

Provisions on the Environmental Protection Management of Construction Projects

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Adopted at the Ministry of Environmental Protection Executive Meeting on June 29, 2017
Promulgated by Order No. 44 of the Ministry of Environmental Protection of the People's Republic of China on July 16, 2017
Effective: October 1, 2017

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Chapter I — General Provisions

Article 1 — These Provisions are enacted in accordance with the Environmental Protection Law of the People's Republic of China, the Environmental Impact Assessment Law of the People's Republic of China, and other relevant laws and regulations for the purposes of strengthening the environmental protection management of construction projects, preventing and controlling environmental pollution, protecting the ecological environment, and promoting sustainable development.

Article 2 — These Provisions apply to the environmental protection management of construction projects within the territory of the People's Republic of China, including but not limited to environmental impact assessment, environmental protection design and construction, pollution control during the construction period, completion acceptance of environmental protection facilities, and ongoing environmental management after commissioning.

Article 3 — Construction projects shall comply with the requirements of national and local environmental protection laws, regulations and standards. Construction entities shall assume responsibility for the environmental protection of construction projects, implement environmental protection measures at each stage of project construction, and accept supervision and inspection by environmental protection administrative departments.

Article 4 — The Ministry of Ecology and Environment under the State Council shall be responsible for the supervision and administration of environmental protection of construction projects nationwide. Ecology and environment departments of local people's governments at or above the county level shall be responsible for the supervision and administration of environmental protection of construction projects within their respective administrative areas.

Chapter II — Environmental Impact Assessment

Article 5 — Construction entities shall, in accordance with the requirements of the Classified Management Catalogue for Environmental Impact Assessment of Construction Projects, organize the preparation of environmental impact assessment documents (environmental impact report, environmental impact report form, or environmental impact registration form) and submit them for approval or filing to the ecology and environment department with the authority to approve.

Article 6 — Environmental impact assessment documents shall be prepared by the construction entity or by a technical service institution entrusted by the construction entity. Technical service institutions for environmental impact assessment shall not have an interest relationship with the ecology and environment department responsible for approval or other relevant approval departments.

Article 7 — The environmental impact assessment documents shall truthfully and comprehensively reflect the environmental impact of the construction project and include the following content:

- (1) Overview of the construction project;
- (2) Current status of the surrounding environment of the construction project;
- (3) Analysis and prediction of the possible environmental impact of the construction project;
- (4) Environmental protection measures and their technical and economic feasibility demonstration;
- (5) Economic analysis of the environmental impact of the construction project;
- (6) Recommendations for implementing environmental monitoring of the construction project;
- (7) Conclusion on the rationality and feasibility of the environmental impact assessment.

Article 8 — Ecology and environment departments shall review and approve environmental impact report documents within the statutory time limit and issue written approval decisions.

Ecology and environment departments accepting environmental impact report forms may conduct simplified evaluations and make approval decisions in accordance with simplified procedures.

Article 9 — Where the nature, scale, location, production process used, or measures for preventing pollution and ecological damage of a construction project undergo a major change, the construction entity shall resubmit the environmental impact assessment documents of the construction project for approval.

Where more than five years have elapsed from the date of approval of the environmental impact assessment documents of a construction project to the date of commencement of construction, the construction entity shall resubmit the environmental impact assessment documents for review by the original approving department.

Chapter III — Construction Period Management

Article 10 — During the construction of a construction project, the construction entity shall simultaneously implement the environmental protection measures specified in the environmental impact assessment documents and their approval decisions, and shall ensure the availability of funds for environmental protection measures and facilities.

Article 11 — Construction entities shall incorporate environmental protection measures into the construction contract and construction supervision scope, clarify the responsibilities of all parties for environmental protection during construction, and ensure that construction units strictly implement environmental protection measures.

Article 12 — During the construction period, the construction entity shall adopt effective measures to control dust, noise, vibration, wastewater, solid waste and other pollution generated during construction, and shall minimize the adverse impact on the surrounding environment.

Article 13 — During the construction period, construction entities shall adopt measures to protect the ecological environment in accordance with the requirements of the environmental impact assessment documents, reducing damage to soil, water bodies, vegetation, and wildlife.

Article 14 — Where earthwork operations such as earth borrowing, waste disposal, and slope cutting are involved, the construction entity shall adopt water and soil conservation measures to prevent soil erosion and ecological damage.

Article 15 — Construction entities shall formulate emergency response plans for environmental emergencies during the construction period, equip appropriate emergency response equipment and materials, and conduct periodic drills.

Chapter IV — Completion Acceptance

Article 16 — The environmental protection facilities of a construction project shall be designed, constructed and put into use simultaneously with the main project. Before a construction project is put into production or use, the construction entity shall organize the completion acceptance of the environmental protection facilities.

Article 17 — When organizing the completion acceptance of environmental protection facilities, the construction entity shall truthfully inspect, monitor and record the construction of environmental protection facilities, the operation and pollutant discharge of pollution control facilities, and the implementation of other environmental protection measures specified in the environmental impact assessment documents and approval decisions. The acceptance report shall not contain falsehoods.

Article 18 — The completion acceptance of environmental protection facilities shall include the following content:

- (1) Whether the environmental protection facilities are constructed simultaneously with the main project in accordance with the requirements of the environmental impact assessment documents and approval decisions;
- (2) Whether the environmental protection facilities comply with the design requirements and can meet the pollutant discharge control requirements;

- (3) Whether the implementation of ecological protection and restoration measures meets the requirements;
- (4) Whether the construction of environmental risk prevention facilities and the preparation of emergency plans meet the requirements;
- (5) Other content required by national and local environmental protection laws, regulations and standards.

Article 19 — After the completion acceptance of environmental protection facilities is passed, the construction entity shall prepare an acceptance report and make it public through its website or other convenient channels for the public to access. The acceptance report shall be retained for a period of no less than five years.

Article 20 — Where the environmental protection facilities of a project that has passed the completion acceptance undergo a major change, the construction entity shall reorganize the completion acceptance in accordance with the law.

Article 21 — Construction entities shall promptly carry out soil and groundwater environmental investigations and assessments in accordance with relevant State regulations upon the closure, relocation or conversion of construction projects involving soil and groundwater pollution risks.

Chapter V — Supervision and Inspection

Article 22 — Ecology and environment departments shall strengthen supervision and inspection during the construction and operation of construction projects through a combination of on-site inspections and off-site inspections, and shall include the results of supervision and inspection in the environmental credit evaluation system.

Article 23 — When performing their supervision and inspection duties, ecology and environment departments may take the following measures:

- (1) Conducting on-site inspections of construction projects;
- (2) Inspecting the construction and operation of environmental protection facilities;
- (3) Conducting monitoring of pollutant discharge from construction projects;
- (4) Consulting and copying relevant documents and materials such as the environmental impact assessment documents and approval decisions of construction projects, completion acceptance reports, and monitoring data;
- (5) Other measures prescribed by laws and regulations.

Article 24 — Ecology and environment departments at or above the county level shall include construction projects in daily environmental supervision and inspection, and shall formulate annual supervision and inspection plans based on factors such as the category of environmental impact assessment of construction projects and the level of environmental risk.

Article 25 — Any organization or individual shall have the right to report illegal environmental acts of construction projects to ecology and environment departments. Ecology and environment departments shall process such reports in a timely manner in accordance with law and keep the identity of the reporter confidential.

Chapter VI — Legal Liability

Article 26 — Where construction entities commence construction without submitting the environmental impact assessment documents of a construction project for approval in accordance with the law, the ecology and environment department with the authority to approve shall order cessation of construction and impose a fine in accordance with the Environmental Impact Assessment Law, and may order restoration to the original

state.

Article 27 — Where construction entities fail to design, construct and put into use environmental protection facilities simultaneously with the main project as required, the ecology and environment department shall order correction within a specified time limit and impose a fine; where serious environmental pollution, ecological damage, or major environmental emergencies are caused, the project may be ordered to cease production or use, or to suspend or close operations.

Article 28 — Where construction entities engage in production or use activities before the completion acceptance of environmental protection facilities is passed or where the acceptance is passed through fraudulent means, the ecology and environment department shall order correction within a specified time limit and impose a fine of not less than 200,000 yuan but not more than 1,000,000 yuan; where correction is not made within the time limit, a fine of not less than 1,000,000 yuan but not more than 2,000,000 yuan shall be imposed; the directly responsible person in charge and other directly responsible personnel shall be fined not less than 50,000 yuan but not more than 200,000 yuan.

Article 29 — Where technical service institutions for environmental impact assessment, when preparing environmental impact assessment documents for construction projects, engage in fraud, falsify data, or issue false documents or conclusions, the ecology and environment department shall impose punishment in accordance with the Environmental Impact Assessment Law.

Article 30 — Where ecology and environment departments and their staff members fail to perform their duties in accordance with law, or abuse their powers, neglect their duties, or engage in malpractice for personal gain, disciplinary sanctions shall be imposed on the directly responsible person in charge and other directly responsible personnel in accordance with law; where a crime is constituted, criminal liability shall be pursued in accordance with law.

Chapter VII — Supplementary Provisions

Article 31 — For the purposes of these Provisions, "construction projects" means projects for construction, renovation and expansion of buildings, structures and other installations.

Article 32 — The Ministry of Ecology and Environment may formulate specific implementation rules for these Provisions. The environmental protection management of construction projects involving state secrets shall be handled in accordance with relevant State regulations on confidentiality.

Article 33 — These Provisions shall come into effect on October 1, 2017. The Administrative Measures for the Environmental Protection of Construction Projects issued by the former State Environmental Protection Administration on December 31, 2001 shall be repealed simultaneously.

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