Law of the PRC on the Prevention and Control of Environmental Pollution by Solid Waste

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of protecting and improving the ecological environment, preventing and controlling solid waste pollution, safeguarding public health, preserving ecological safety, promoting ecological civilization, and facilitating the sustainable development of the economy and society.

Article 2 — This Law applies to the prevention and control of solid waste pollution within the territory of the People's Republic of China and other sea areas under the jurisdiction of the People's Republic of China. This Law does not apply to the prevention and control of marine environment pollution by solid wastes. The prevention and control of pollution by radioactive solid wastes shall be governed by applicable laws and regulations.

Article 3 — The state shall adopt the principles of reduction, recycling, and harmless treatment of solid wastes, promote the reduction of the generation of solid wastes and the recycling of resources, and reduce the amount of solid wastes for final disposal.

Article 4 — The prevention and control of solid waste pollution shall adhere to the principles of reducing the sources of solid waste and assuming responsibility for solid waste treatment, and promote the establishment of a green development model and a green lifestyle.

Article 5 — The people's governments at all levels shall strengthen leadership over the prevention and control of solid waste pollution within their respective administrative regions, make overall plans for the prevention and control of solid waste pollution, and incorporate it into their national economic and social development plans.

Article 6 — Any entity or individual shall have the obligation to prevent and control solid waste pollution. Producers, sellers, importers, and users of products shall be responsible for the prevention and control of solid waste pollution generated by their products in accordance with the law.

Article 7 — The state shall encourage and support scientific and technological research, development, and application for the prevention and control of solid waste pollution, popularize scientific knowledge on the prevention and control of solid waste pollution, and strengthen the development of the environmental protection industry.

Article 8 — The people's governments at all levels shall arrange necessary funds for the prevention and control of solid waste pollution and shall enhance the efficiency of fiscal fund utilization.

Chapter II — Supervision and Administration

Article 9 — The competent department of ecology and environment under the State Council shall exercise unified supervision and administration over the prevention and control of solid waste pollution nationwide. The relevant departments under the State Council shall exercise supervision and administration within their respective functions.

Article 10 — The state shall implement a pollution discharge permit system for the prevention and control of solid waste pollution. Entities generating industrial solid wastes and hazardous wastes shall obtain pollution discharge permits in accordance with the law.

Article 11 — The state shall establish a solid waste pollution environment monitoring system, strengthen the monitoring of the generation, collection, storage, transport, utilization, and disposal of solid wastes, and promptly release information on the prevention and control of solid waste pollution.

Article 12 — The people's governments at all levels shall incorporate matters related to the prevention and control of solid waste pollution into environmental protection target responsibility systems and evaluation and assessment systems.

Chapter III — Prevention and Control from Industry

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Article 13 — The relevant departments under the State Council and the local people's governments at or above the county level shall incorporate the prevention and control of industrial solid waste pollution into their industrial development plans and promote the development of industries with low generation of industrial solid waste.

Article 14 — Enterprises, public institutions, and other producers and operators that generate industrial solid wastes shall adopt advanced production processes and equipment to reduce the generation of industrial solid wastes and increase the comprehensive utilization rate of industrial solid wastes.

Article 15 — Enterprises, public institutions, and other producers and operators generating industrial solid wastes shall establish and maintain ledgers for the generation, collection, storage, transport, utilization, and disposal of industrial solid wastes, truthfully recording relevant information.

Article 16 — Enterprises, public institutions, and other producers and operators shall construct facilities and sites for the storage and disposal of industrial solid wastes in compliance with national standards for environmental protection.

Article 17 — The people's governments at all levels shall strengthen the comprehensive utilization of bulk industrial solid waste such as tailings, coal gangue, fly ash, smelting slag, and desulfurized gypsum.

Article 18 — Entities producing, selling, or importing products and packaging included in the compulsory recycling catalogue shall recycle the relevant products and packaging or entrust qualified entities to recycle them.

Chapter IV — Prevention and Control from Domestic Waste

Article 19 — The people's governments at or above the county level shall establish a domestic waste sorting, collection, transport, and treatment system to achieve full coverage of domestic waste treatment facilities and improve the utilization rate of domestic waste recycling.

Article 20 — The state shall implement a domestic waste sorting system. Entities and individuals shall, in accordance with the law, sort and place domestic wastes at designated locations and shall not randomly dump, litter, or pile up domestic waste.

Article 21 — The people's governments at or above the county level shall strengthen the management of domestic waste treatment facilities and improve the level of harmless treatment.

Article 22 — The state shall establish a household waste treatment fee system and follow the principle that the polluter pays. Entities and individuals generating domestic waste shall pay domestic waste treatment fees in accordance with the law.

Article 23 — The transfer of solid waste from outside the territory of China into the territory of China for dumping, stacking, or disposal is prohibited. The import of solid waste that cannot be used as raw materials or that is imported by means that evade supervision is prohibited.

Chapter V — Hazardous Waste Pollution Control

Article 24 — The competent department of ecology and environment under the State Council shall, in conjunction with the relevant departments, formulate a national catalogue of hazardous wastes and establish unified standards for the identification and classification of hazardous wastes.

Article 25 — Entities generating hazardous wastes shall formulate management plans for hazardous wastes and report the types, quantities, destinations, storage, and disposal of hazardous wastes to the local competent department of ecology and environment for record-filing.

Article 26 — Entities generating hazardous wastes shall store hazardous wastes in dedicated storage facilities classified by category in accordance with the relevant state provisions. Hazardous wastes shall not

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be mixed with non-hazardous wastes for storage.

Article 27 — Hazardous wastes shall be disposed of by entities holding a hazardous waste business permit. No entity or individual may engage in the collection, storage, utilization, or disposal of hazardous wastes without a hazardous waste business permit.

Article 28 — Where hazardous wastes are transferred, an electronic or paper hazardous waste transfer manifest shall be completed in accordance with the relevant state provisions. The transfer of hazardous wastes across provinces, autonomous regions, or municipalities directly under the Central Government shall be subject to approval.

Article 29 — The transfer of hazardous wastes through the territory of the PRC is prohibited. Where it is necessary to transit hazardous wastes through the territory of China under special circumstances, approval shall be obtained in advance and relevant international conventions shall be complied with.

Chapter VI — Construction and Agricultural Waste

Article 30 — Construction entities shall, in the process of project construction, reduce the generation of construction waste and strengthen the recycling and comprehensive utilization of construction waste.

Article 31 — Construction entities shall promptly clear and transport construction waste generated during the construction process and shall use enclosed transport vehicles or adopt other measures to prevent environmental pollution during transport.

Article 32 — The competent departments of agriculture shall guide agricultural producers and operators in the scientific disposal of agricultural solid waste such as crop straw, waste agricultural films, and pesticide and fertilizer packaging waste to prevent agricultural nonpoint source pollution.

Article 33 — The people’s governments at the county level shall strengthen the prevention and control of solid waste pollution in rural areas and improve the rural domestic waste collection and transport system.

Chapter VII — Legal Liability

Article 34 — Where an entity or individual, in violation of this Law, dumps, stacks, stores, or abandons solid wastes without authorization, the competent department of ecology and environment shall order it to make corrections and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Article 35 — Where hazardous wastes are illegally dumped, landfilled, or disposed of, the competent department of ecology and environment shall order corrections, confiscate illegal gains, and impose a fine of not less than 100,000 yuan but not more than 1 million yuan.

Article 36 — Where solid wastes are imported in violation of this Law, the customs authority shall order the return of the solid wastes and impose a fine. Where the circumstances are serious and constitute a crime, criminal liability shall be pursued.

Article 37 — Where hazardous wastes are provided to or entrusted to an entity without a hazardous waste business permit, the entity concerned shall bear joint and several liability with the recipient.

Article 38 — Where a violation of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 39 — For the purposes of this Law: “solid waste” means solid, semi-solid, or gaseous articles or substances contained in containers that have lost their original use value, have been discarded or abandoned although not having lost their use value, or are included in the management of solid wastes under laws and administrative regulations. “Hazardous waste” means solid waste included in the national

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catalogue of hazardous wastes or identified as hazardous waste according to the hazardous waste identification standards and methods prescribed by the state.

Article 40 — This Law shall come into force on September 1, 2020.

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