Law of the People’s Republic of China on the Prevention and Control of Water Pollution

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Chapter I — General Provisions

Article 1 — This Law is enacted to protect and improve the water environment, prevent and control water pollution, safeguard the ecological security of water bodies, protect human health, and promote sustainable economic and social development.

Article 2 — This Law shall apply to the prevention and control of pollution of surface water and groundwater within the territory of the People’s Republic of China.

Article 3 — The prevention and control of water pollution shall adhere to the principles of prioritizing protection, focusing on prevention, combining prevention and control, comprehensive planning, targeted treatment, and public participation.

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Article 4 — The state shall implement a river basin-based water environment management system. River basin management institutions shall be established for major rivers and lakes to coordinate water pollution prevention and control within river basins.

Article 5 — The competent department of ecological environment under the State Council shall exercise unified supervision and administration over the prevention and control of water pollution nationwide. Departments of water administration, land and resources, health, construction, agriculture, fisheries, and transportation shall exercise supervision and administration within their respective responsibilities.

Article 6 — The state shall implement a water environment quality target responsibility system and an assessment and evaluation system, incorporating the completion of water environment quality targets into the assessment of local people's governments and their responsible persons.

Article 7 — All entities and individuals shall have the obligation to protect the water environment and shall have the right to report and accuse acts that pollute or damage the water environment.

Chapter II — Water Pollution Prevention and Control Standards and Planning

Article 8 — The competent department of ecological environment under the State Council shall formulate national water environment quality standards. People's governments of provinces, autonomous regions, and municipalities directly under the Central Government may formulate local water environment quality standards that may be stricter than national standards.

Article 9 — The competent department of ecological environment under the State Council shall formulate national water pollutant emission standards based on national water environment quality standards and national economic and technological conditions. Local people's governments may formulate local water pollutant emission standards that may be stricter than national standards.

Article 10 — The state shall implement a total emission control system for key water pollutants. The State Council shall approve and assign total emission control targets to the people's governments of provinces, which shall decompose and allocate them.

Article 11 — People's governments at or above the county level shall incorporate water pollution prevention and control work into their national economic and social development plans. The competent department of ecological environment shall, in conjunction with relevant departments, formulate water pollution prevention and control plans for river basins or regions.

Chapter III — Supervision and Administration of Water Pollution Prevention and Control

Article 12 — Enterprises and public institutions that directly or indirectly discharge industrial wastewater or medical wastewater into water bodies shall obtain a pollutant discharge permit. Urban sewage centralized treatment facilities shall also obtain a pollutant discharge permit. The discharge of water pollutants without a discharge permit is prohibited.

Article 13 — Enterprises and public institutions discharging water pollutants shall monitor their own water pollutant discharge and keep original monitoring records. Key pollutant-discharging entities shall install automatic water pollutant discharge monitoring equipment and network it with the monitoring system of the ecological environment authority.

Article 14 — The ecological environment authority shall supervise and inspect the discharge of water pollutants, and may conduct on-site sampling and monitoring. Discharging entities shall cooperate truthfully and provide relevant materials.

Article 15 — Entities carrying out projects that may cause water pollution shall prepare environmental impact assessment documents in accordance with law and shall construct water pollution prevention and control

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facilities simultaneously with the main project. Such facilities shall be inspected and accepted together with the main project.

Chapter IV — Prevention and Control of Industrial Water Pollution

Article 16 — The state shall implement a system of eliminating outdated processes and equipment that cause serious water pollution. Enterprises that fail to phase out outdated processes and equipment within the prescribed time limit shall be ordered to cease operation or close down.

Article 17 — The construction, renovation, or expansion of projects that directly or indirectly discharge water pollutants shall be subject to environmental impact assessment in accordance with law. The state shall prohibit the construction of small-scale enterprises using outdated processes such as small paper-making, small leather-making, small printing and dyeing, and small coking.

Article 18 — Industrial enterprises shall adopt clean production processes, improve water use efficiency, reduce wastewater generation, and implement separate collection and treatment of different types of wastewater.

Article 19 — Wastewater discharged by industrial enterprises shall meet state or local emission standards before being discharged into centralized urban sewage treatment facilities or directly into the environment.

Article 20 — Enterprises and public institutions that discharge water pollutants shall set up standardized discharge outlets and shall not set up concealed pipes for secret discharge.

Article 21 — Enterprises and public institutions discharging toxic and hazardous water pollutants shall carry out environmental risk assessment for their discharge outlets and surrounding water environments, screen for environmental safety hazards, and publicize relevant information.

Chapter V — Prevention and Control of Urban Water Pollution

Article 22 — Urban sewage shall be treated in a centralized manner. Local people’s governments at or above the county level shall, through financial budgets and other channels, arrange funds for the construction of urban sewage centralized treatment facilities and supporting pipeline networks.

Article 23 — The water quality discharged from urban sewage centralized treatment facilities shall comply with state or local emission standards. The sludge generated from urban sewage treatment shall be treated and disposed of harmlessly, and the destination of the sludge shall be recorded.

Article 24 — Entities discharging wastewater into urban sewage centralized treatment facilities shall pretreat their wastewater to meet the standards for water intake into the sewage pipelines. Wastewater containing heavy metals or toxic and hazardous substances that is difficult to biodegrade shall not be discharged into urban sewage centralized treatment facilities.

Article 25 — People’s governments at all levels shall strengthen the prevention and control of rural water pollution, promote the construction of rural domestic sewage treatment facilities, and improve the rural living environment.

Chapter VI — Protection of Drinking Water Sources

Article 26 — The state shall establish a drinking water source protection area system. Drinking water source protection areas are divided into Grade I protection areas and Grade II protection areas, and quasi-protection areas may be delineated where necessary.

Article 27 — The following activities are prohibited within Grade I protection areas for drinking water sources: new construction, renovation, or expansion of any construction projects not related to water supply or protection; cage aquaculture; tourism; swimming; fishing; and other activities that may pollute the water

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body.

Article 28 — New construction, renovation, or expansion of construction projects that discharge pollutants is prohibited within Grade II protection areas for drinking water sources. Existing discharge outlets shall be dismantled within a prescribed time limit.

Article 29 — People's governments at or above the county level shall conduct surveys and assessments of the environmental conditions of drinking water sources and take measures to prevent and control pollution.

Article 30 — A single water supply source shall be planned and constructed for drinking water, and emergency or backup water supply sources shall be established to ensure the safety of the drinking water supply.

Chapter VII — Legal Liability

Article 31 — Where an enterprise or public institution discharges water pollutants in excess of the prescribed emission standards or total emission control targets, the ecological environment authority shall order it to take corrective action and impose a fine of not less than RMB 100,000 but not more than RMB 1,000,000. Where the circumstances are serious, it shall be ordered to restrict production, suspend production for rectification, or be closed down.

Article 32 — Where an enterprise or public institution discharges water pollutants without a discharge permit or not in accordance with the discharge permit, the ecological environment authority shall order it to cease discharging, impose a fine of not less than RMB 100,000 but not more than RMB 1,000,000, and order rectification within a prescribed time limit.

Article 33 — Where a concealed pipe is set up for secret discharge of water pollutants, or where supervision is evaded to discharge water pollutants, the ecological environment authority shall order corrective action and impose a fine of not less than RMB 100,000 but not more than RMB 1,000,000. The persons directly in charge and other directly liable persons shall be subject to administrative detention.

Article 34 — Where construction of a project prohibited by the state is carried out in violation of this Law, the ecological environment authority shall order it to cease construction or operation and impose a fine of not less than RMB 200,000 but not more than RMB 2,000,000. The facility shall be dismantled within a prescribed time limit.

Article 35 — Where activities prohibited within a drinking water source protection area are conducted, the ecological environment authority shall order it to cease the illegal act and impose a fine of not less than RMB 100,000 but not more than RMB 1,000,000. The facility shall be dismantled within a prescribed time limit.

Article 36 — Where a water pollution accident occurs, the polluter shall immediately initiate the emergency plan, take emergency measures, and report to the local ecological environment authority in a timely manner. Where damage is caused, tort liability and environmental damage compensation liability shall be borne in accordance with law.

Article 37 — Where a crime is constituted by causing a major water pollution accident, criminal liability shall be pursued in accordance with law.

Chapter VIII — Supplementary Provisions

Article 38 — For the purposes of this Law, water pollution refers to the phenomenon in which certain substances are introduced into water bodies due to human activities, causing changes in the chemical, physical, biological, or radioactive characteristics of the water, thereby affecting the effective use of water, endangering human health, or damaging the ecological environment.

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Article 39 — The prevention and control of marine environmental pollution shall be governed by the Marine Environmental Protection Law of the People's Republic of China.

Article 40 — This Law shall come into force on January 1, 2018.

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