SPP Guiding Case No. 253: Public interest litigation by Hunan procuratorial organs urging comprehensive remediation of the ‘Manganese Triangle’ mining pollution

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Keywords

Procuratorial public interest litigation / mining pollution / comprehensive remediation / compensation for eco-environmental damage / virtual treatment cost method

Holding

Comprehensive mining remediation involves multi-field harm to the public interest and the supervisory duties of multiple departments; people’s procuratorates shall follow the principle of timely and effective protection of the public interest, and give priority to administrative public interest litigation. Where the infringing subject is clear and the harm to the public interest is serious, and the public interest still cannot be protected after the administrative organ performs its duties, or where conducting civil public interest litigation is more conducive to achieving ecological restoration, civil public interest litigation shall be filed in accordance with law. Where direct evidence proving the consequences of environmental damage, such as pollution discharge data, is lacking, the people’s procuratorate may comprehensively obtain other pollution discharge evidence and use the virtual treatment cost method to quantify and confirm the value of the eco-environmental damage. Where the relevant departments or institutions that meet the conditions for initiating the consultation procedure for compensation for eco-environmental damage do not initiate consultation, or do not file a lawsuit after failing to reach an agreement in consultation, the people’s procuratorate shall file civil public interest litigation in accordance with law.

Basic Facts

Huayuan County, Hunan Province, is located in the hinterland of the Wuling Mountains in the Yangtze River basin, bordering Xiushan County, Chongqing, and Songtao County, Guizhou. It is rich in mineral resources such as manganese, lead, and zinc, and the three places are collectively known as the “Manganese Triangle.” Since the 1980s, the mining economy of Huayuan County has developed rapidly, and manganese and lead-zinc enterprises have used extensive and disorderly production and processing methods in mining, ore dressing, and smelting, seriously polluting the environment and damaging the ecology, leaving behind dozens of problematic tailings ponds, hundreds of abandoned factory areas, and over a thousand mined-out areas, and causing a series of problems in production safety and the quality of agricultural products. Although multiple rounds of remediation have been carried out, environmental safety risks still persist, and the area has been repeatedly notified and disclosed by the central ecological environmental protection inspection and the warning films on the ecological environment of the Yangtze River Economic Belt.

Procuratorate Performance of Duties

In April 2022, the Hunan Provincial Ecological Environmental Protection Committee transferred the clues of the “Manganese Triangle” mining pollution problem to the People’s Procuratorate of Hunan Province (hereinafter referred to as the Hunan Provincial Procuratorate). The Hunan Provincial Procuratorate mobilized case-handling personnel from the three levels of procuratorates under it to form a special case team, and handled the special case in an integrated manner.

(1) Administrative public interest litigation

Case filing and investigation. The mining pollution problem in Huayuan County had lasted a long time and left many legacy problems; the national interest and social public interest in ecological environmental and resource protection, production safety, and the protection of State-owned property had been seriously infringed; the functions of multiple administrative organs overlapped; there were many mining-related subjects; the illegal circumstances were complex; and responsibilities were unclear. In May 2022, the Hunan Provincial Procuratorate decided to file the case on the basis of the matter. In response to the multiple administrative organs at different levels—ecological environment, natural resources, emergency management, and others—that simultaneously failed to fully perform their duties in accordance with law in the supervision of the “Manganese Triangle” mining industry, resulting in multiple types of public interest harm such as environmental pollution in the mining area and safety risks in mined-out areas, it determined that administrative public interest litigation cases should be handled simultaneously by procuratorates at different levels according to the field involved and the difficulty of the case: cases involving the supervisory duties of prefecture and county governments were handled by the Hunan Provincial Procuratorate and the People’s Procuratorate of Xiangxi Tujia and Miao Autonomous Prefecture (hereinafter referred to as the Xiangxi Prefecture Procuratorate) respectively; cases involving the supervisory duties of county-level functional departments and township governments were handled, through assignment and designated jurisdiction, by eight grassroots procuratorates within the jurisdiction of Xiangxi Prefecture, such as the People’s Procuratorate of Huayuan County (hereinafter referred to as the Huayuan County Procuratorate), the People’s Procuratorate of Jishou City (hereinafter referred to as the Jishou City Procuratorate), and the People’s Procuratorate of Luxi County (hereinafter referred to as the Luxi County Procuratorate); and cases involving public interest harm across river basins and administrative divisions were designated to the Changsha and Huaihua Railway Transport Procuratorates. Accordingly, the three levels of procuratorates in Hunan Province filed 61 cases against 10 functional departments of the prefecture and county governments and the ecological environment, natural resources, emergency management, and other departments, and against 6 mining-related township governments in Huayuan County.

Through comprehensive investigation by means such as reviewing administrative law enforcement files, questioning relevant personnel, on-site inspection, entrusted appraisal and testing, and public hearings, it was found that the leachate from the manganese slag ponds of Manganese Company A and other manganese mining enterprises had been continuously discharged in excess of standards over a long period; 162 lead-zinc flotation enterprises had illegally occupied land and damaged land resources, and unlawfully disposed of tailings and other solid waste; more than 1,400 lead-zinc mined-out areas had major safety hazards such as collapse and landslides; Manganese Companies B, C, and D had irregularly declared financial funds to construct sewage treatment facilities; and the mining-related areas also had problems such as drinking water safety, prevention and treatment of occupational diseases, and excessive heavy metals in cultivated land. The procuratorial organ gave priority to urging rectification through consultation with the three levels of prefecture, county, and township governments and the relevant functional departments; 34 cases were lawfully closed after consensus was reached and rectification was completed.

Issuance of procuratorial recommendations. In December 2022, the procuratorial organ lawfully issued 27 procuratorial recommendations against those that had not completed rectification after consultation. In response to the problems of incomplete rectification pointed out in the procuratorial recommendations, the prefecture and county governments established special work teams to carry out systematic remediation. From February to October 2023, departments such as ecological environment carried out pollution remediation of 3 mining sewage treatment companies, 88 tailings ponds, and 162 abandoned factory areas, and recovered more than 92 million yuan of commissioned treatment funds. Natural resources and forestry departments urged the restoration of cultivated land and forest land, covering soil and restoring greenery on 13,000 mu. Natural resources and emergency management departments coordinated to seal 1,195 mine openings and eliminate geological disaster hazards in the mining area. Agriculture and rural affairs and water

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conservancy departments carried out source control of heavy metal pollution of cultivated land in the mining area, the quality and safety of agricultural products, and drinking water safety.

Filing administrative public interest litigation. On December 1, 2023, because Mining Company E had illegally occupied 7.58 mu of land and refused to rectify, and the Huayuan County Natural Resources Bureau had still not lawfully handled the matter after the rectification period in the reply to the procuratorial recommendation expired, and the harm to the public interest persisted, the Huayuan County Procuratorate transferred the case to the Jishou City Procuratorate corresponding to the court with centralized jurisdiction to file administrative public interest litigation. On December 28 of the same year, the Jishou City People's Court rendered a judgment supporting all of the procuratorial organ's litigation claims, ordering the natural resources department to lawfully investigate and handle the illegal land occupation and restore the ecological environment. After the judgment took effect, the Huayuan County Natural Resources Bureau, in accordance with the judgment, ordered Mining Company E to return the unlawfully occupied land and imposed a fine.

(2) Civil public interest litigation

Case filing and investigation. In response to the illegal conduct of the three manganese sewage treatment companies B, C, and D in discharging manganese-containing sewage in excess of standards and polluting the environment, where the public interest harmed still could not be fully protected after the administrative organ performed its supervisory duties, the Luxi County Procuratorate lawfully initiated the case-filing procedure for civil public interest litigation.

Upon investigation, it was found that in June 2014, the three manganese enterprises B, C, and D, as the pollution-discharging subjects and the construction parties of the sewage treatment facilities, contributed funds and arranged for their internal employees to register three sewage treatment companies respectively, entrusting them to operate the sewage treatment facilities and dispose of wastewater. In April 2021, the three sewage treatment companies were investigated and punished for unlawfully discharging manganese-containing wastewater; upon testing, the manganese content exceeded the standard by 29.5 times, 32.6 times, and 65.5 times, respectively. To further ascertain the duration and extent of the damage caused by the three companies' discharge of manganese-containing wastewater in excess of standards, the procuratorial organ issued notices to the three sewage treatment companies and the manganese enterprises to obtain evidence, requiring them to provide the online real-time monitoring data and ledgers of wastewater discharge that the sewage treatment companies had lawfully submitted. However, the sewage treatment companies refused to submit the evidence without justifiable reasons, making it difficult to directly determine the value of environmental damage in this case based on the pollution discharge volume. Through on-site inspection, consultation with experts, and comprehensive research and judgment, it lawfully obtained the total volume of wastewater entering the sewage treatment plants through pumping points since 2017 and the manganese content values, and other relevant evidence of the polluting enterprises, and entrusted them to judicial appraisal. The appraisal institution used the infinitely-close method to calculate the total amount of manganese that should have been discharged during the operation period, deducted the maximum treatment value of the sewage treatment facilities according to the principle favorable to the defendant, determined that the total amount of manganese discharged in excess of standards was more than 900 tons, and formed an expert opinion that the value of the eco-environmental damage was more than 25.5 million yuan by the virtual treatment cost method.

Filing civil public interest litigation. Because the three manganese enterprises B, C, and D, as pollution-discharging units, had handed over sewage treatment facilities with clearly insufficient treatment capacity to the third-party treatment institution, the sewage treatment company, for operation, and the sewage treatment company used those facilities to discharge sewage in excess of standards and pollute the environment, under Article 1168 of the Civil Code of the People's Republic of China and Article 14(2) of the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in the

Trial of Eco-environmental Tort Liability Dispute Cases, the manganese enterprises and the sewage treatment companies constituted joint tortfeasors and shall bear joint and several liability in accordance with law. The Luxi County Procuratorate lawfully issued an announcement; upon expiration of the announcement period, the right holder for compensation for eco-environmental damage had not initiated the compensation procedure, and no qualified subject had filed a lawsuit. In June 2023, October 2023, and February 2025, the Xiangxi Prefecture Procuratorate filed civil public interest litigation against the three sewage treatment companies and the manganese enterprises before the people's court at the same level; in October 2023, November 2025, and December 2025, the court supported the procuratorial organ's litigation claims and ordered the three sewage treatment companies and the manganese enterprises to jointly and severally bear the eco-environmental damage compensation costs, appraisal fees, and so forth, and to make a public apology in provincial-level media.

Supporting the right holder in conducting consultation on compensation for eco-environmental damage or filing a lawsuit. In view of the fact that the pollution of the environment by the manganese slag pond of Manganese Company A and the illegal land occupation and eco-environmental damage by nine lead-zinc flotation enterprises all involved compensation for eco-environmental damage, after filing the case, the procuratorial organ lawfully conducted investigation and issued a pre-litigation announcement for civil public interest litigation, and the Hunan Provincial Procuratorate simultaneously notified the People's Government of Xiangxi Prefecture (hereinafter referred to as the Xiangxi Prefecture Government).

In July 2022, the Xiangxi Prefecture Government designated the prefecture's ecological environment, natural resources, forestry, and other departments to carry out the work of compensation for eco-environmental damage, and requested the procuratorial organ to provide legal support. On July 26, 2022, the procuratorial organ transferred the evidentiary materials of the civil public interest litigation case concerning the pollution of the environment by the manganese slag pond of Manganese Company A to the Xiangxi Prefecture Government, and put forward opinions and suggestions. The Xiangxi Prefecture Government reached an agreement on compensation for eco-environmental damage with Manganese Company A, confirming that the compensation obligor would bear compensation costs of more than 38.9 million yuan. In December of the same year, the court granted judicial confirmation of the compensation agreement.

In December 2023, the relevant administrative organs, as the right holders for compensation, respectively filed lawsuits in five cases of illegal land occupation and eco-environmental damage by lead-zinc flotation enterprises where no agreement had been reached in consultation, and requested the procuratorial organ to support the lawsuits. The procuratorial organ provided support by providing legal consultation, assisting in investigation and evidence collection, submitting supporting lawsuit opinion letters, and appearing in court. From August to December 2025, the court adopted the procuratorial organ's supporting lawsuit opinions, supported the plaintiffs' litigation claims, and successively ordered the relevant defendants to carry out ecological restoration within a time limit, and, where they failed to perform within the time limit, to bear restoration costs of more than 18.76 million yuan, compensate for the loss of service functions during the period of eco-environmental damage and other costs of more than 13.1 million yuan, and bear appraisal, assessment, and testing costs of more than 280,000 yuan.

At the same time, in response to other illegal circumstances discovered during the handling of the public interest litigation cases, the special case team transferred 112 criminal case clues, investigated 2 duty-related crimes, supervised the filing of 10 criminal cases, initiated public prosecutions in 7 cases, and substantively resolved 15 administrative disputes. The Hunan Provincial Procuratorate and the Xiangxi Prefecture Procuratorate issued social governance procuratorial recommendations to the prefecture and county governments, lawfully promoting the source treatment and systematic treatment of mining pollution.

Guiding Significance

(1) In handling cross-district mining pollution public interest litigation cases, people's procuratorates shall, in light of the characteristics of mining governance and based on the functional positioning of procuratorial

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public interest litigation, accurately choose the type of case handling. Comprehensive mining remediation involves multi-field harm to the public interest and the supervisory duties of multiple departments. Based on the characteristics of professional and efficient administrative supervision, and proceeding from promoting law-based administration and the construction of a law-based government, the procuratorial organ shall follow the principle of timely and effective protection of the public interest, and generally give priority to administrative public interest litigation to urge administrative organs to perform their duties in accordance with law. Where the infringing subject is clear and the harm to the public interest is serious, and the public interest still cannot be protected after the administrative organ performs its duties in accordance with law, or where conducting civil public interest litigation is conducive to achieving the goal of ecological restoration, civil public interest litigation shall be used to pursue the relevant liability of the responsible party, so as to comprehensively safeguard the social public interest.

(2) Where direct evidence proving the consequences of environmental pollution damage is lacking, people's procuratorates shall comprehensively obtain other pollution-related evidence, reasonably calculate the illegal pollution discharge volume, and pursue legal liability in accordance with law. In civil public interest litigation cases in the field of ecological environmental and resource protection, where the defendant has committed environmental pollution and, without justifiable reasons, fails to submit environmental protection facility operation materials that are of great significance to proving the consequences of environmental damage, such as online monitoring data of pollutants, making it difficult to determine the eco-environmental restoration costs and the loss of service function costs during the period from the damage to the eco-environment to the completion of restoration, the total amount of pollutants to be treated may be reasonably calculated by comprehensively obtaining other pollution discharge evidence and combining the principle favorable to the defendant, so as to determine the illegal pollution discharge volume. In accordance with the relevant provisions on eco-environmental damage appraisal and assessment, the virtual treatment cost method shall be used to calculate the quantified amount of eco-environmental damage.

(3) In cases involving the right holder for compensation conducting consultation on compensation for eco-environmental damage and filing lawsuits, people's procuratorates shall provide support in accordance with law. In handling environmental civil public interest litigation cases, where it is found upon investigation that the public interest has been harmed and the conditions for compensation for eco-environmental damage are met, the right holder for compensation for eco-environmental damage shall be promptly notified. Where the right holder for compensation, after filing a lawsuit, requests the people's procuratorate to support the lawsuit, the people's procuratorate may provide support by providing legal consultation, assisting in investigation and evidence collection, submitting supporting lawsuit opinion letters, and other means; where the right holder for compensation has not initiated the compensation procedure, or does not file a lawsuit after failing to reach an agreement in consultation, the people's procuratorate shall file civil public interest litigation in accordance with law.

(4) Where the consequences of harm to the public interest involve relevant subjects that shall bear criminal, civil, and administrative liability in accordance with law, the procuratorial organ shall perform its supervisory functions in an integrated and comprehensive manner. In handling public interest litigation cases, where a people's procuratorate discovers that an illegal subject is suspected of constituting a criminal offense, it shall transfer the matter to the criminal prosecution department to lawfully conduct case-filing supervision or initiate public prosecution; where it discovers that a judgment or enforcement activity is clearly illegal and requires supervision, it shall lawfully perform procuratorial duties in civil and administrative matters, so as to form a joint supervisory force and ensure judicial fairness.

Relevant Legal Provisions

Article 25(4) of the Administrative Litigation Law of the People's Republic of China (2017 Amendment).

Article 58(2) of the Civil Procedure Law of the People's Republic of China (2021 Amendment) (currently Article 58(2) of the 2023 Amendment applies).

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Articles 1168, 1229, 1234, and 1235 of the Civil Code of the People's Republic of China (effective 2021).

Articles 6, 8, 28(1), and 64 of the Environmental Protection Law of the People's Republic of China (2014 Revision).

Articles 47, 48, and 95 of the Several Provisions of the Supreme People's Court on Evidence in Civil Litigation (2019 Amendment).

Article 29 of the Several Provisions of the Supreme People's Court on Evidence in Eco-environmental Tort Civil Litigation (effective 2023).

Article 14 of the Interpretation of the Supreme People's Court on Several Issues Concerning the Application of Law in the Trial of Eco-environmental Tort Liability Dispute Cases.

Articles 13 and 21 of the Interpretation of the Supreme People's Court and the Supreme People's Procuratorate on Several Issues Concerning the Application of Law in Procuratorial Public Interest Litigation Cases (2020 Amendment).

Articles 81, 91, 96, and 100 of the Rules for Handling Public Interest Litigation Cases of the People's Procuratorates (effective 2021).

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