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# 中华人民共和国土壤污染防治法

# Law of the People's Republic of China on Prevention and Control of Soil Pollution

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《中华人民共和国土壤污染防治法》已由中华人民共和国第十三届全国人民代表大会常务委员会第五次会议于2018年8月31日通过，现予公布，自2019年1月1日起施行。

The Law of the People's Republic of China on the Prevention and Control of Soil Pollution, adopted at the fifth session of the Standing Committee of the 13th National People's Congress on August 31, 2018, is hereby promulgated, effective January 1, 2019.

中华人民共和国主席 习近平

President Xi Jinping

2018年8月31日

August 31, 2018

中华人民共和国土壤污染防治法

Law of the People's Republic of China on Prevention and Control of Soil Pollution

（2018年8月31日第十三届全国人民代表大会常务委员会第五次会议通过）

(Adopted at the Fifth Session of the Standing Committee of the 13th National People's Congress on August 31, 2018)

第一章 总 则

Chapter 1 General Provisions

第一条   为了保护和改善生态环境，防治土壤污染，保障公众健康，推动土壤资源永续利用，推进生态文明建设，促进经济社会可持续发展，制定本法。

Article 1 This Law is formulated for the purposes of protecting and improving upon ecological environment, preventing soil pollution, protecting public health, promoting sustainable utilisation of soil resources, promoting ecological civilisation, promoting sustainable economic and social development.

第二条   在中华人民共和国领域及管辖的其他海域从事土壤污染防治及相关活动，适用本法。

Article 2 This Law applies to the prevention and control of soil pollution and other related activities carried out within the territory of the People's Republic of China and other sea areas under its jurisdiction.

本法所称土壤污染，是指因人为因素导致某种物质进入陆地表层土壤，引起土壤化学、物理、生物等方面特性的改变，影响土壤功能和有效利用，危害公众健康或者破坏生态环境的现象。

For the purpose of this Law, "soil pollution" means the entry into the soil surface of any substance which alters the chemical, physical or biological properties of the soil in such a way as to affect its function and effective use, endanger public health or damage the ecological environment.

第三条   土壤污染防治应当坚持预防为主、保护优先、分类管理、风险管控、污染担责、公众参与的原则。

Article 3 In the prevention and control of soil pollution, we shall adhere to the principle of putting prevention first, giving priority to protection, exercising classified management, putting risks under control, holding polluters accountable and encouraging the public to participate.

第四条   任何组织和个人都有保护土壤、防止土壤污染的义务。

Article 4 All organizations and individuals have the obligation to protect soil and prevent soil pollution.

土地使用权人从事土地开发利用活动，企业事业单位和其他生产经营者从事生产经营活动，应当采取有效措施，防止、减少土壤污染，对所造成的土壤污染依法承担责任。

When holders of land use rights engage in land development and utilization, or enterprises, public institutions and other producers and business operators engage in production and business activities, they shall take effective measures to prevent and reduce soil pollution, and bear liability for the soil pollution caused.

第五条   地方各级人民政府应当对本行政区域土壤污染防治和安全利用负责。

Article 5 Local people's governments at various levels shall be responsible for the prevention and control of soil pollution and safe utilization within their respective administrative areas.

国家实行土壤污染防治目标责任制和考核评价制度，将土壤污染防治目标完成情况作为考核评价地方各级人民政府及其负责人、县级以上人民政府负有土壤污染防治监督管理职责的部门及其负责人的内容。

The State implements a target-oriented responsibility system and a performance evaluation system for prevention and control of soil pollution, and the achievement of the targets for prevention and control of soil pollution will be included in the evaluation of the performance of local people's governments at various levels and the persons-in-charge thereof, as well as the performance of the departments responsible for supervision and administration of prevention and control of soil pollution in people's governments at or above the county level and the persons-in-charge thereof.

第六条   各级人民政府应当加强对土壤污染防治工作的领导，组织、协调、督促有关部门依法履行土壤污染防治监督管理职责。

Article 6 People's governments at various levels shall strengthen the leadership over the prevention and control of soil pollution, and organize, coordinate with and urge the relevant departments to perform their duties of supervision and administration of the prevention and control of soil pollution in accordance with the law.

第七条   国务院生态环境主管部门对全国土壤污染防治工作实施统一监督管理；国务院农业农村、自然资源、住房城乡建设、林业草原等主管部门在各自职责范围内对土壤污染防治工作实施监督管理。

Article 7 The department in charge of ecology and environment under the State Council shall exercise unified supervision and administration of the prevention and control of soil pollution nationwide; departments in charge of agriculture and rural affairs, natural resources, housing and urban-rural development, forestry and grassland, etc. under the State Council shall, with the scope of their respective functions and duties, exercise supervision and administration of the prevention and control of soil pollution.

地方人民政府生态环境主管部门对本行政区域土壤污染防治工作实施统一监督管理；地方人民政府农业农村、自然资源、住房城乡建设、林业草原等主管部门在各自职责范围内对土壤污染防治工作实施监督管理。

Departments in charge of ecology and environment under local people's governments shall exercise unified supervision and administration of the prevention and control of soil pollution within their respective administrative areas; departments in charge of agriculture and rural affairs, natural resources, housing and urban-rural development, forestry and grassland, etc. under local people's governments shall, with the scope of their respective functions and duties, exercise supervision and administration of the prevention and control of soil pollution.

第八条   国家建立土壤环境信息共享机制。

Article 8 The State will establish an information sharing mechanism regarding the soil environment.

国务院生态环境主管部门应当会同国务院农业农村、自然资源、住房城乡建设、水利、卫生健康、林业草原等主管部门建立土壤环境基础数据库，构建全国土壤环境信息平台，实行数据动态更新和信息共享。

The department in charge of ecology and environment under the State Council shall, in conjunction with the departments in charge of agriculture and rural affairs, natural resources, housing and urban-rural development, water resources, health, forestry and grassland, etc., establish a basic database for the soil environment, build a national information platform for the soil environment, and carry out dynamic updating of data and information sharing.

第九条   国家支持土壤污染风险管控和修复、监测等污染防治科学技术研究开发、成果转化和推广应用，鼓励土壤污染防治产业发展，加强土壤污染防治专业技术人才培养，促进土壤污染防治科学技术进步。

Article 9 The State supports scientific and technological research, development, transformation and application in the risk control, remediation and monitoring of soil pollution, encourages the development of the industry for prevention and control of soil pollution, strengthens the training of specialized technicians and promotes scientific and technological progress in the prevention and control of soil pollution.

国家支持土壤污染防治国际交流与合作。

The State supports international exchange and cooperation in soil pollution prevention.

第十条   各级人民政府及其有关部门、基层群众性自治组织和新闻媒体应当加强土壤污染防治宣传教育和科学普及，增强公众土壤污染防治意识，引导公众依法参与土壤污染防治工作。

Article 10 People's governments at various levels and the relevant departments thereunder, grassroots self-governance organizations and news media shall strengthen the publicity, education and science popularization of the prevention and control of soil pollution, enhance the public awareness of the prevention and control of soil pollution, and guide the public to participate in the prevention and control of soil pollution according to law.

第二章 规划、标准、普查和监测

Chapter 2 Planning, Standards, General Survey and Monitoring

第十一条   县级以上人民政府应当将土壤污染防治工作纳入国民经济和社会发展规划、环境保护规划。

Article 11 People's governments at or above the county level shall incorporate the prevention and control of soil pollution into the national economic and social development planning and environmental protection planning.

设区的市级以上地方人民政府生态环境主管部门应当会同发展改革、农业农村、自然资源、住房城乡建设、林业草原等主管部门，根据环境保护规划要求、土地用途、土壤污染状况普查和监测结果等，编制土壤污染防治规划，报本级人民政府批准后公布实施。

Departments in charge of ecology and environment under local people's governments at or above the level of city divided into districts shall, in conjunction with the departments in charge of development and reform, agricultural and rural affairs, natural resources, housing and urban-rural development, forestry and grassland, etc., formulate soil pollution prevention and control plans based on the requirements of environmental protection plans, land uses, general surveys and monitoring results of the soil pollution situation, and submit the plans to the people's governments at the same level for approval before they are published for implementation.

第十二条   国务院生态环境主管部门根据土壤污染状况、公众健康风险、生态风险和科学技术水平，并按照土地用途，制定国家土壤污染风险管控标准，加强土壤污染防治标准体系建设。

Article 12 The department in charge of ecology and environment under the State Council shall, in light of the soil pollution situation, public health risks, ecological risks and the scientific and technological level and according to the purposes of land use, establish the national standards for soil pollution risk control, and strengthen the construction of the system of standards for prevention and control of soil pollution.

省级人民政府对国家土壤污染风险管控标准中未作规定的项目，可以制定地方土壤污染风险管控标准；对国家土壤污染风险管控标准中已作规定的项目，可以制定严于国家土壤污染风险管控标准的地方土壤污染风险管控标准。地方土壤污染风险管控标准应当报国务院生态环境主管部门备案。

With regard to the items not specified in the national standards for soil pollution risk control, people's governments at the provincial level may develop local standards for soil pollution risk control; and for the items specified in the national standards, they may develop local standards that are more stringent than the national standards. Local standards for soil pollution risk control shall be filed with the department in charge of ecology and environment under the State Council for record.

土壤污染风险管控标准是强制性标准。

Soil pollution risk control standard is mandatory.

国家支持对土壤环境背景值和环境基准的研究。

The State supports the study of soil environmental background values and environmental benchmarks.

第十三条   制定土壤污染风险管控标准，应当组织专家进行审查和论证，并征求有关部门、行业协会、企业事业单位和公众等方面的意见。

Article 13 In the formulation of the soil pollution risk control standards, experts shall be organized to conduct review and demonstration, and opinions shall be sought from the relevant departments, industry associations, enterprises, public institutions and the public.

土壤污染风险管控标准的执行情况应当定期评估，并根据评估结果对标准适时修订。

Implementation of the standards for soil pollution risk control shall be evaluated on a regular basis, and such standards shall be revised in due time based on the evaluation results.

省级以上人民政府生态环境主管部门应当在其网站上公布土壤污染风险管控标准，供公众免费查阅、下载。

The departments in charge of ecology and environment under people's governments at or above the provincial level shall publish the standards for soil pollution risk control on their website for free reference and downloading by the public.

第十四条   国务院统一领导全国土壤污染状况普查。国务院生态环境主管部门会同国务院农业农村、自然资源、住房城乡建设、林业草原等主管部门，每十年至少组织开展一次全国土壤污染状况普查。

Article 14 The State Council will exercise unified leadership over the national general survey of the soil pollution situation. The department in charge of ecology and environment under the State Council shall, in conjunction with the departments in charge of agricultural and rural affairs, natural resources, housing and urban-rural development, forestry and grassland, etc., organize a national survey of the soil pollution situation at least once every ten years.

国务院有关部门、设区的市级以上地方人民政府可以根据本行业、本行政区域实际情况组织开展土壤污染状况详查。

The relevant departments under the State Council and the local people's governments at or above the level of city divided into districts may, in light of the actual conditions of their respective industries and administrative regions, organize the conduct of detailed investigations into the soil pollution situation.

第十五条   国家实行土壤环境监测制度。

Article 15 The State institutes a system for monitoring the soil environment.

国务院生态环境主管部门制定土壤环境监测规范，会同国务院农业农村、自然资源、住房城乡建设、水利、卫生健康、林业草原等主管部门组织监测网络，统一规划国家土壤环境监测站（点）的设置。

The department in charge of ecology and environment under the State Council shall formulate the rules for monitoring of the soil environment, set up a monitoring network in conjunction with the departments in charge of agriculture and rural affairs, natural resources, housing and urban-rural development, water conservancy, health, forestry and grassland, etc. under the State Council, and plan the setup of national monitoring stations (sites) for the soil environment in a unified manner.

第十六条   地方人民政府农业农村、林业草原主管部门应当会同生态环境、自然资源主管部门对下列农用地地块进行重点监测：

Article 16 Departments in charge of agricultural and rural affairs, and forestry and grassland under local people's governments shall, in conjunction with the departments in charge of ecology and environment, and natural resources, focus on monitoring of the following farmland plots:

（一）产出的农产品污染物含量超标的；

1. The amount of pollutants in agricultural products exceeds the prescribed limit;

（二）作为或者曾作为污水灌溉区的；

(II) When they are or have been irrigated with sewage;

（三）用于或者曾用于规模化养殖，固体废物堆放、填埋的；

(III) Where they are or have been used for large- scale breeding, piling up or landfill of solid waste;

（四）曾作为工矿用地或者发生过重大、特大污染事故的；

(IV) they have been used as industrial and mining land or caused serious or extra serious pollution; or

（五）有毒有害物质生产、贮存、利用、处置设施周边的；

(V) Any poisonous and harmful substance is produced, stored, used or disposed of nearby;

（六）国务院农业农村、林业草原、生态环境、自然资源主管部门规定的其他情形。

(VI) other situations specified by the departments in charge of agricultural and rural affairs, forestry and grassland, ecological environment and natural resources under the State Council.

第十七条   地方人民政府生态环境主管部门应当会同自然资源主管部门对下列建设用地地块进行重点监测：

Article 17 Departments in charge of ecology and environment under local people's governments shall, in conjunction with the departments in charge of natural resources, focus on monitoring of the following construction land plots:

（一）曾用于生产、使用、贮存、回收、处置有毒有害物质的；

1. It has been used for production, use, storage, recovery or disposal of poisonous and harmful substances;

（二）曾用于固体废物堆放、填埋的；

(II) having been used for piling up or burying solid wastes;

（三）曾发生过重大、特大污染事故的；

(III) having had a major or extraordinarily major pollution accident;

（四）国务院生态环境、自然资源主管部门规定的其他情形。

(IV) other situations specified by the departments in charge of ecology and environment, and natural resources under the State Council.

第三章 预防和保护

Chapter 3 Prevention and Protection

第十八条   各类涉及土地利用的规划和可能造成土壤污染的建设项目，应当依法进行环境影响评价。环境影响评价文件应当包括对土壤可能造成的不良影响及应当采取的相应预防措施等内容。

Article 18 An environmental impact assessment shall be conducted in accordance with the law for any plan involving land utilization and any construction project which may cause soil pollution. The environmental impact assessment documents shall include the potential adverse effects on soil and the preventive measures against such effects to be taken.

第十九条   生产、使用、贮存、运输、回收、处置、排放有毒有害物质的单位和个人，应当采取有效措施，防止有毒有害物质渗漏、流失、扬散，避免土壤受到污染。

Article 19 Any entity or individual producing, using, storing, transporting, recovering, disposing of or discharging toxic and hazardous substances shall take effective measures to prevent the leakage, outflow and scattering of toxic and hazardous substances and the soil pollution.

第二十条   国务院生态环境主管部门应当会同国务院卫生健康等主管部门，根据对公众健康、生态环境的危害和影响程度，对土壤中有毒有害物质进行筛查评估，公布重点控制的土壤有毒有害物质名录，并适时更新。

Article 20 The department in charge of ecology and environment under the State Council shall, in conjunction with the department in charge of health and other relevant departments under the State Council, screen and assess toxic and hazardous substances in soil according to the damage and impacts of such substances on public health and ecological environment, release a catalogue of toxic and hazardous substances in soil under key control, and update the same at due time.

第二十一条   设区的市级以上地方人民政府生态环境主管部门应当按照国务院生态环境主管部门的规定，根据有毒有害物质排放等情况，制定本行政区域土壤污染重点监管单位名录，向社会公开并适时更新。

Article 21 Departments in charge of ecology and environment under local people's governments at or above the level of city divided into districts shall, in accordance with the provisions of the department in charge of ecology and environment under the State Council and based on the discharge of toxic and hazardous substances, develop a catalogue of entities under key supervision over soil pollution within their respective administrative areas, and make it public and update it at due time.

土壤污染重点监管单位应当履行下列义务：

Entities under special supervision of soil pollution shall perform the following obligations:

（一）严格控制有毒有害物质排放，并按年度向生态环境主管部门报告排放情况；

1. strictly controlling the discharge of toxic and hazardous substances, and reporting such discharge to the competent authority of ecology and environment on an annual basis;

（二）建立土壤污染隐患排查制度，保证持续有效防止有毒有害物质渗漏、流失、扬散；

(II) Establish a system for investigation of potential soil pollution risks to ensure continuous and effective prevention of seepage, outflow and scattering of toxic and hazardous substances;

（三）制定、实施自行监测方案，并将监测数据报生态环境主管部门。

(III) formulating and implementing the self-monitoring plan, and reporting the monitoring data to the competent authority of ecology and environment.

前款规定的义务应当在排污许可证中载明。

The obligations specified in the preceding paragraph shall be specified in the pollutant discharge license.

土壤污染重点监管单位应当对监测数据的真实性和准确性负责。生态环境主管部门发现土壤污染重点监管单位监测数据异常，应当及时进行调查。

Entities under special supervision of soil pollution are responsible for the authenticity and accuracy of the monitoring data. The departments in charge of ecology and environment, upon discovery of any abnormal monitoring data of any entity under key supervision of soil pollution, shall timely conduct investigation.

设区的市级以上地方人民政府生态环境主管部门应当定期对土壤污染重点监管单位周边土壤进行监测。

Departments in charge of ecology and environment under local people's governments at or above the level of city divided into districts shall regularly monitor the soil in the surrounding areas of the entities under key regulation of soil pollution.

第二十二条   企业事业单位拆除设施、设备或者建筑物、构筑物的，应当采取相应的土壤污染防治措施。

Article 22 Enterprises and public institutions that demolish facilities, equipment, buildings or structures shall take appropriate measures to prevent soil pollution.

土壤污染重点监管单位拆除设施、设备或者建筑物、构筑物的，应当制定包括应急措施在内的土壤污染防治工作方案，报地方人民政府生态环境、工业和信息化主管部门备案并实施。

Entities under special supervision of soil pollution that demolish facilities, equipment, buildings or structures shall formulate a soil pollution prevention and control plan, including emergency measures, and report the same to the departments in charge of ecology and environment and industry and information technology under local people's governments for record-filing before putting it into practice.

第二十三条   各级人民政府生态环境、自然资源主管部门应当依法加强对矿产资源开发区域土壤污染防治的监督管理，按照相关标准和总量控制的要求，严格控制可能造成土壤污染的重点污染物排放。

Article 23 Departments in charge of ecology and environment, and natural resources at various levels shall strengthen the supervision and administration of the prevention and control of soil pollution in mineral resources development areas in accordance with the law, and strictly control the discharge of major pollutants that may cause soil pollution under the relevant standards and the requirements for control of the total discharge of major pollutants.

尾矿库运营、管理单位应当按照规定，加强尾矿库的安全管理，采取措施防止土壤污染。危库、险库、病库以及其他需要重点监管的尾矿库的运营、管理单位应当按照规定，进行土壤污染状况监测和定期评估。

Entities operating or managing tailing ponds shall, according to relevant provisions, strengthen the safety management of tailing ponds, and take measures to prevent soil pollution. Entities operating or managing dangerous ponds, risky ponds, unsafe ponds or other tailing ponds that require special supervision shall, according to relevant provisions, monitor and regularly assess the soil pollution situation.

第二十四条   国家鼓励在建筑、通信、电力、交通、水利等领域的信息、网络、防雷、接地等建设工程中采用新技术、新材料，防止土壤污染。

Article 24 The State encourages the adoption of new technologies and new materials in construction of information, network, thunder-proof or grounding projects in the fields of construction, communication, power, transportation, water conservancy, etc. so as to prevent soil pollution.

禁止在土壤中使用重金属含量超标的降阻产品。

It is forbidden to use resistance-reducing products in which the content of heavy metals exceeds the standard.

第二十五条   建设和运行污水集中处理设施、固体废物处置设施，应当依照法律法规和相关标准的要求，采取措施防止土壤污染。

Article 25 For the construction and operation of centralized sewage treatment facilities and solid waste disposal facilities, measures shall be taken to prevent soil pollution according to laws, regulations and relevant standards.

地方人民政府生态环境主管部门应当定期对污水集中处理设施、固体废物处置设施周边土壤进行监测；对不符合法律法规和相关标准要求的，应当根据监测结果，要求污水集中处理设施、固体废物处置设施运营单位采取相应改进措施。

Departments in charge of ecology and environment under local people's governments shall regularly monitor the soil in the vicinity of centralized sewage treatment facilities or solid waste disposal facilities; in case of discovering any incompliance with laws, regulations or relevant standards, they shall, according to the monitoring results, require the entities operating centralized sewage treatment facilities or solid waste disposal facilities to take appropriate improvement measures.

地方各级人民政府应当统筹规划、建设城乡生活污水和生活垃圾处理、处置设施，并保障其正常运行，防止土壤污染。

Local people's governments at various levels shall plan the construction of the facilities for treatment or disposal of urban and rural domestic sewage and domestic garbage in a unified way, and ensure their normal operation, so as to prevent soil pollution.

第二十六条   国务院农业农村、林业草原主管部门应当制定规划，完善相关标准和措施，加强农用地农药、化肥使用指导和使用总量控制，加强农用薄膜使用控制。

Article 26 Departments in charge of agricultural and rural affairs, and forestry and grassland under the State Council shall formulate plans and improve relevant standards and measures to guide the use and control the total amount of pesticides and fertilizers used in agriculture, and control the use of agricultural films.

国务院农业农村主管部门应当加强农药、肥料登记，组织开展农药、肥料对土壤环境影响的安全性评价。

The department in charge of agricultural and rural affairs under the State Council shall strengthen the registration of pesticides and fertilizers, and organize the assessment of the impact of pesticides and fertilizers on the soil environment.

制定农药、兽药、肥料、饲料、农用薄膜等农业投入品及其包装物标准和农田灌溉用水水质标准，应当适应土壤污染防治的要求。

The standards for pesticides, veterinary drugs, fertilizers, feeds, agricultural films and other agricultural inputs as well as their packages and the quality standards for farmland irrigation water shall meet the requirements for the prevention and control of soil pollution.

第二十七条   地方人民政府农业农村、林业草原主管部门应当开展农用地土壤污染防治宣传和技术培训活动，扶持农业生产专业化服务，指导农业生产者合理使用农药、兽药、肥料、饲料、农用薄膜等农业投入品，控制农药、兽药、化肥等的使用量。

Article 27 Departments in charge of agricultural and rural affairs, and forestry and grassland under local people's governments shall carry out the publicity and technical training activities for the prevention and control of soil pollution in agricultural lands, support professional services for agricultural production, guide agricultural producers to use pesticides, veterinary drugs, fertilizers, feeds, agricultural films and other agricultural inputs reasonably, and control the use of pesticides, veterinary drugs, fertilizers, etc.

地方人民政府农业农村主管部门应当鼓励农业生产者采取有利于防止土壤污染的种养结合、轮作休耕等农业耕作措施；支持采取土壤改良、土壤肥力提升等有利于土壤养护和培育的措施；支持畜禽粪便处理、利用设施的建设。

Departments in charge of agricultural and rural affairs under local people's governments shall encourage agricultural producers to adopt the combination of farming and animal husbandry, crop rotation and fallow, and other agricultural cultivation measures in favor of the prevention of soil pollution; support the adoption of soil amelioration, soil fertility improvement and other measures in favor of soil conservation and cultivation; and support the construction of the facilities for treatment or utilization of livestock and poultry manure.

第二十八条   禁止向农用地排放重金属或者其他有毒有害物质含量超标的污水、污泥，以及可能造成土壤污染的清淤底泥、尾矿、矿渣等。

Article 28 It is forbidden to discharge to farmland any heavy metals, sewage or sludge in which the amount of toxic and hazardous substances exceeds the prescribed limit, or dredging sediments, tailings or slag which may cause soil pollution.

县级以上人民政府有关部门应当加强对畜禽粪便、沼渣、沼液等收集、贮存、利用、处置的监督管理，防止土壤污染。

Relevant departments under people's governments at or above the county level shall strengthen the supervision and administration of the collection, storage, use and disposal of livestock and poultry manure, biogas residues, biogas slurry, etc., so as to prevent soil pollution.

农田灌溉用水应当符合相应的水质标准，防止土壤、地下水和农产品污染。地方人民政府生态环境主管部门应当会同农业农村、水利主管部门加强对农田灌溉用水水质的管理，对农田灌溉用水水质进行监测和监督检查。

Farmland irrigation water shall meet appropriate water quality standards, so as to prevent the pollution of the soil, ground water and agricultural products. Departments in charge of ecology and environment under local people's governments shall, in conjunction with the departments in charge of agricultural and rural affairs and water resources, strengthen the management of the quality of farmland irrigation water, and monitor, supervise and inspect the quality of farmland irrigation water.

第二十九条   国家鼓励和支持农业生产者采取下列措施：

Article 29 The State shall encourage and support agricultural producers to take the following measures:

（一）使用低毒、低残留农药以及先进喷施技术；

1. using low-toxicity, low-residue pesticides and advanced spraying technology;

（二）使用符合标准的有机肥、高效肥；

(II) using organic and high-efficiency fertilizers meeting the standards;

（三）采用测土配方施肥技术、生物防治等病虫害绿色防控技术；

(III) green technology for preventing and controlling plant diseases and insect pests by applying the technology of soil testing for fertilizer formulation and biological control;

（四）使用生物可降解农用薄膜；

(IV) Using biodegradable agricultural films; and

（五）综合利用秸秆、移出高富集污染物秸秆；

(V) Comprehensively utilizing straw and removing the straw with highly enriched pollutants; and

（六）按照规定对酸性土壤等进行改良。

(VI) ameliorate acid soil according to relevant provisions.

第三十条   禁止生产、销售、使用国家明令禁止的农业投入品。

Article 30 It is prohibited to produce, sell or use any agricultural input that is explicitly prohibited by the State.

农业投入品生产者、销售者和使用者应当及时回收农药、肥料等农业投入品的包装废弃物和农用薄膜，并将农药包装废弃物交由专门的机构或者组织进行无害化处理。具体办法由国务院农业农村主管部门会同国务院生态环境等主管部门制定。

Producers, sellers or users of agricultural inputs shall recover the packaging waste of pesticides, fertilizers and other agricultural inputs as well as agricultural films in a timely manner, and deliver the packaging waste of pesticides to a specialized institution or organization for harmless treatment. The specific measures shall be formulated by the department in charge of agricultural and rural affairs under the State Council together with the department in charge of ecology and environment under the State Council.

国家采取措施，鼓励、支持单位和个人回收农业投入品包装废弃物和农用薄膜。

The State takes measures to encourage and support the recycling by entities and individuals of the packaging waste of agricultural inputs and agricultural films.

第三十一条   国家加强对未污染土壤的保护。

Article 31 The State will strengthen the protection of unpolluted soil.

地方各级人民政府应当重点保护未污染的耕地、林地、草地和饮用水水源地。

Local people's governments at various levels shall focus on the protection of unpolluted arable land, forest land, grassland and sources of drinking water.

各级人民政府应当加强对国家公园等自然保护地的保护，维护其生态功能。

People's governments at various levels shall strengthen the protection of national parks and other nature reserves, so as to maintain their ecological functions.

对未利用地应当予以保护，不得污染和破坏。

Unused land shall be protected against pollution and destruction.

第三十二条   县级以上地方人民政府及其有关部门应当按照土地利用总体规划和城乡规划，严格执行相关行业企业布局选址要求，禁止在居民区和学校、医院、疗养院、养老院等单位周边新建、改建、扩建可能造成土壤污染的建设项目。

Article 32 Local people's governments at or above the county level and the relevant departments thereunder shall, according to the overall planning for land utilization and urban and rural planning, strictly implement the requirements for layout and site selection of enterprises in the relevant industry, and prohibit new construction projects or reconstruction or expansion projects that may cause soil pollution in the vicinity of residential areas, schools, hospitals, sanatoriums, nursing homes, etc.

第三十三条   国家加强对土壤资源的保护和合理利用。对开发建设过程中剥离的表土，应当单独收集和存放，符合条件的应当优先用于土地复垦、土壤改良、造地和绿化等。

Article 33 The State will strengthen the protection and rational utilization of soil resources. The surface soil that is stripped in the course of construction shall be collected and stored separately, and those meeting the required conditions shall be used in land reclamation, soil amelioration, or landscaping.

禁止将重金属或者其他有毒有害物质含量超标的工业固体废物、生活垃圾或者污染土壤用于土地复垦。

It is forbidden to use in land reclamation any heavy metals, or industrial solid waste, domestic waste or polluted soil in which the amount of toxic and hazardous substances exceeds the prescribed limit.

第三十四条   因科学研究等特殊原因，需要进口土壤的，应当遵守国家出入境检验检疫的有关规定。

Article 34 The import of soil for scientific research or other special reasons shall be in compliance with the relevant provisions of the State on entry-exit inspection and quarantine.

第四章 风险管控和修复

Chapter 4 Risk Control and Restoration

第一节 一般规定

Section 1 General Provisions

第三十五条   土壤污染风险管控和修复，包括土壤污染状况调查和土壤污染风险评估、风险管控、修复、风险管控效果评估、修复效果评估、后期管理等活动。

Article 35 The soil pollution risk control and remediation include such activities as the investigation of the soil pollution situation, soil pollution risk assessment, risk control and remediation, risk control effect assessment, remediation effect assessment, later-stage management, etc.

第三十六条   实施土壤污染状况调查活动，应当编制土壤污染状况调查报告。

Article 36 After an investigation into soil pollution situation is completed, an investigation report on the soil pollution situation shall be prepared.

土壤污染状况调查报告应当主要包括地块基本信息、污染物含量是否超过土壤污染风险管控标准等内容。污染物含量超过土壤污染风险管控标准的，土壤污染状况调查报告还应当包括污染类型、污染来源以及地下水是否受到污染等内容。

The investigation report on the soil pollution situation shall mainly include the basic information about the land plot, whether the amount of pollutants exceeds the soil pollution risk control standard, etc. If the amount of pollutants exceeds the soil pollution risk control standard, the report on the investigation of the soil pollution situation shall also include the type of pollution, source of pollution and whether the underground water is polluted.

第三十七条   实施土壤污染风险评估活动，应当编制土壤污染风险评估报告。

Article 37 After a soil pollution risk assessment is completed, a soil pollution risk assessment report shall be prepared.

土壤污染风险评估报告应当主要包括下列内容：

A soil pollution risk assessment report shall mainly include:

（一）主要污染物状况；

1. major pollutants;

（二）土壤及地下水污染范围；

2. the scope of pollution of soil and ground water;

（三）农产品质量安全风险、公众健康风险或者生态风险；

(III) agricultural product quality safety risks, public health risks or ecological risks;

（四）风险管控、修复的目标和基本要求等。

4. targets and basic requirements for risk control and repair.

第三十八条   实施风险管控、修复活动，应当因地制宜、科学合理，提高针对性和有效性。

Article 38 The risk control and remediation activities shall be carried out in a scientific and reasonable manner, according to local conditions, and shall be well- targeted and effective.

实施风险管控、修复活动，不得对土壤和周边环境造成新的污染。

The risk control or remediation activities shall not cause new pollution to the soil and its surrounding environment.

第三十九条   实施风险管控、修复活动前，地方人民政府有关部门有权根据实际情况，要求土壤污染责任人、土地使用权人采取移除污染源、防止污染扩散等措施。

Article 39 Before the risk control and remediation activities are carried out, relevant departments under local people's governments have the right to require the parties liable for soil pollution or parties with land use rights to take measures such as removing the sources of pollution and preventing the spread of pollution.

第四十条   实施风险管控、修复活动中产生的废水、废气和固体废物，应当按照规定进行处理、处置，并达到相关环境保护标准。

Article 40 Waste water, waste gas and solid waste generated in the risk control and remediation activities shall be treated or disposed of in accordance with the relevant provisions, and reach the relevant environmental protection standards.

实施风险管控、修复活动中产生的固体废物以及拆除的设施、设备或者建筑物、构筑物属于危险废物的，应当依照法律法规和相关标准的要求进行处置。

If solid waste generated and facilities, equipment, buildings or structures dismantled in the risk control and remediation activities are hazardous waste, they shall be disposed of in accordance with laws, regulations and relevant standards.

修复施工期间，应当设立公告牌，公开相关情况和环境保护措施。

During the remedial construction, a bulletin board shall be set up, disclosing the relevant information and environmental protection measures.

第四十一条   修复施工单位转运污染土壤的，应当制定转运计划，将运输时间、方式、线路和污染土壤数量、去向、最终处置措施等，提前报所在地和接收地生态环境主管部门。

Article 41 To transport the polluted soil, a remedial construction agency shall develop a transport plan, and report the transport time, method, route and amount of polluted soil, direction and final disposal measures in advance to the department in charge of ecology and environment at the local place and the recipient's location.

转运的污染土壤属于危险废物的，修复施工单位应当依照法律法规和相关标准的要求进行处置。

If the polluted soil to be transported is hazardous waste, the remedial construction agency shall dispose of such soil according to laws, regulations and relevant standards.

第四十二条   实施风险管控效果评估、修复效果评估活动，应当编制效果评估报告。

Article 42 An evaluation report shall be prepared for the implementation of the evaluation of risk control effects or remediation effects.

效果评估报告应当主要包括是否达到土壤污染风险评估报告确定的风险管控、修复目标等内容。

The effect assessment report shall mainly include whether the risk control or remediation objectives as determined in the soil pollution risk assessment report have been achieved.

风险管控、修复活动完成后，需要实施后期管理的，土壤污染责任人应当按照要求实施后期管理。

If the later-stage management needs to be implemented after completion of the risk control or remediation activities, the parties liable for soil pollution shall implement the later-stage management as required.

第四十三条   从事土壤污染状况调查和土壤污染风险评估、风险管控、修复、风险管控效果评估、修复效果评估、后期管理等活动的单位，应当具备相应的专业能力。

Article 43 Any entity that is engaged in the investigation of the soil pollution situation, soil pollution risk assessment, risk control or remediation, risk control effect assessment, remediation effect assessment, or later-stage management shall have the corresponding professional capability.

受委托从事前款活动的单位对其出具的调查报告、风险评估报告、风险管控效果评估报告、修复效果评估报告的真实性、准确性、完整性负责，并按照约定对风险管控、修复、后期管理等活动结果负责。

Entities entrusted to carry out the activities specified in the preceding paragraph shall be responsible for the authenticity, accuracy and completeness of the investigation reports, risk assessment reports, risk control effect assessment reports and remediation effect assessment reports they have issued, and shall be responsible for the results of risk control, remediation, later-stage management and other activities in accordance with their agreements.

第四十四条   发生突发事件可能造成土壤污染的，地方人民政府及其有关部门和相关企业事业单位以及其他生产经营者应当立即采取应急措施，防止土壤污染，并依照本法规定做好土壤污染状况监测、调查和土壤污染风险评估、风险管控、修复等工作。

Article 44 Where an emergency incident is likely to cause soil pollution, the local people's government and the relevant departments thereunder, relevant enterprises and public institutions, and other producers and business operators shall immediately take emergency measures to prevent soil pollution, and shall, in accordance with this Law, do a good job in the monitoring and investigation of the soil pollution situation, soil pollution risk assessment, risk control and remediation, etc.

第四十五条   土壤污染责任人负有实施土壤污染风险管控和修复的义务。土壤污染责任人无法认定的，土地使用权人应当实施土壤污染风险管控和修复。

Article 45 The parties liable for soil pollution shall have the obligation to carry out the soil pollution risk control and remediation. If the parties liable for soil pollution cannot be identified, the parties with land use rights shall carry out the soil pollution risk control and remediation.

地方人民政府及其有关部门可以根据实际情况组织实施土壤污染风险管控和修复。

Local people's governments and the relevant departments thereunder may, in light of actual local conditions, organize the soil pollution risk control and remediation.

国家鼓励和支持有关当事人自愿实施土壤污染风险管控和修复。

The State encourages and supports the soil pollution risk control and remediation voluntarily carried out by the parties concerned.

第四十六条   因实施或者组织实施土壤污染状况调查和土壤污染风险评估、风险管控、修复、风险管控效果评估、修复效果评估、后期管理等活动所支出的费用，由土壤污染责任人承担。

Article 46 The expenses incurred for carrying out or organizing the investigation of the soil pollution situation, soil pollution risk assessment, risk control or remediation, risk control effect assessment, remediation effect assessment, later-stage management and other activities shall be borne by the parties liable for soil pollution.

第四十七条   土壤污染责任人变更的，由变更后承继其债权、债务的单位或者个人履行相关土壤污染风险管控和修复义务并承担相关费用。

Article 47 In the event of change of the parties liable for soil pollution, the entity or individual who succeeds the creditor's rights and debts shall perform the obligation of soil pollution risk control and remediation and bear the relevant expenses.

第四十八条   土壤污染责任人不明确或者存在争议的，农用地由地方人民政府农业农村、林业草原主管部门会同生态环境、自然资源主管部门认定，建设用地由地方人民政府生态环境主管部门会同自然资源主管部门认定。认定办法由国务院生态环境主管部门会同有关部门制定。

Article 48 Where the parties liable for soil pollution are unclear or controversial, such parties shall be determined by the departments in charge of agricultural and rural affairs, and forestry and grassland under local people's governments together with the departments in charge of ecology and environment, and natural resources if the soil pollution occurs in farmland, and shall be determined by the departments in charge of ecology and environment under local people's governments together with the departments in charge of natural resources if the soil pollution occurs in construction land. The determination measures shall be formulated by the department in charge of ecology and environment under the State Council together with other relevant departments.

第二节 农用地

Section 2 Agricultural Land

第四十九条   国家建立农用地分类管理制度。按照土壤污染程度和相关标准，将农用地划分为优先保护类、安全利用类和严格管控类。

Article 49 The State establishes a classified farmland management system. According to the degree of soil pollution and the relevant standards, farmland may be divided into the farmland under prioritized protection, farmland under safe utilization and farmland under strict control.

第五十条   县级以上地方人民政府应当依法将符合条件的优先保护类耕地划为永久基本农田，实行严格保护。

Article 50 Local people's governments at or above the county level shall classify the arable land under prioritized protection meeting the required conditions as permanent basic farmland and implement strict protection.

在永久基本农田集中区域，不得新建可能造成土壤污染的建设项目；已经建成的，应当限期关闭拆除。

In areas where permanent basic farmland is concentrated, no new project which may cause soil pollution may be constructed; if the construction has already been completed, the project shall be closed and dismantled within the specified time limit.

第五十一条   未利用地、复垦土地等拟开垦为耕地的，地方人民政府农业农村主管部门应当会同生态环境、自然资源主管部门进行土壤污染状况调查，依法进行分类管理。

Article 51 Where unused land or reclaimed land is to be converted into arable land, the departments in charge of agricultural and rural affairs under local people's governments shall, in conjunction with the departments of ecology and environment, and natural resources, investigate the soil pollution situation, and conduct classified management according to law.

第五十二条   对土壤污染状况普查、详查和监测、现场检查表明有土壤污染风险的农用地地块，地方人民政府农业农村、林业草原主管部门应当会同生态环境、自然资源主管部门进行土壤污染状况调查。

Article 52 With regard to the farmland plots which have soil pollution risks as shown in the general survey, detailed survey, monitoring or on- site inspection of the soil pollution situation, the departments in charge of agricultural and rural affairs, and forestry and grassland under local people's governments shall, in conjunction with the departments in charge of ecology and environment, and natural resources, investigate the soil pollution situation.

对土壤污染状况调查表明污染物含量超过土壤污染风险管控标准的农用地地块，地方人民政府农业农村、林业草原主管部门应当会同生态环境、自然资源主管部门组织进行土壤污染风险评估，并按照农用地分类管理制度管理。

With regard to the farmland plots in which the amount of pollutants exceeds the soil pollution risk control standard as shown in the investigation of the soil pollution situation, the departments in charge of agricultural and rural affairs, and forestry and grassland under local people's governments shall, in conjunction with the departments in charge of ecology and environment, and natural resources, organize the soil pollution risk assessment, and conduct management according to the classified farmland management system.

第五十三条   对安全利用类农用地地块，地方人民政府农业农村、林业草原主管部门，应当结合主要作物品种和种植习惯等情况，制定并实施安全利用方案。

Article 53 With regard to the farmland plots under safe utilization, the departments in charge of agricultural and rural affairs, and forestry and grassland under local people's governments shall, in light of the varieties of main crops and practices of planting, formulate a safe utilization plan and put it into practice.

安全利用方案应当包括下列内容：

The safe utilization plan shall include the following contents:

（一）农艺调控、替代种植；

1. agronomic regulation or substitute plantation;

（二）定期开展土壤和农产品协同监测与评价；

(II) carry out the concurrent monitoring and assessment of soil and agricultural products on a regular basis;

（三）对农民、农民专业合作社及其他农业生产经营主体进行技术指导和培训；

(III) providing technical guidance and training for farmers, specialized farmers cooperatives and other agricultural producers and operators;

（四）其他风险管控措施。

4. other risk control measures.

第五十四条   对严格管控类农用地地块，地方人民政府农业农村、林业草原主管部门应当采取下列风险管控措施：

Article 54 With regard to the farmland plots under strict control, the departments in charge of agricultural and rural affairs, and forestry and grassland under local people's governments shall take the following risk control measures:

（一）提出划定特定农产品禁止生产区域的建议，报本级人民政府批准后实施；

1. to make proposals on the delimitation of areas in which the production of a particular agricultural product is prohibited, and submit them to the people's government at the corresponding level for approval before implementation;

（二）按照规定开展土壤和农产品协同监测与评价；

(II) carry out the monitoring and evaluation of soil and agricultural products in a coordinated manner as required;

（三）对农民、农民专业合作社及其他农业生产经营主体进行技术指导和培训；

(III) providing technical guidance and training for farmers, specialized farmers cooperatives and other agricultural producers and operators;

（四）其他风险管控措施。

4. other risk control measures.

各级人民政府及其有关部门应当鼓励对严格管控类农用地采取调整种植结构、退耕还林还草、退耕还湿、轮作休耕、轮牧休牧等风险管控措施，并给予相应的政策支持。

People's governments at various levels and the relevant departments thereunder shall encourage the adoption of the risk control measures for the farmland under strict control such as adjusting the plantation structure, converting reclaimed land into forests or grassland, converting reclaimed land into wetland, crop rotation and fallow, grazing rotation and fallow, and give appropriate policy support.

第五十五条   安全利用类和严格管控类农用地地块的土壤污染影响或者可能影响地下水、饮用水水源安全的，地方人民政府生态环境主管部门应当会同农业农村、林业草原等主管部门制定防治污染的方案，并采取相应的措施。

Article 55 Where the soil pollution in the farmland plots under safe utilization or farmland under strict control affects or might affect the safety of groundwater or drinking water sources, the departments in charge of ecology and environment under local people's governments shall, in conjunction with the departments in charge of agricultural and rural affairs, and forestry and grassland, formulate a pollution prevention plan, and take appropriate measures.

第五十六条   对安全利用类和严格管控类农用地地块，土壤污染责任人应当按照国家有关规定以及土壤污染风险评估报告的要求，采取相应的风险管控措施，并定期向地方人民政府农业农村、林业草原主管部门报告。

Article 56 With regard to the farmland plots under safe utilization and farmland under strict control, the parties liable for soil pollution shall, according to relevant provisions of the State and requirements of the risk assessment report for soil pollution, take appropriate risk control measures, and regularly report to the departments in charge of agricultural and rural affairs, and forestry and grassland under local people's governments.

第五十七条   对产出的农产品污染物含量超标，需要实施修复的农用地地块，土壤污染责任人应当编制修复方案，报地方人民政府农业农村、林业草原主管部门备案并实施。修复方案应当包括地下水污染防治的内容。

Article 57 With regard to the farmland plots in which the amount of pollutants in agricultural products exceeds the prescribed limit and which needs to be remediated, the parties liable for soil pollution shall formulate a remediation plan, and submit the same to the departments in charge of agricultural and rural affairs, and forestry and grassland under local people's governments for record-filing before putting it into practice. The remediation plan shall include the prevention and control of ground water pollution.

修复活动应当优先采取不影响农业生产、不降低土壤生产功能的生物修复措施，阻断或者减少污染物进入农作物食用部分，确保农产品质量安全。

In the remediation activities, the bioremediation measures not affecting agricultural production or reducing the productive function of soil shall be adopted as a priority, and the entry of pollutants into the edible part of crops shall be blocked or reduced, in order to ensure the quality and safety of agricultural products.

风险管控、修复活动完成后，土壤污染责任人应当另行委托有关单位对风险管控效果、修复效果进行评估，并将效果评估报告报地方人民政府农业农村、林业草原主管部门备案。

After completion of the risk control or remediation activities, the parties liable for soil pollution shall entrust the relevant entities to assess the risk control effects or remediation effects, and submit the effect assessment report to the departments in charge of agricultural and rural affairs, and forestry and grassland under local people's governments for record-filing.

农村集体经济组织及其成员、农民专业合作社及其他农业生产经营主体等负有协助实施土壤污染风险管控和修复的义务。

Rural collective economic organizations and their members, farmers' specialized cooperatives and other agricultural producers and business operators shall have the obligation to assist in soil pollution risk control and remediation.

第三节 建设用地

Section 3 Land for Construction

第五十八条   国家实行建设用地土壤污染风险管控和修复名录制度。

Article 58 The State implements a catalogue system for construction land subject to soil pollution risk control and remediation.

建设用地土壤污染风险管控和修复名录由省级人民政府生态环境主管部门会同自然资源等主管部门制定，按照规定向社会公开，并根据风险管控、修复情况适时更新。

Departments in charge of ecology and environment under people's governments at the provincial level shall, in conjunction with the departments in charge of natural resources, formulate a catalogue of construction land subject to soil pollution risk control and remediation, disclose the same to the public according to relevant provisions, and in light of the progress in risk control and remediation, update it at due time.

第五十九条   对土壤污染状况普查、详查和监测、现场检查表明有土壤污染风险的建设用地地块，地方人民政府生态环境主管部门应当要求土地使用权人按照规定进行土壤污染状况调查。

Article 59 With regard to the construction land plots which have soil pollution risks as shown in the general survey, detailed survey, monitoring or on- site inspection of the soil pollution situation, the departments in charge of ecology and environment under local people's governments shall require the parties with land use rights to investigate the soil pollution situation according to relevant provisions.

用途变更为住宅、公共管理与公共服务用地的，变更前应当按照规定进行土壤污染状况调查。

If a construction land is changed to a land for residential use or public administration and public service, the soil pollution situation shall be investigated before the change according to relevant provisions.

前两款规定的土壤污染状况调查报告应当报地方人民政府生态环境主管部门，由地方人民政府生态环境主管部门会同自然资源主管部门组织评审。

A report on investigation of the soil pollution situation as mentioned in the preceding two paragraphs shall be submitted to the departments in charge of ecology and environment under local people's governments, which shall review the said report together with the departments in charge of natural resources.

第六十条   对土壤污染状况调查报告评审表明污染物含量超过土壤污染风险管控标准的建设用地地块，土壤污染责任人、土地使用权人应当按照国务院生态环境主管部门的规定进行土壤污染风险评估，并将土壤污染风险评估报告报省级人民政府生态环境主管部门。

Article 60 With regard to the construction land plots in which the amount of pollutants exceeds the soil pollution risk control standard as shown in the review of the report on investigation of the soil pollution situation, the parties liable for soil pollution and the parties with land use rights shall, according to the provisions of the department in charge of ecology and environment under the State Council, carry out soil pollution risk assessment, and submit a soil pollution risk assessment report to the departments in charge of ecology and environment under people's governments at the provincial level.

第六十一条   省级人民政府生态环境主管部门应当会同自然资源等主管部门按照国务院生态环境主管部门的规定，对土壤污染风险评估报告组织评审，及时将需要实施风险管控、修复的地块纳入建设用地土壤污染风险管控和修复名录，并定期向国务院生态环境主管部门报告。

Article 61 Departments in charge of ecology and environment under people's governments at the provincial level shall, in conjunction with the departments in charge of natural resources and other relevant departments and according to the provisions of the department in charge of ecology and environment under the State Council, review the soil pollution risk assessment report, promptly include the plots which need to be put under risk control or remediated in the catalogue of construction land subject to soil pollution risk control and remediation, and regularly report to the department in charge of ecology and environment under the State Council.

列入建设用地土壤污染风险管控和修复名录的地块，不得作为住宅、公共管理与公共服务用地。

Any plot that has been included in the catalogue of construction land subject to soil pollution risk control and remediation shall not be used for residential houses, public administration or public services.

第六十二条   对建设用地土壤污染风险管控和修复名录中的地块，土壤污染责任人应当按照国家有关规定以及土壤污染风险评估报告的要求，采取相应的风险管控措施，并定期向地方人民政府生态环境主管部门报告。风险管控措施应当包括地下水污染防治的内容。

Article 62 With regard to the plots in the catalogue of construction land subject to soil pollution risk control and remediation, the parties liable for soil pollution shall, according to relevant provisions of the State and requirements of the soil pollution risk assessment report, take appropriate risk control measures, and regularly report to the departments in charge of ecology and environment under local people's governments. The risk control measures shall include the prevention and control of ground water pollution.

第六十三条   对建设用地土壤污染风险管控和修复名录中的地块，地方人民政府生态环境主管部门可以根据实际情况采取下列风险管控措施：

Article 63 With regard to the plots in the catalogue of construction land subject to soil pollution risk control and remediation, the departments in charge of ecology and environment under local people's governments may, in light of actual local conditions, take the following risk control measures:

（一）提出划定隔离区域的建议，报本级人民政府批准后实施；

1. Submitting proposals on the delimitation of the isolated areas, which shall be implemented upon approval by the people's governments at the corresponding levels;

（二）进行土壤及地下水污染状况监测；

(II) To monitor the pollution of the soil and ground water;

（三）其他风险管控措施。

(III) other risk control measures.

第六十四条   对建设用地土壤污染风险管控和修复名录中需要实施修复的地块，土壤污染责任人应当结合土地利用总体规划和城乡规划编制修复方案，报地方人民政府生态环境主管部门备案并实施。修复方案应当包括地下水污染防治的内容。

Article 64 With regard to the plots which need to be remediated in the catalogue of construction land subject to soil pollution risk control and remediation, the parties liable for soil pollution shall, according to the overall plan for land utilization and urban and rural planning, prepare a remediation plan, and file the same for record with the departments in charge of ecology and environment under local people's governments for implementation. The remediation plan shall include the prevention and control of ground water pollution.

第六十五条   风险管控、修复活动完成后，土壤污染责任人应当另行委托有关单位对风险管控效果、修复效果进行评估，并将效果评估报告报地方人民政府生态环境主管部门备案。

Article 65 After completion of the risk control or remediation activities, the parties liable for soil pollution shall entrust the relevant entities to assess the risk control effects or remediation effects, and submit an effect assessment report to the departments in charge of ecology and environment under local people's governments for record-filing.

第六十六条   对达到土壤污染风险评估报告确定的风险管控、修复目标的建设用地地块，土壤污染责任人、土地使用权人可以申请省级人民政府生态环境主管部门移出建设用地土壤污染风险管控和修复名录。

Article 66 With regard to the construction land plots for which the risk control or remediation targets as determined in the soil pollution risk assessment report have been achieved, the parties liable for soil pollution or the parties with land use rights may apply to the departments in charge of ecology and environment under people's governments at the provincial level for removing such plots from the catalogue of construction land subject to soil pollution risk control and remediation.

省级人民政府生态环境主管部门应当会同自然资源等主管部门对风险管控效果评估报告、修复效果评估报告组织评审，及时将达到土壤污染风险评估报告确定的风险管控、修复目标且可以安全利用的地块移出建设用地土壤污染风险管控和修复名录，按照规定向社会公开，并定期向国务院生态环境主管部门报告。

Departments in charge of ecology and environment under people's governments at the provincial level shall review the risk control effect assessment report or remediation effect assessment report together with the departments in charge of natural resources and other relevant departments, promptly remove the plots for which the risk control or remediation targets as determined in the soil pollution risk assessment report have been achieved and which can be safely utilized from the catalogue of construction land subject to soil pollution risk control and remediation, disclose the matter to the public as required, and regularly report to the department in charge of ecology and environment under the State Council.

未达到土壤污染风险评估报告确定的风险管控、修复目标的建设用地地块，禁止开工建设任何与风险管控、修复无关的项目。

In the construction land plots for which the risk control or remediation targets as determined in the soil pollution risk assessment report have not been achieved, it is prohibited to construct any project which has nothing to do with risk control or remediation.

第六十七条   土壤污染重点监管单位生产经营用地的用途变更或者在其土地使用权收回、转让前，应当由土地使用权人按照规定进行土壤污染状况调查。土壤污染状况调查报告应当作为不动产登记资料送交地方人民政府不动产登记机构，并报地方人民政府生态环境主管部门备案。

Article 67 Prior to the use of the production or business operation land of the entities under special supervision of soil pollution is changed or their land use rights are recovered or transferred, the parties with land use rights shall investigate the soil pollution situation according to relevant provisions. The investigation report on the soil pollution situation shall be submitted to the real estate registration authorities under local people's governments as real estate registration materials, and be filed with the departments in charge of ecology and environment under local people's governments for record.

第六十八条   土地使用权已经被地方人民政府收回，土壤污染责任人为原土地使用权人的，由地方人民政府组织实施土壤污染风险管控和修复。

Article 68 Where the land use rights have been withdrawn by local people's governments and the parties liable for soil pollution are the original parties with land use rights, the local people's governments shall organize soil pollution risk control and remediation.

第五章 保障和监督

Chapter 5 Guarantee and Supervision

第六十九条   国家采取有利于土壤污染防治的财政、税收、价格、金融等经济政策和措施。

Article 69 The State adopts fiscal, taxation, price and financial policies and measures which are favorable for the prevention and control of soil pollution.

第七十条   各级人民政府应当加强对土壤污染的防治，安排必要的资金用于下列事项：

Article 70 People's governments at various levels shall strengthen the prevention and control of soil pollution, and allocate necessary funds for:

（一）土壤污染防治的科学技术研究开发、示范工程和项目；

1. scientific and technological research and development and demonstration projects and projects of soil pollution prevention and control;

（二）各级人民政府及其有关部门组织实施的土壤污染状况普查、监测、调查和土壤污染责任人认定、风险评估、风险管控、修复等活动；

(II) General survey, monitoring and investigation of the soil pollution situation, identification of the parties liable for soil pollution, risk assessment, risk control and remediation and other activities organized and implemented by people's governments at various levels and the relevant departments thereof; and

（三）各级人民政府及其有关部门对涉及土壤污染的突发事件的应急处置；

3. emergency response of people's governments at various levels and the relevant departments thereunder to soil pollution emergencies;

（四）各级人民政府规定的涉及土壤污染防治的其他事项。

(IV) other matters that involve the prevention and control of soil pollution as stipulated by people's governments at various levels.

使用资金应当加强绩效管理和审计监督，确保资金使用效益。

Strengthen performance management and audit supervision for use of funds, ensure efficiency of use of funds.

第七十一条   国家加大土壤污染防治资金投入力度，建立土壤污染防治基金制度。设立中央土壤污染防治专项资金和省级土壤污染防治基金，主要用于农用地土壤污染防治和土壤污染责任人或者土地使用权人无法认定的土壤污染风险管控和修复以及政府规定的其他事项。

Article 71 The State will increase the investment in prevention and control of soil pollution, and establish a soil pollution prevention and control fund system. A special fund for prevention and control of soil pollution from the central government and a fund for prevention and control of soil pollution from the provincial level will be set up, which will be mainly used for the prevention and control of farmland soil pollution, soil pollution risk control and remediation in which the parties liable for soil pollution or the parties with land use rights cannot be identified as well as other matters as stipulated by the government.

对本法实施之前产生的，并且土壤污染责任人无法认定的污染地块，土地使用权人实际承担土壤污染风险管控和修复的，可以申请土壤污染防治基金，集中用于土壤污染风险管控和修复。

With regard to the plots that have been polluted prior to implementation of this Law and for which the parties responsible cannot be identified, if the parties with land use rights actually undertake the soil pollution risk control and remediation, they may apply for the soil pollution prevention and control fund to be used for soil pollution risk control and remediation.

土壤污染防治基金的具体管理办法，由国务院财政主管部门会同国务院生态环境、农业农村、自然资源、住房城乡建设、林业草原等主管部门制定。

The specific measures for management of the soil pollution prevention and control fund shall be developed by the department in charge of finance under the State Council together with the departments of ecology, environment, agricultural and rural affairs, natural resources, housing and urban-rural development, and forestry and grassland under the State Council.

第七十二条   国家鼓励金融机构加大对土壤污染风险管控和修复项目的信贷投放。

Article 72 The State encourages financial institutions to increase their credit support for soil pollution risk control and remediation projects.

国家鼓励金融机构在办理土地权利抵押业务时开展土壤污染状况调查。

The State encourages financial institutions to investigate the soil pollution situation when handling the mortgage of land rights.

第七十三条   从事土壤污染风险管控和修复的单位依照法律、行政法规的规定，享受税收优惠。

Article 73 Any entity engaged in soil pollution risk control and remediation may enjoy tax preferences according to laws and administrative regulations.

第七十四条   国家鼓励并提倡社会各界为防治土壤污染捐赠财产，并依照法律、行政法规的规定，给予税收优惠。

Article 74 The State encourages and calls for people from all walks of life to donate for prevention and control of soil pollution, and grants tax incentives for such donation in accordance with the provisions of laws and administrative regulations.

第七十五条   县级以上人民政府应当将土壤污染防治情况纳入环境状况和环境保护目标完成情况年度报告，向本级人民代表大会或者人民代表大会常务委员会报告。

Article 75 People's governments at or above the county level shall include the prevention and control of soil pollution in their annual reports on the environmental situation and the achievement of the goals for environmental protection, and report the same to the people's congresses at the corresponding level or their standing committees.

第七十六条   省级以上人民政府生态环境主管部门应当会同有关部门对土壤污染问题突出、防治工作不力、群众反映强烈的地区，约谈设区的市级以上地方人民政府及其有关部门主要负责人，要求其采取措施及时整改。约谈整改情况应当向社会公开。

Article 76 Departments in charge of ecology and environment under people's governments at or above the provincial level shall, in conjunction with the relevant departments, interview the main responsible persons of local people's governments at or above the level of city divided into districts and their relevant departments at the places where the soil pollution problems are acute, the prevention and control work are ineffective, or the public have strong complaints, and require them to take measures to promptly rectify. The interview and rectification information shall be disclosed to the public.

第七十七条   生态环境主管部门及其环境执法机构和其他负有土壤污染防治监督管理职责的部门，有权对从事可能造成土壤污染活动的企业事业单位和其他生产经营者进行现场检查、取样，要求被检查者提供有关资料、就有关问题作出说明。

Article 77 Departments in charge of ecology and environment and the environmental law enforcement agencies thereunder as well as other departments that assume the duties of supervision and administration of the prevention and control of soil pollution have the right to carry out on-site inspections or sampling for enterprises, public institutions and other producers and business operators that are engaged in the activities which may cause soil pollution, and require the inspected entities to provide the relevant documents and make explanation for the relevant issues.

被检查者应当配合检查工作，如实反映情况，提供必要的资料。

The inspected entity or individual shall cooperate with the inspection, report the relevant information faithfully and provide necessary materials.

实施现场检查的部门、机构及其工作人员应当为被检查者保守商业秘密。

The departments, agencies and staff thereof that conduct the on-site inspection shall keep the trade secrets of the inspected entities.

第七十八条   企业事业单位和其他生产经营者违反法律法规规定排放有毒有害物质，造成或者可能造成严重土壤污染的，或者有关证据可能灭失或者被隐匿的，生态环境主管部门和其他负有土壤污染防治监督管理职责的部门，可以查封、扣押有关设施、设备、物品。

Article 78 Where any enterprise, public institution or other producer or business operator, in violation of laws or regulations, discharges toxic and hazardous substances, causing or likely to cause serious soil pollution, or the relevant evidence may be lost or concealed, the department in charge of ecology and environment and other departments that assume the duties of supervision and administration of the prevention and control of soil pollution may seal up or seize the relevant facilities, equipment and articles.

第七十九条   地方人民政府安全生产监督管理部门应当监督尾矿库运营、管理单位履行防治土壤污染的法定义务，防止其发生可能污染土壤的事故；地方人民政府生态环境主管部门应当加强对尾矿库土壤污染防治情况的监督检查和定期评估，发现风险隐患的，及时督促尾矿库运营、管理单位采取相应措施。

Article 79 Work safety supervision and administration departments under local people's governments shall supervise the performance of the statutory obligation of soil pollution prevention and control by the entities operating or managing tailing ponds, so as to prevent any accidents that may cause soil pollution; departments in charge of ecology and environment under local people's governments shall strengthen the supervision, inspection and regular assessment of the prevention and control of soil pollution for tailing ponds, and in case of discovering any potential risks, promptly urge the entities operating or managing tailing ponds to take corresponding measures.

地方人民政府及其有关部门应当依法加强对向沙漠、滩涂、盐碱地、沼泽地等未利用地非法排放有毒有害物质等行为的监督检查。

Local people's governments and their relevant departments shall, in accordance with law, strengthen supervision over and inspection of the illegal discharge of toxic and harmful substances into deserts, tidal flats, saline and alkaline land, wetlands or other unused areas.

第八十条   省级以上人民政府生态环境主管部门和其他负有土壤污染防治监督管理职责的部门应当将从事土壤污染状况调查和土壤污染风险评估、风险管控、修复、风险管控效果评估、修复效果评估、后期管理等活动的单位和个人的执业情况，纳入信用系统建立信用记录，将违法信息记入社会诚信档案，并纳入全国信用信息共享平台和国家企业信用信息公示系统向社会公布。

Article 80 Departments in charge of ecology and environment under people's governments at or above the provincial level and other departments that assume the duties of supervision and administration of the prevention and control of soil pollution shall incorporate into the integrity system the practices of entities and individuals who are engaged in the investigation of the soil pollution situation, soil pollution risk assessment, risk control or remediation, risk control effect assessment, remediation effect assessment, or later-stage management, establish integrity records for such practices, include the unlawful practices in social integrity files, and incorporate the same into the national integrity information sharing platform and the national enterprise integrity information disclosure system for public disclosure.

第八十一条   生态环境主管部门和其他负有土壤污染防治监督管理职责的部门应当依法公开土壤污染状况和防治信息。

Article 81 Departments in charge of ecology and environment and other departments that assume the duties of supervision and administration of the prevention and control of soil pollution shall disclose the information about the situation, prevention and control of soil pollution in accordance with the law.

国务院生态环境主管部门负责统一发布全国土壤环境信息；省级人民政府生态环境主管部门负责统一发布本行政区域土壤环境信息。生态环境主管部门应当将涉及主要食用农产品生产区域的重大土壤环境信息，及时通报同级农业农村、卫生健康和食品安全主管部门。

The department in charge of ecology and environment under the State Council is responsible for publishing the information about the national soil environment in a unified manner; departments in charge of ecology and environment under people's governments at the provincial level are responsible for publishing the information about the soil environment within their respective administrative areas. The departments in charge of ecology and environment shall promptly notify the departments in charge of agricultural and rural affairs, health and hygiene, and food safety at the same level of the information about the major soil environment involving the production areas of major edible agricultural products.

公民、法人和其他组织享有依法获取土壤污染状况和防治信息、参与和监督土壤污染防治的权利。

Citizens, legal persons and other organizations have the right to acquire the information about the situation, prevention and control of soil pollution and participate in and supervise the prevention and control of soil pollution.

第八十二条   土壤污染状况普查报告、监测数据、调查报告和土壤污染风险评估报告、风险管控效果评估报告、修复效果评估报告等，应当及时上传全国土壤环境信息平台。

Article 82 General survey reports, monitoring data, investigation reports, soil pollution risk assessment reports, risk control effect assessment reports and remediation effect assessment reports in respect of the soil pollution situation shall be uploaded to the national soil environment information platform in a timely manner.

第八十三条   新闻媒体对违反土壤污染防治法律法规的行为享有舆论监督的权利，受监督的单位和个人不得打击报复。

Article 83 News media have the right to supervise the violations of laws and regulations on the prevention and control of soil pollution. No entity or individual under supervision may retaliate.

第八十四条   任何组织和个人对污染土壤的行为，均有向生态环境主管部门和其他负有土壤污染防治监督管理职责的部门报告或者举报的权利。

Article 84 Any organization or individual has the right to report any soil-polluting act to the department in charge of ecology and environment or any other department that assumes the duties of supervision and administration of the prevention and control of soil pollution.

生态环境主管部门和其他负有土壤污染防治监督管理职责的部门应当将土壤污染防治举报方式向社会公布，方便公众举报。

Departments in charge of ecology and environment and other departments that assume the duties of supervision and administration of the prevention and control of soil pollution shall make public the methods for reporting violations.

接到举报的部门应当及时处理并对举报人的相关信息予以保密；对实名举报并查证属实的，给予奖励。

The authorities which receive the report shall promptly handle and keep confidentiality of the relevant information of the whistleblower; where a real-name report is lodged and the report is verified to be true, the whistleblower shall be rewarded.

举报人举报所在单位的，该单位不得以解除、变更劳动合同或者其他方式对举报人进行打击报复。

Where a complainant has lodged a report against his/her employer, the employer shall not retaliate against him/her by way of rescission or change of labour contract or in any other manner.

第六章 法律责任

Chapter 6 Legal Liabilities

第八十五条   地方各级人民政府、生态环境主管部门或者其他负有土壤污染防治监督管理职责的部门未依照本法规定履行职责的，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 85 Where any local people's government at any level, department in charge of ecology and environment or other department that assume the duties of supervision and administration of the prevention and control of soil pollution fails to perform any of its duties specified in this Law, the persons who are directly in charge and other directly liable persons shall be punished according to law.

依照本法规定应当作出行政处罚决定而未作出的，上级主管部门可以直接作出行政处罚决定。

If no decision on administrative penalty should be made pursuant to the provisions of this Law, the competent departments at the higher level may directly make a decision on administrative penalty.

第八十六条   违反本法规定，有下列行为之一的，由地方人民政府生态环境主管部门或者其他负有土壤污染防治监督管理职责的部门责令改正，处以罚款；拒不改正的，责令停产整治：

Article 86 Where any entity, in violation of this Law, commits any of the following acts, the department in charge of ecology and environment under the local people's government or any other department that assumes the duties of supervision and administration of the prevention and control of soil pollution shall order it to make corrections, and impose a fine on it; if the entity refuses to make corrections, it shall be ordered to suspend production for rectification:

（一）土壤污染重点监管单位未制定、实施自行监测方案，或者未将监测数据报生态环境主管部门的；

1. Entities under key supervision of soil pollution fail to formulate or implement a self-monitoring plan, or report the monitoring data to the departments in charge of ecology and environment;

（二）土壤污染重点监管单位篡改、伪造监测数据的；

2. Any entity under key supervision of soil pollution alters or forges the monitoring data;

（三）土壤污染重点监管单位未按年度报告有毒有害物质排放情况，或者未建立土壤污染隐患排查制度的；

3. Entities under special supervision of soil pollution fail to report annually the discharge of toxic and hazardous substances, or fail to establish a system for identification of potential soil pollution risks;

（四）拆除设施、设备或者建筑物、构筑物，企业事业单位未采取相应的土壤污染防治措施或者土壤污染重点监管单位未制定、实施土壤污染防治工作方案的；

(IV) failing to adopt appropriate measures to prevent and control soil pollution or failing to formulate or implement the work plan for prevention and control of soil pollution by an entity under key supervision of soil pollution; or

（五）尾矿库运营、管理单位未按照规定采取措施防止土壤污染的；

(V) Entities operating or managing tailing ponds fail to take measures to prevent soil pollution as required;

（六）尾矿库运营、管理单位未按照规定进行土壤污染状况监测的；

(VI) Entities operating or managing tailing ponds fail to monitor the soil pollution situation as required;

（七）建设和运行污水集中处理设施、固体废物处置设施，未依照法律法规和相关标准的要求采取措施防止土壤污染的。

(VII) failing to take measures to prevent soil pollution in accordance with laws, regulations and relevant standards when constructing or operating centralized sewage treatment facilities or solid waste disposal facilities.

有前款规定行为之一的，处二万元以上二十万元以下的罚款；有前款第二项、第四项、第五项、第七项规定行为之一，造成严重后果的，处二十万元以上二百万元以下的罚款。

Those who commit one of the acts prescribed in the preceding paragraph shall be fined not less than 20,000 yuan but not more than 200,000 yuan; those who commit one of the acts prescribed in Item 2, 4, 5 or 7 of the preceding paragraph, thus causing serious consequences, shall be fined not less than 200,000 yuan but not more than 2 million yuan.

第八十七条   违反本法规定，向农用地排放重金属或者其他有毒有害物质含量超标的污水、污泥，以及可能造成土壤污染的清淤底泥、尾矿、矿渣等的，由地方人民政府生态环境主管部门责令改正，处十万元以上五十万元以下的罚款；情节严重的，处五十万元以上二百万元以下的罚款，并可以将案件移送公安机关，对直接负责的主管人员和其他直接责任人员处五日以上十五日以下的拘留；有违法所得的，没收违法所得。

Article 87 Where any entity, in violation of this Law, discharges to farmland any heavy metals, sewage or sludge in which the amount of toxic and hazardous substances exceeds the prescribed limit, or dredging sediments, tailings or slag which may cause soil pollution, the department in charge of ecology and environment under the local people's government shall order it to make corrections and impose a fine of not less than 100,000 yuan but not more than 500,000 yuan against it; if the circumstance is serious, a fine of not less than 500,000 yuan but not more than 2 million yuan shall be imposed, the case may be referred to the public security organ, and the persons who are directly in charge and the other directly liable persons shall be detained for not less than five days but not more than 15 days; the illegal gains, if any, shall be confiscated.

第八十八条   违反本法规定，农业投入品生产者、销售者、使用者未按照规定及时回收肥料等农业投入品的包装废弃物或者农用薄膜，或者未按照规定及时回收农药包装废弃物交由专门的机构或者组织进行无害化处理的，由地方人民政府农业农村主管部门责令改正，处一万元以上十万元以下的罚款；农业投入品使用者为个人的，可以处二百元以上二千元以下的罚款。

Article 88 Where any producer, seller or user of agricultural inputs, in violation of this Law, fails to recover the packaging waste of fertilizers and other agricultural inputs or agricultural films in a timely manner, or fails to deliver the packaging waste of pesticides to a specialized institution or organization for harmless treatment in a timely manner, the department in charge of agricultural and rural affairs under the local people's government shall order it to make corrections, and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; if the user of agricultural inputs is an individual, a fine of not less than 200 yuan but not more than 2,000 yuan may be imposed.

第八十九条   违反本法规定，将重金属或者其他有毒有害物质含量超标的工业固体废物、生活垃圾或者污染土壤用于土地复垦的，由地方人民政府生态环境主管部门责令改正，处十万元以上一百万元以下的罚款；有违法所得的，没收违法所得。

Article 89 Where any entity, in violation of this Law, uses in land reclamation any heavy metals, or industrial solid waste, domestic waste or polluted soil in which the amount of toxic and hazardous substances exceeds the prescribed limit, the department in charge of ecology and environment under the local people's government shall order it to make corrections and impose a fine of not less than 100,000 yuan but not more than 1 million yuan; the illegal gains, if any, shall be confiscated.

第九十条   违反本法规定，受委托从事土壤污染状况调查和土壤污染风险评估、风险管控效果评估、修复效果评估活动的单位，出具虚假调查报告、风险评估报告、风险管控效果评估报告、修复效果评估报告的，由地方人民政府生态环境主管部门处十万元以上五十万元以下的罚款；情节严重的，禁止从事上述业务，并处五十万元以上一百万元以下的罚款；有违法所得的，没收违法所得。

Article 90 Where any entity that is entrusted to carry out the investigation of the soil pollution situation, soil pollution risk assessment, risk control effect assessment or remediation effect assessment, in violation of this Law, issues a false investigation report, risk assessment report, risk control effect assessment report or remediation effect assessment report, the department in charge of ecology and environment under the local people's government shall impose a fine of not less than 100,000 yuan but not more than 500,000 yuan against it; if the circumstance is serious, it will be prohibited from carrying out any of the above activities, and a fine of not less than 500,000 yuan but not more than 1 million yuan will be imposed; the illegal gains, if any, will be confiscated.

前款规定的单位出具虚假报告的，由地方人民政府生态环境主管部门对直接负责的主管人员和其他直接责任人员处一万元以上五万元以下的罚款；情节严重的，十年内禁止从事前款规定的业务；构成犯罪的，终身禁止从事前款规定的业务。

Where any entity specified in the preceding paragraph issues a false report, the department in charge of ecology and environment under the local people's government shall impose a fine of not less than 10,000 yuan but not more than 50,000 yuan on the persons who are directly in charge and other directly liable persons; if the circumstance is serious, they will be banned from being involved in the activities specified in the preceding paragraph for ten years; if a crime is constituted, they will be banned from being involved in the activities specified in the preceding paragraph permanently.

本条第一款规定的单位和委托人恶意串通，出具虚假报告，造成他人人身或者财产损害的，还应当与委托人承担连带责任。

Where an organisation stipulated in the first paragraph of this Article has conspired with the entrusting party to issue a false report and caused others to suffer personal injuries or property damages, it shall bear joint and several liability with the entrusting party.

第九十一条   违反本法规定，有下列行为之一的，由地方人民政府生态环境主管部门责令改正，处十万元以上五十万元以下的罚款；情节严重的，处五十万元以上一百万元以下的罚款；有违法所得的，没收违法所得；对直接负责的主管人员和其他直接责任人员处五千元以上二万元以下的罚款：

Article 91 Where any entity, in violation of this Law, commits any of the following acts, the department in charge of ecology and environment under the local people's government shall order it to make corrections and impose a fine of not less than 100,000 yuan but not more than 500,000 yuan against it; if the circumstance is serious, a fine of not less than 500,000 yuan but not more than 1 million yuan shall be imposed; the illegal gains, if any, shall be confiscated; the person directly in charge and other persons directly liable shall be imposed a fine of not less than 5,000 yuan but not more than 20,000 yuan:

（一）未单独收集、存放开发建设过程中剥离的表土的；

1. surface soil stripped in the course of development and construction is not separately collected or stored;

（二）实施风险管控、修复活动对土壤、周边环境造成新的污染的；

2. new pollution is caused to the soil and the surrounding environment by the risk control or remediation activities; or

（三）转运污染土壤，未将运输时间、方式、线路和污染土壤数量、去向、最终处置措施等提前报所在地和接收地生态环境主管部门的；

(III) in the case of transferring polluted soil, failing to report in advance the transport time, method, route, amount of polluted soil, direction and final disposal measures to the department in charge of ecology and environment at the local place and the receiving place; and

（四）未达到土壤污染风险评估报告确定的风险管控、修复目标的建设用地地块，开工建设与风险管控、修复无关的项目的。

(IV) In the construction land plots for which the risk control or remediation targets as determined in the soil pollution risk assessment report have not been achieved, starting the construction of projects which are irrelevant to the risk control or remediation.

第九十二条   违反本法规定，土壤污染责任人或者土地使用权人未按照规定实施后期管理的，由地方人民政府生态环境主管部门或者其他负有土壤污染防治监督管理职责的部门责令改正，处一万元以上五万元以下的罚款；情节严重的，处五万元以上五十万元以下的罚款。

Article 92 Where the party liable for soil pollution or the party with land use rights, in violation of this Law, fails to implement the later-stage management as required, the department in charge of ecology and environment under the local people's government or any other department that assumes the duties of supervision and administration of the prevention and control of soil pollution shall order it to make corrections, and impose a fine of not less than 10,000 yuan but not more than 50,000 yuan against it; if the circumstance is serious, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed.

第九十三条   违反本法规定，被检查者拒不配合检查，或者在接受检查时弄虚作假的，由地方人民政府生态环境主管部门或者其他负有土壤污染防治监督管理职责的部门责令改正，处二万元以上二十万元以下的罚款；对直接负责的主管人员和其他直接责任人员处五千元以上二万元以下的罚款。

Article 93 Where any inspected entity, in violation of this Law, refuses to be cooperative during the inspection or practices fraud at the time of accepting the inspection, the department in charge of ecology and environment under the local people's government or any other department that assumes the duties of supervision and administration of the prevention and control of soil pollution shall order it to make corrections, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan against it; the persons who are directly in charge and other directly liable persons shall be imposed a fine of not less than 5,000 yuan but not more than 20,000 yuan.

第九十四条   违反本法规定，土壤污染责任人或者土地使用权人有下列行为之一的，由地方人民政府生态环境主管部门或者其他负有土壤污染防治监督管理职责的部门责令改正，处二万元以上二十万元以下的罚款；拒不改正的，处二十万元以上一百万元以下的罚款，并委托他人代为履行，所需费用由土壤污染责任人或者土地使用权人承担；对直接负责的主管人员和其他直接责任人员处五千元以上二万元以下的罚款：

Article 94 Where the party liable for soil pollution or the party with land use rights, in violation of this Law, commits any of the following acts, the department in charge of ecology and environment under the local people's government or any other department that assumes the duties of supervision and administration of the prevention and control of soil pollution shall order it to make corrections, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan against it; if the party refuses to do so, a fine of not less than 200,000 yuan but not more than 1 million yuan shall be imposed, others shall be entrusted to perform the order on its behalf, and all the expenses required shall be borne by the party liable for soil pollution or the party with land use rights; the persons who are directly in charge and other directly liable persons shall be imposed a fine of not less than 5,000 yuan but not more than 20,000 yuan:

（一）未按照规定进行土壤污染状况调查的；

1. failing to investigate the soil pollution situation as required;

（二）未按照规定进行土壤污染风险评估的；

2. failing to carry out the soil pollution risk assessment according to relevant provisions;

（三）未按照规定采取风险管控措施的；

(III) failing to adopt risk control measures as stipulated;

（四）未按照规定实施修复的；

4. failing to repair as required;

（五）风险管控、修复活动完成后，未另行委托有关单位对风险管控效果、修复效果进行评估的。

(V) upon completion of the risk control or remediation activities, it fails to entrust the relevant entities to assess the risk control effects or remediation effects.

土壤污染责任人或者土地使用权人有前款第三项、第四项规定行为之一，情节严重的，地方人民政府生态环境主管部门或者其他负有土壤污染防治监督管理职责的部门可以将案件移送公安机关，对直接负责的主管人员和其他直接责任人员处五日以上十五日以下的拘留。

Where the party liable for soil pollution or the party with land use rights commits any of the acts specified in Items (3) and (4) of the preceding paragraph, and the circumstance is serious, the department in charge of ecology and environment under the local people's government or any other department that assume the duties of supervision and administration of the prevention and control of soil pollution may transfer the case to the public security organ, and detain the persons who are directly in charge and other directly liable persons for not less than five days but not more than 15 days.

第九十五条   违反本法规定，有下列行为之一的，由地方人民政府有关部门责令改正；拒不改正的，处一万元以上五万元以下的罚款：

Article 95 Where any provision of this Law is violated and under any of the following circumstances, the appropriate department of the local people's government shall order that remedial action be taken; where the situation is not rectified, a fine of between CNY10,000 and CNY50,000 shall be imposed.

（一）土壤污染重点监管单位未按照规定将土壤污染防治工作方案报地方人民政府生态环境、工业和信息化主管部门备案的；

1. Entities under special supervision of soil pollution fail to file the soil pollution prevention and control plan with the departments in charge of ecology and environment and industry and information technology under local people's governments for record;

（二）土壤污染责任人或者土地使用权人未按照规定将修复方案、效果评估报告报地方人民政府生态环境、农业农村、林业草原主管部门备案的；

2. The parties liable for soil pollution or the parties with land use rights fail to report the remediation plan or effect assessment report to the departments in charge of ecology and environment, agricultural and rural affairs, and forestry and grassland under local people's governments for filing as required;

（三）土地使用权人未按照规定将土壤污染状况调查报告报地方人民政府生态环境主管部门备案的。

(III) the holder of land use rights fails to file the investigation report on the soil pollution situation for record with the department in charge of ecology and environment under the local people's government.

第九十六条   污染土壤造成他人人身或者财产损害的，应当依法承担侵权责任。

Article 96 Where the soil pollution causes others to suffer personal injuries or property damages, the party concerned shall bear tort liability pursuant to the law.

土壤污染责任人无法认定，土地使用权人未依照本法规定履行土壤污染风险管控和修复义务，造成他人人身或者财产损害的，应当依法承担侵权责任。

If the parties liable for soil pollution cannot be identified, and the parties with land use rights fail to perform the obligations of soil pollution risk control and remediation specified in this Law, causing others to suffer personal injuries or property damages, they shall bear tort liability in accordance with the law.

土壤污染引起的民事纠纷，当事人可以向地方人民政府生态环境等主管部门申请调解处理，也可以向人民法院提起诉讼。

For a civil dispute arising from soil pollution, the party concerned may apply to the department in charge of ecology and environment under the local people's government for settling the dispute through mediation, or bring a lawsuit to a people's court.

第九十七条   污染土壤损害国家利益、社会公共利益的，有关机关和组织可以依照《中华人民共和国环境保护法》《中华人民共和国民事诉讼法》《中华人民共和国行政诉讼法》等法律的规定向人民法院提起诉讼。

Article 97 Where the soil pollution harms national interests or public interests, the relevant organ or organization may, according to the provisions of the Environmental Protection Law of the People's Republic of China, the Civil Procedure Law of the People's Republic of China and the Administrative Procedure Law of the People's Republic of China, bring a lawsuit to a people's court.

第九十八条   违反本法规定，构成违反治安管理行为的，由公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 98 For violation of the provisions of this Law which constitute a violation of security administration, the offender shall be subject to security administration punishment by the public security authorities pursuant to the law; where the case constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第七章 附 则

Chapter 7 Supplementary Provisions

第九十九条   本法自2019年1月1日起施行。

Article 99 This Law shall come into force as of January 1, 2019.