative department of the State Council in collaboration with the foreign trade administrative department of the State Council. For any import of solid wastes as listed in the catalog of automatic licensing import, formalities on the automatic licensing import shall be gone through.

The imported solid wastes shall comply with state environmental protection standards and be inspected to be qualified by the quality supervision, inspection and quarantine department.

The specific measures for the administration of the import of solid wastes shall be formulated by the environmental protection administrative department of the State Council in collaboration with the foreign trade administrative department of the State Council, the economic comprehensive macro-control department of the State Council, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council.

Article 26 Any importer that holds objections to the incorporation of his imported wastes into the administrative scope of solid wastes by the customs may file an administrative reconsideration according to law or lodge an administrative suit to a people's court.

Section II Prevention and Control of Environmental Pollution by Industrial Solid Wastes

Article 27 The environmental protection administrative department of the State Council shall,

jointly with the economic comprehensive macro-control department of the State Council and other relevant departments, define the environmental pollution by industrial solid wastes, work out technical policies regarding the prevention and control thereof, and organize the dissemination of advanced production techniques and equipments for the prevention and control of environmental pollution by industrial solid wastes.

Article 28 The economic comprehensive macro-control department of the State Council shall, jointly with other relevant departments of the State Council, organize the research, development and promotion of the production techniques and equipments that will reduce the discharge and harm of industrial solid wastes, and promulgate the list of backward production techniques and equipments that cause severe environmental pollution by industrial solid wastes and thus should be eliminated within the time limit.

Producers, sellers, importers or users shall stop producing, selling, importing or using those equipments as included in the list stipulated in the preceding paragraph within the time limit which are specified by the economic comprehensive macro-control department of the State Council together with other relevant departments of the State Council. The users of such production techniques shall stop using such techniques as included in the list stipulated in the preceding paragraph within the time limit as specified by the economic comprehensive macro-control department of the State Council jointly with other relevant departments of the State Council.

Eliminated equipments included in the catalogue of equipments to be eliminated within a set time shall not be transferred to any other for use.

Article 29 The relevant departments of the people's governments at or above the county level shall formulate a program for the prevention and control of environmental pollution by industrial solid wastes, popularize the advanced production techniques and equipments which can reduce the discharge and harm of industrial solid wastes and promote the prevention and control of environmental pollution by industrial solid wastes.

Article 30 Entities discharging industrial solid wastes shall establish and improve the responsibility system for the prevention and control of environmental pollution and adopt measures for the prevention and control of environmental pollution by industrial solid wastes.

Article 31 Enterprises and public institutions shall rationally select and use raw materials, energies and other resources, and adopt advanced production techniques and equipments, so as to reduce the discharge and harm of industrial solid wastes.

Article 32 The State institutes a system of declaration and registration for industrial solid wastes.

The entities discharging industrial solid wastes shall, in accordance with the regulations enacted

by the environmental protection administrative department of the State Council, provide information about the categories, discharging amount, flow direction, storage, treatment and other materials concerning industrial solid wastes to the environmental protection administrative department of the local people's government at or above the county level where such entities are located.

Any significant modification of the declaration matters as prescribed in the preceding paragraph shall be declared in a timely manner.

Article 33 Enterprises and public institutions shall make use of industrial solid wastes produced thereby pursuant to economic and technical conditions; for those industrial solid wastes that will not or can't be utilized temporarily, enterprises and public institutions shall, in accordance with the regulations of the environmental protection administrative department of the State Council, build facilities and sites for their safe and classified storage or carry out the harmless treatment for them.

The construction of facilities and sites for storing and treating industrial solid wastes shall comply with state standards on environmental protection.

Article 34 It is forbidden to close down, leave idle or dismantle, without approval, facilities or places for the prevention and control of environmental pollution by industrial solid wastes. Where it is necessary to do so, prior verification and approval shall be obtained from the environmental protection administrative department of the local people's government at or above the county level, and measures shall be taken to prevent environmental pollution.

Article 35 Where it is necessary for the entities discharging industrial solid wastes to be terminated, measures for preventing and controlling pollution shall be taken in advance to the facilities and sites for storing and treating industrial solid wastes, and the untreated industrial solid wastes shall be disposed properly to prevent environmental pollution.

If an entity discharging industrial solid wastes has been altered, the altered entity shall, pursuant to state provisions about the environmental protection, carry out the safety treatment or take measures for untreated industrial solid wastes and the storage and treatment facilities and sites thereof so as to ensure the safe function of such facilities and sites. Where the parties concerned have, prior to the alteration, otherwise stipulated the assumption of responsibilities for preventing and controlling pollution by industrial solid wastes and the facilities and sites for storage and treatment, such stipulations shall prevail. However, the responsibilities of the parties concerned to prevent and control pollution shall not be exempted.

The expenses, incurred from the safety treatment of untreated industrial solid wastes and the storage and treatment facilities and sites of the entities that have been terminated prior to the implementation of the present Law, shall be borne by the relevant people's governments,

however if the land use right of the said entity has been transferred according to law, the transferee thereof shall undertake the expenses for the treatment. Where the parties concerned have other stipulations, such stipulations shall prevail. However, the responsibilities of the parties concerned to prevent and control pollution shall not be exempted.

Article 36 A mining enterprise shall adopt scientific mining methods and techniques for mineral separation so as to reduce the production and storage of gangues, waste rocks, mullocks and other mining solid wastes.

After the facilities for storing gangues, waste rocks, mullocks and other mining solid wastes aren't used any more, a mining enterprise shall, according to state provisions on environmental protection, close the fields to prevent environmental pollution and ecological destroy.

Article 37 When dismantling, utilizing or disposing abandoned electronic appliances and motor vehicles and vessels, measures shall be taken to prevent environmental pollution according to relevant laws and regulations.

Section III Prevention and Control of Environmental Pollution by Consumer Wastes

Article 38 The people's governments at or above the county level shall plan, as a whole, to build facilities for collecting, transporting and treating urban-rural consumer wastes, improve the ratio of utilization and harmless treatment of consumer wastes, promote industrial development of collecting and treating consumer wastes, and progressively establish and perfect social service system for preventing and controlling environmental pollution by consumer wastes.

Article 39 The environmental protection administrative departments of the people's governments at or above the county level shall organize to clear, collect, transport and treat urban consumer wastes and may, by the way of bidding, choose qualified entities to engage in the clearing, collection, transport and treatment of urban consumer wastes.

Article 40 Urban consumer wastes shall be placed at designated sites according to provisions as prescribed by the environmental protection administrative departments, and shall not be dumped, cast or piled up at discretion.

Article 41 The clearing, collection, transportation and treatment of urban consumer wastes shall be conducted according to state provisions about the environmental protection and environmental sanitation to prevent environmental protection.

Article 42 Urban consumer wastes shall be timely cleared and transported, progressively be collected and transported by different types, and be reasonably utilized and be effected with harmless treatment.

Article 43 Urban people's governments shall, in a planned way, improve the composition of fuel, and develop coal gas, natural gas, liquefied gas and other clean energy sources for use in urban areas.

Relevant departments of an urban people's government shall arrange for the supply of clean vegetables to cities and towns so as to reduce urban consumer wastes.

Relevant departments of an urban people's government shall make an overall plan, rationally arrange for collecting and purchasing networks, so as to promote the recycling of consumer wastes.

Article 44 The construction of facilities and sites for disposing consumer wastes shall comply with the standards on environmental protection and environmental sanitation as prescribed by the environmental protection administrative department of the State Council and the construction administrative department of the State Council.

It is forbidden to close down, leave idle or dismantle facilities and sites for disposing consumer wastes without approval. If it is really necessary to close, leave idle or dismantle such facilities and sites, it shall be subject to the verification and approval of the environmental sanitation administrative department and the environmental protection administrative department of the local people's government at or above the county level, and measures shall be taken to prevent environmental pollution.

Article 45 The recycled substances from the consumer wastes shall be utilized pursuant to the uses and standards as set by the State, and shall not be used to produce products that may do harm to human health.

Article 46 Entities undertaking constructions shall promptly clear and transport the solid wastes produced in the course of construction, and utilize or dispose them pursuant to the provisions of the environmental sanitation administrative departments.

Article 47 An entity engaged in public transportation shall, pursuant to state regulations, clear up and collect the consumer wastes produced in the course of transportation.

Article 48 Entities engaged in the development of new urban areas, the reconstruction of old areas and construction of residential quarters, and operational and management entities located at airports, docks, stations, parks, stores and other public facilities and sites shall build supporting equipments for collecting consumer wastes according to state regulations on environmental sanitation.

Article 49 The specific measures for the prevention and control of rural consumer wastes shall be prescribed by local regulations.

Chapter IV Special Provisions on the Prevention and Control of Environmental Pollution by Hazardous Wastes

Article 50 The provisions of this Chapter shall be applicable to the prevention and control of environmental pollution by hazardous wastes. Where it is not covered by this Chapter, other relevant provisions of this Law shall be applicable.

Article 51 The environmental protection administrative department of the State Council shall, jointly with other relevant departments of the State Council, formulate a national catalog of hazardous wastes, lay down unified criteria and methods for identifying and distinguishing hazardous wastes.

Article 52 A distinguishing mark of hazardous wastes shall be put on the containers and packages of hazardous wastes as well as on the facilities and sites for collection, storage, transportation and treatment of hazardous wastes.

Article 53 An entity discharging hazardous wastes shall, pursuant to state provisions, work out a plan for managing hazardous wastes, and declare the types, production quantity, flow direction, storage, treatment and other relevant materials to the environmental protection departments of the local people's governments at or above the county level.

The plan for managing hazardous wastes as mentioned in the preceding paragraph shall contain measures for reducing the discharge and harm of hazardous wastes and for storing, utilizing and treating hazardous wastes. The said plan shall report to the environmental protection department of the local people's government at or above the county level for archival filing.

Any significant modification of declaration matters as prescribed by this Article or the plan for managing hazardous wastes shall be declared in a timely manner.

Article 54 The environmental protection administrative department of the State Council shall, jointly with the economic comprehensive macro-control department of the State Council, formulate the plan for constructing facilities and sites for centralized treatment of hazardous wastes, which shall be implemented after being reported to the State Council for approval.

The people's governments at or above the county level shall organize to build facilities and sites for centralized treatment of hazardous wastes on the strength of the plans thereon.

Article 55 An entity that discharges hazardous wastes shall dispose hazardous wastes according to relevant provisions of the State, and shall not dump or pile up them without approval; those that don't treat hazardous wastes shall be ordered to get right within the time limit by the environmental protection administrative departments of the people's governments at or above

the county level; if an entity fails to treat within the time limit or in accordance with relevant provisions of the State, another entity shall be commissioned to carry out the treatment by the environmental protection administrative departments of the people's governments at or above the county level, and the expenses incurred therefrom shall be undertaken by the entity that discharges hazardous wastes.

Article 56 Where the treatment of hazardous wastes by the way of landfill doesn't comply with the provisions as set by the environmental protection administrative department of the State Council, it shall pay discharging fees for hazardous wastes. The specific measures for levying upon discharging fees of hazardous wastes shall be formulated by the State Council.

The discharging fees for hazardous wastes shall be used for the prevention and control of environmental pollution and shall not be appropriated.

Article 57 Entities engaged in the collection, storage and treatment of hazardous wastes shall apply to the environmental protection administrative department of the people's government at or above the county level for business licenses. Entities engaged in businesses of utilizing hazardous wastes shall apply to the environmental protection administrative department of the State Council or the environmental protection administrative department of the people's government of a province, autonomous region and municipality directly under the Central Government for business licenses. Specific measures for the administration thereof shall be prescribed by the State Council.

It is forbidden to collect, store, utilize or treat hazardous wastes without a business license or against the provisions of the business license.

It is forbidden to supply or entrust hazardous wastes to entities that do not have business licenses for the collection, storage, utilization and treatment.

Article 58 Hazardous wastes shall be collected and stored separately according to their different characteristics. It is forbidden to collect, store, transport and treat hazardous wastes of incompatible natures and of not being undergone safety treatment.

The protective measures complying with state standards about the environmental protection shall be adopted for the storage of hazardous wastes, and which shall not be kept for more than one year; where it is necessary to extent the said time limit, it shall submit and secure permission from the original environmental protection administrative department that approved business license, unless it is otherwise prescribed by laws and administrative regulations.

It is forbidden to mix hazardous wastes with non-hazardous wastes in storage.

Article 59 Whoever transfers hazardous wastes shall, according to relevant state regulations, fill

in duplicate forms for transferring hazardous wastes and apply to the environmental protection administrative departments of the local people's governments at or above the level of city divided into districts where the hazardous waste is to be moved out, which can approve the transfer of the said hazardous wastes after consulting and obtaining permission from the environmental protection administrative departments of the local people's governments at or above the level of city divided into districts where the hazardous waste is to be moved in. No transfer may be conducted until it is approved.

Where it is necessary to transfer hazardous wastes by way of administrative areas other than the areas where the hazardous waste is to be moved out or in, the environmental protection administrative departments of the local people's governments at or above the level of city divided into districts where the hazardous waste is to be moved out shall timely notify the environmental protection administrative departments of the local people's governments at or above the level of city divided into districts where the hazardous waste is to pass through.

Article 60 Whoever transports hazardous wastes shall adopt measures for the prevention and control of environmental pollution and observe state regulations on the control of transportation of hazardous goods.

It is forbidden to carry hazardous wastes and passengers in the same transport vehicle.

Article 61 When sites, facilities, equipments as well as containers, packages and other articles for the collection, storage, transportation and treatment of hazardous wastes are to be used for other purposes, they shall be put to use only after they have been treated to eliminate pollution.

Article 62 The entities discharging, collecting, storing, transporting, using or treating hazardous wastes shall work out measures for keeping away and prepared counter plans against accidents, report them to the environmental protection administrative department of the local people's government at or above the county level for archival filing; and the environmental protection administrative department shall carry out the inspection on it.

Article 63 The entities that have caused severe environmental pollution by hazardous wastes due to accidents or other unexpected events shall immediately take measures to eliminate or reduce the danger and damage of environmental pollution, promptly inform the entities and residents that may be harmed by the pollution, and in the meantime, report to the environmental protection administrative department of the local people's government at or above the county level and other relevant departments, and shall be subject to the investigation and settlement.

Article 64 When severe environmental pollution by hazardous wastes has happened or may happen as proved by evidences, thus threatening the safety of the lives and properties of residents, the environmental protection administrative department of the local people's government at or above the county level or other supervisory and administrative departments of

the prevention and control of environmental pollution by solid wastes shall immediately report to relevant administrative departments of the people's governments at the corresponding level and the next higher level. The people's government shall take effective measures to eliminate or reduce the danger and damage. Relevant people's governments, where necessary, may order to stop operations that cause or may cause accidents of environmental pollution.

Article 65 Ex-service expenses used for the facilities and sites for the centralized treatment of important hazardous wastes shall be drawn in advance and incorporated into the investment budgetary estimate or operational costs. Specific measures for the drawing and administration thereof shall be enacted by the financial department, the price administrative department of the State Council in collaboration with the environmental protection administrative department of the State Council.

Article 66 It is forbidden to transfer hazardous wastes overseas via the territory of the People's Republic of China.

Chapter V Legal Liabilities

Article 67 If an environmental protection administrative department of the local people's government at or above the county level or any other supervisory and administrative department of the prevention and control of environmental pollution by solid wastes violates the present Law and has any of the following acts, it shall be ordered to get right by the relevant administrative department of the people's governments at the corresponding level or the next higher level, the principle and other persons hold to be responsible shall be given administrative sanctions, if the crimes are constituted, the offenders shall be subject to criminal liabilities:

- (1) failure to make administrative license or handle approval documents according to law;
- (2) failure to investigate any found illegal act or any report of illegal act; or
- (3) any other failure in performing supervisory and administrative liabilities in accordance with the law.

Article 68 If anyone, in violation of the provisions of this Law, commits any of the following acts, the environmental protection administrative department of the people's government at or above the county level shall order him to make corrections within the time limit and impose a fine on him:

- (1) failing to declare and register industrial solid wastes pursuant to state regulations, or resorting to deception in declaring and registering;
- (2) failing to build facilities and sites for separately storing industrial solid wastes that aren't or

can't be utilized temporarily by different types or failing to adopt measures of harmless treatment;

(3) transferring eliminated equipments included in the list of equipments to be eliminated within the time limit to another for use;

(4) closing, leaving idle or dismantling facilities or sites for the prevention and control of environmental pollution by solid wastes without approval;

(5) constructing facilities or sites for centralized storage or treatment of industrial solid wastes or landfills for consumer wastes in nature reserves, scenic spots or historical sites, areas of source of drinking water or other zones that need special protection;

(6) transferring solid wastes out of the administrative area of a province, autonomous region or municipality directly under the Central Government for storage and treatment without approval;

(7) failing to take corresponding precaution measures and resulting in scattering, run-off, leakage or other environmental pollution by industrial solid wastes; or

(8) casting away or leaving behind industrial solid wastes in the course of transportation.

Any entity that commits the act as specified in item (1) or (8) of the preceding paragraph shall be imposed upon a fine of 5,000 up to 50,000 yuan; any entity that commits any of the acts as specified in item (2), (3), (4), (5), (6) or (7) of the preceding paragraph shall be imposed with a fine of 10,000 up to 100,000 yuan.

Article 69 Where the construction of supporting facilities is necessary for the facilities for preventing and controlling environmental pollution by solid wastes, any entity violates this Law and puts the main part of a project into production or use when such facilities haven't been built, checked or accepted, or checked or accepted up to standards, such entity shall be ordered to stop manufacturing or using and may be imposed with a fine of less than 100,000 in addition by the environmental protection administrative department that has approved the evaluation documents regarding the said project's compacts on environment.

Article 70 Any entity that violates this Law and refuses the on-the-spot inspection carried out by the environmental protection administrative department of the local people's government at or above the county level or any other supervisory and administrative department shall be ordered to correct within the time limit by the department that carried out the on-the-spot inspection; if it refuses to correct or resorts to deception at the time of inspection, it shall be imposed with a fine of 2,000 to 20,000.

Article 71 Any entity that engages in the scale breeding of livestock and birds fails to collect,

store or dispose dung of livestock and birds and thus causes environmental pollution, it shall be ordered to correct within the time limit by the environmental protection administrative department of the local people's government at or above the county level and be imposed with a fine of less than 50,000.

Article 72 If anyone, in violation of the provisions of this Law, produces, sells, imports or uses eliminated equipments or employs eliminated production techniques, the economic comprehensive macro-control department of the people's government at or above the county level shall order him to make corrections; where the circumstance is serious, the economic comprehensive macro-control department of the people's government at or above the county level shall put forward suggestions and submit them to the people's government at the corresponding level, which shall, in accordance with the limits of authority as prescribed by the State Council, order him to suspend business or close down.

Article 73 After the facilities for storing gangues, waste rocks, mullocks and other mining solid wastes aren't used any more, a mining enterprise that fails to close the fields according to state provisions on environmental protection, it shall be ordered to correct within the time limit by the environmental protection administrative department of the local people's government at or above the county level and may be imposed with a fine of 50,000 up to 200,000.

Article 74 Any entity that violates the provisions of this Law on the prevention and control of environmental pollution by urban consumer wastes and commits any of the following acts shall be ordered to stop its illegal act and be ordered to correct within the time limit and be fined by the environmental protection administrative department of the local people's government at or above the county level:

- (1) dumping, scattering or piling up consumer wastes at random;
- (2) closing down, leaving idle or dismantling facilities or sites for treating consumer wastes without approval;
- (3) the entity undertaking the construction fails to timely clear or transport solid wastes produced in the course of construction and therefore causes environmental pollution;
- (4) the entity undertaking the construction fails to utilize or dispose solid wastes produced in the course of construction in accordance with the provisions as prescribed by the environmental sanitation administrative department; or
- (5) casting off or leaving behind consumer wastes in the course of transportation.

Any entity that commits the act specified in item (1) (3) or (5) of the preceding paragraph shall be imposed with a fine of 5,000 up to 50,000 yuan; any entity who commits the act specified in

item (2) or (4) of the preceding paragraph shall be imposed with a fine of 10,000 up to 100,000 yuan. Any individual that commits the act specified in item (1) or (5) shall be imposed with a fine of less than 200 yuan.

Article 75 If any entity, in violation of the provisions of this Law on the prevention and control of environmental pollution by hazardous wastes, commits any of the following acts, it shall be ordered by the environmental protection administrative department of the people's government at or above the county level to stop the illegal act, to correct it within the time limit and also be fined:

- (1) failing to install identifying marks of hazardous wastes;
- (2) failing to declare or register hazardous wastes in accordance with state provisions or practicing fraud at the time of declaration and registration;
- (3) closing down, leaving idle or dismantling facilities or sites for centralized treatment of hazardous wastes without approval;
- (4) failing to pay discharging fees for hazardous wastes in accordance with state regulations;
- (5) supplying or entrusting hazardous wastes to an entity that does not have a business license for his businesses;
- (6) failing to fill in duplicate forms for transferring hazardous wastes according to relevant state regulations, or failing to report to the competent department when transferring hazardous wastes;
- (7) mixing hazardous wastes with non-hazardous wastes for storage;
- (8) collecting, storing, transporting and treating mixed hazardous wastes of incompatible nature without safety treatment;
- (9) carrying hazardous wastes and passengers in a same transport vehicle;
- (10) using, without the treatment to eliminate pollution, sites, facilities, equipments or containers, packages or other articles for collecting, storing, transporting or disposing hazardous wastes for other purposes;
- (11) failing to adopt corresponding precaution measures and causing the scattering, loss, leakage or other environmental pollution by hazardous wastes;
- (12) in the course of transportation, casting off or leaving behind hazardous wastes on the way;

or

(13) failing to work out measures for keeping away and prepared counter plans against accidents of hazardous wastes.

Any entity that commits the act specified in item (1), (2), (7), (8), (9), (10), (11), (12) or (13) of the preceding paragraph shall be imposed with a fine of 10,000 up to 100,000 yuan; any entity who commits the act specified in item (3), (5) or (6) of the preceding paragraph shall be imposed with a fine of 20,000 up to 200,000 yuan; any entity who commits the act specified in item (4) of the preceding paragraph shall be ordered to pay within the time limit, if it fails to do so, it shall be imposed with a fine of one up to three times of the discharging fees for hazardous wastes.

Article 76 Any entity that violates this Law and fails to treat hazardous wastes discharged thereby or fails to bear the waste treatment fees that should be borne according to law shall be ordered to get right within the time limit by the environmental protection administrative department of the people's government at or above the county level, and also be imposed with a fine of one up to three times of such treatment fees.

Article 77 Any entity that is engaged in collecting, storing, utilizing and treating hazardous wastes without a business license or against the provisions of the business license shall be ordered by the environmental protection administrative department of the local people's government at or above the county level to stop the illegal act. Its illegal gains shall be confiscated, and it may also be imposed upon a fine of less than three times of the illegal gains.

If any entity engages, against the provision of business license, in activities specified in the preceding paragraph, its business license may also be revoked by the license-issuing department

Article 78 Whoever, in violation of this Law, dumps, piles up, or treats solid wastes from abroad within the territory of China, or imports any import-forbidden or import-restricted solid wastes as raw material without permission, it shall be ordered by the customs to transport such solid waste back to where it is dispatched and may also be imposed upon a fine of not less than 100,000 yuan but not more than 1,000,000 yuan. If it constitutes crimes, it shall be subject to criminal liabilities. If the importer is unclear, the carrier shall be responsible for transporting such solid waste back or undertake the fees incurred from treating such solid waste.

Whoever tries to avoid the supervision and control of the Customs shall, if his act constitutes a crime, be subject to criminal liabilities.

Article 79 Whoever, in violation of this Law, transfers hazardous wastes via the territory of the People's Republic of China shall be ordered by the Customs to transport the hazardous wastes back to the original place and may also be imposed upon a fine of not less than 50,000 yuan but

not more than 500,000 yuan.

Article 80 With regard to illegally imported solid wastes, the environmental protection administrative department of the people's government at or above the provincial level shall put forward suggestions to the Customs regarding its disposition, the Customs shall make a decision on punishment in accordance with the provisions of Article 78 of this Law. If such importation has caused environmental pollution, the environmental protection administrative department of the people's government at or above the provincial level shall order the importer to eliminate the pollution.

Article 81 Any entity that violates this Law and causes serious environmental pollution by solid wastes shall be treated within the time limit by the environmental protection administrative department of the people's government at or above the county level on the strength of their functions specified by the State Council; if it fails to accomplish the treatment task within the time limit, its business shall be suspended or the entity shall be closed down by the people's government of the same level.

Article 82 Whoever, in violation of this Law, has caused an accident of environmental pollution by solid wastes shall be fined 20,000 up to 200,000 yuan by the environmental protection administrative department of the people's government at or above the county level; in the case of severe damages, the fine shall be 30% of the direct loss, but not exceeding 1,000,000 yuan, and the principle and other persons hold to directly responsible shall be subject to administrative sanctions; if a major accident of environment pollution by solid wastes is caused, its business shall be suspended or the entity shall be closed down by the people's government at or above the county level upon the strength of the functions as prescribed by the State Council.

Article 83 Any entity that collects, stores, utilizes and treats hazardous wastes against the provisions of this Law and has caused a serious environmental pollution accident and therefore constitutes a crime shall be subject to criminal liabilities.

Article 84 Entities and individuals that have suffered damages caused by solid waste pollution shall have the right to claim compensation according to law.

A dispute over the liabilities for damages or compensations may, at the request of the parties concerned, be mediated and settled by the environmental protection administrative department of or other supervisory and administrative department of the prevention and control of environmental pollution by solid wastes; if the mediation fails, the parties concerned may bring a suit to a people's court. The parties concerned may also directly bring a suit to a people's court.

The State shall encourage a legal service agency to offer legal aids to the victims of suits of environmental pollution by solid wastes.

Article 85 It is necessary to get rid of dangers, compensate losses according to law and take measures to reconstitute to the previous environmental condition if any environmental pollution by solid wastes is caused.

Article 86 For a damage suit arising from the environmental pollution by solid wastes, the inflicter shall assume the burden of proof for the statutory causes for exemption and the nonexistence of causation between its act and harmful consequences.

Article 87 For any dispute over damages and compensations due to the environmental pollution by solid wastes, any party concerned may entrust an environmental monitoring institution to offer monitoring data. The environmental monitoring institution shall accept the trust and faithfully provide monitoring data.

Chapter VI Supplementary Provisions

Article 88 For the purposes of this Law, the following terms mean:

(1) "Solid waste" means articles and substances in solid, semi-solid state or gaseity in containers that are produced in the production, living and other activities and have lost their original use values or are discarded or abandoned though haven't yet lost use values, and articles and substances that are included into the management of solid wastes upon the strength of administrative regulations.

(2) "Industrial solid" waste means solid waste discharged in industrial production activities.

(3) "Consumer waste" means solid waste discharged from everyday life or from services provided to everyday life as well as the solid waste that is regarded as consumer waste under laws and administrative regulations.

(4) "Hazardous waste" means solid waste that is included in the national list of hazardous waste or identified to be dangerous according to the identification criteria and methods of hazardous waste as prescribed by the State.

(5) "Storage" refers to an activity that temporarily places solid waste into specific facilities or sites.

(6) "Treatment" means activities conducted to reduce the quantity or volume of the discharged solid wastes, reduce or eliminate their dangerous composition through incineration or other methods that can change the physical, chemical or biological characteristics of the solid waste, or activities conducted ultimately to put solid wastes in landfills that meet the requirements of environmental protection, from which the solid waste shall never be taken back again.

(7) Utilization refers to an activity that distills substances as raw materials or fuels from solid waste.

Article 89 This Law shall apply to the prevention and control of pollution by liquid wastes. However, the prevention and control of pollution by waste water discharged into a water body shall be governed by relevant laws other than this Law.

Article 90 If an international treaty regarding the prevention and control of environmental pollution by solid wastes concluded or acceded to by the People's Republic of China contains provisions differing from those contained in this Law, the provisions of the international treaty shall prevail, with the exception of the provisions that the People's Republic of China has announced reservation.

Article 91 This Law shall enter into force as of April 1, 2005.