|  |  |  |
| --- | --- | --- |
| 发文机关Promulgator | ：: | 全国人民代表大会常务委员会The Standing Committee of the National People's Congress |
| 发布日期Date of Issue | ：: | 2016.11.072016.11.07 |
| 生效日期Effective Date | ：: | 2016.11.072016.11.07 |
| 时效性Effectiveness | ：: | 现行有效Current |

# 中华人民共和国固体废物污染环境防治法（2016修正）

# Law of the People's Republic of China on the Prevention and Control of Environmental Pollution Caused by Solid Waste (Revision 2016)

中华人民共和国固体废物污染环境防治法（2016修正）

Law of the People's Republic of China on the Prevention and Control of Environmental Pollution Caused by Solid Waste (Revision 2016)

（1995年10月30日第八届全国人民代表大会常务委员会第十六次会议通过 2004年12月29日第十届全国人民代表大会常务委员会第十三次会议修订 根据2013年6月29日第十二届全国人民代表大会常务委员会第三次会议《关于修改〈中华人民共和国文物保护法〉等十二部法律的决定》第一次修正 根据2015年4月24日第十二届全国人民代表大会常务委员会第十四次会议《关于修改〈中华人民共和国港口法〉等七部法律的决定》第二次修正 根据2016年11月7日第十二届全国人民代表大会常务委员会第二十四次会议《关于修改〈中华人民共和国对外贸易法〉等十二部法律的决定》第三次修正）

(Adopted at the 16th Meeting of the Standing Committee of the 8th National People's Congress on October 30, 1995; revised at the 13th Meeting of the Standing Committee of the 10th National People's Congress of the People's Republic of China on December 29, 2004; amended for the first time according to Decision of the Standing Committee of the National People's Congress on Amending 12 Laws including the Cultural Relics Protection Law of the People's Republic of China at the 3rd Meeting of the Standing Committee of the 12th National People's Congress on June 29, 2013; amended for the second time according to Decision of the Standing Committee of the National People's Congress on Amending Seven Laws Including the Port Law of the People's Republic of China at the 14th Meeting of the Standing Committee of the 12th National People's Congress on April 24, 2015; and amended for the third time according to the Decision of the Standing Committee of the National People's Congress on Amending 12 Laws Including the Foreign Trade Law of the People's Republic of China at the 24th Meeting of the Standing Committee of the 12th National People's Congress on November 7, 2016)

第一章 总 则

Chapter 1 General Provisions

第一条   为了防治固体废物污染环境，保障人体健康，维护生态安全，促进经济社会可持续发展，制定本法。

Article 1 This Law is enacted for the purpose of preventing and controlling environmental pollution by solid waste, safeguarding human health, maintaining the ecological safety and promoting the sustainable development of economy and society.

第二条   本法适用于中华人民共和国境内固体废物污染环境的防治。

Article 2 This Law shall apply to prevention and treatment of environmental pollution by solid waste in the People's Republic of China.

固体废物污染海洋环境的防治和放射性固体废物污染环境的防治不适用本法。

This Law shall not be applicable to the prevention and control of marine environmental pollution by solid waste or of environmental pollution by radioactive solid waste.

第三条   国家对固体废物污染环境的防治，实行减少固体废物的产生量和危害性、充分合理利用固体废物和无害化处置固体废物的原则，促进清洁生产和循环经济发展。

Article 3 The State shall, in preventing and controlling environmental pollution by solid waste, implement the principles of reducing the quantity of solid waste generated and its harmfulness, fully and rationally utilizing solid waste, and making it hazardless through treatment, in order to promote cleaner production and the development of a circular economy.

国家采取有利于固体废物综合利用活动的经济、技术政策和措施，对固体废物实行充分回收和合理利用。

The State shall adopt economic and technical policies and measures in favor of the comprehensive use of solid wastes, and fully recover and rationally utilize solid wastes.

国家鼓励、支持采取有利于保护环境的集中处置固体废物的措施，促进固体废物污染环境防治产业发展。

The State shall encourage and support the adoption of solid waste centralised disposal measures beneficial for environmental protection, and promote development of the industry for prevention and treatment of environmental pollution by solid waste.

第四条   县级以上人民政府应当将固体废物污染环境防治工作纳入国民经济和社会发展计划，并采取有利于固体废物污染环境防治的经济、技术政策和措施。

Article 4 People's Governments of county level and above shall include prevention and treatment of environmental pollution by solid waste in their national economic and social development plan, and adopt economic, technical policies and measures beneficial for prevention and treatment of environmental pollution by solid waste.

国务院有关部门、县级以上地方人民政府及其有关部门组织编制城乡建设、土地利用、区域开发、产业发展等规划，应当统筹考虑减少固体废物的产生量和危害性、促进固体废物的综合利用和无害化处置。

When relevant departments of the State Council, the people's governments at or above the county level and the relevant departments thereof formulate plans regarding urban-rural construction, land use, regional development and industrial development, they shall wholly take such factors into account as the reduction of discharge and harm of solid wastes and the promotion of comprehensive use and non-harm treatment of solid wastes.

第五条   国家对固体废物污染环境防治实行污染者依法负责的原则。

Article 5 For the prevention and control of environmental pollution by solid wastes, the State implements the principle that any entity or individual causing the pollution shall be responsible for it in accordance with law.

产品的生产者、销售者、进口者、使用者对其产生的固体废物依法承担污染防治责任。

Manufacturers, sellers, importers and users of products shall be responsible for prevention and treatment of solid waste generated by them pursuant to the law.

第六条   国家鼓励、支持固体废物污染环境防治的科学研究、技术开发、推广先进的防治技术和普及固体废物污染环境防治的科学知识。

Article 6 The State shall encourage and support scientific research and technological development for prevention and treatment of environmental pollution by solid waste, promote advanced prevention and treatment technologies, and disseminate scientific knowledge of prevention and treatment of environmental pollution by solid waste.

各级人民政府应当加强防治固体废物污染环境的宣传教育，倡导有利于环境保护的生产方式和生活方式。

All levels of People's Government shall strengthen propaganda and education for prevention and treatment of environmental pollution by solid waste, and advocate manufacturing methods and lifestyle which are beneficial for environmental protection.

第七条   国家鼓励单位和个人购买、使用再生产品和可重复利用产品。

Article 7 The State shall encourage the entities and individuals to purchase and use renewable products and reusable products.

第八条   各级人民政府对在固体废物污染环境防治工作以及相关的综合利用活动中作出显著成绩的单位和个人给予奖励。

Article 8 The people's governments at various levels shall give awards to the units and individuals that have achieved outstanding successes in the prevention and control of environmental pollution by solid waste and in its comprehensive use.

第九条   任何单位和个人都有保护环境的义务，并有权对造成固体废物污染环境的单位和个人进行检举和控告。

Article 9 All organisations and individuals shall be obligated to protect the environment, and shall have the right to report and file lawsuit against organisations and individuals that cause environmental pollution by solid waste.

第十条   国务院环境保护行政主管部门对全国固体废物污染环境的防治工作实施统一监督管理。国务院有关部门在各自的职责范围内负责固体废物污染环境防治的监督管理工作。

Article 10 The administrative department for environmental protection under the State Council shall conduct unified supervision over the prevention and control of environmental pollution by solid waste throughout the country. The relevant departments under the State Council shall be responsible for supervision over the prevention and control of environmental pollution by solid wastes within their respective functions.

县级以上地方人民政府环境保护行政主管部门对本行政区域内固体废物污染环境的防治工作实施统一监督管理。县级以上地方人民政府有关部门在各自的职责范围内负责固体废物污染环境防治的监督管理工作。

The administrative departments for environmental protection under the local people's governments at or above the county level shall conduct unified supervision over the prevention and control of environmental pollution by solid waste within their own administrative areas. The relevant departments of local people's governments at or above the county level shall be responsible for supervising and managing the prevention and control of environmental pollution caused by solid waste within their respective functions.

国务院建设行政主管部门和县级以上地方人民政府环境卫生行政主管部门负责生活垃圾清扫、收集、贮存、运输和处置的监督管理工作。

The construction administrative department of the State Council and the environmental sanitation administrative departments of the local people's governments at or above the county level shall be responsible for supervising and administering the cleaning, collection, storage, transportation and disposal of living wastes.

第二章 固体废物污染环境防治的监督管理

Chapter 2 Supervision and Administration of the Prevention and Control of Environmental Pollution Caused by Solid Waste

第十一条   国务院环境保护行政主管部门会同国务院有关行政主管部门根据国家环境质量标准和国家经济、技术条件，制定国家固体废物污染环境防治技术标准。

Article 11 The administrative department for environmental protection under the State Council shall, in conjunction with the relevant administrative departments under the State Council and on the basis of the national standards for environmental quality and the country's economic and technological conditions, draw up the national technical standards for prevention and control of environmental pollution by solid waste.

第十二条   国务院环境保护行政主管部门建立固体废物污染环境监测制度，制定统一的监测规范，并会同有关部门组织监测网络。

Article 12 The administrative competent department of environmental protection of the State Council shall establish a system for monitoring environmental pollution caused by solid waste, formulate unified monitoring standards and, in conjunction with relevant departments, set up a monitoring network.

大、中城市人民政府环境保护行政主管部门应当定期发布固体废物的种类、产生量、处置状况等信息。

The environmental protection administrative authorities of People's Governments of large and medium cities shall announce information on type, amount, disposal status etc of solid waste on a regular basis.

第十三条   建设产生固体废物的项目以及建设贮存、利用、处置固体废物的项目，必须依法进行环境影响评价，并遵守国家有关建设项目环境保护管理的规定。

Article 13 For construction of a project where solid waste is generated or a project for storage, utilization or treatment of solid waste, its impact on the environment shall be assessed according to law, and the State regulations governing environmental protection in respect of construction projects shall be complied with.

第十四条   建设项目的环境影响评价文件确定需要配套建设的固体废物污染环境防治设施，必须与主体工程同时设计、同时施工、同时投入使用。固体废物污染环境防治设施必须经原审批环境影响评价文件的环境保护行政主管部门验收合格后，该建设项目方可投入生产或者使用。对固体废物污染环境防治设施的验收应当与对主体工程的验收同时进行。

Article 14 Facilities for prevention and treatment of environmental pollution by solid waste required to be constructed together with a construction project based on the environmental impact assessment shall be designed, constructed and put into use simultaneously with the main project. The construction project may be put into production or use, only after the facilities for the prevention and control of environmental pollution by solid wastes are found upon inspection to be qualified by the administrative competent department of environmental protection that has originally examined and approved the environmental impact assessment document. The facilities for the prevention and control of environmental pollution by solid wastes shall be checked and accepted at the same time with the main part of the project is checked and accepted.

第十五条   县级以上人民政府环境保护行政主管部门和其他固体废物污染环境防治工作的监督管理部门，有权依据各自的职责对管辖范围内与固体废物污染环境防治有关的单位进行现场检查。被检查的单位应当如实反映情况，提供必要的资料。检查机关应当为被检查的单位保守技术秘密和业务秘密。

Article 15 The administrative competent department of environmental protection of the people's government at or above the county level and other supervisory and administrative departments for the prevention and control of environmental pollution by solid wastes shall, in accordance with their respective functions, have the right to conduct on-the-spot inspections of the entities related to the prevention and control of environmental pollution by solid wastes within their jurisdictions. The units under inspection shall make truthful reports and provide necessary information. The inspecting authorities shall keep confidential the technological and business secrets of the units inspected.

检查机关进行现场检查时，可以采取现场监测、采集样品、查阅或者复制与固体废物污染环境防治相关的资料等措施。检查人员进行现场检查，应当出示证件。

When conducting on-the-spot inspections, the inspection organ may adopt such measures as conducting on-the-spot monitoring, collecting samples, consulting or duplicating materials relating to the prevention and control of environmental pollution by solid wastes. The inspectors shall show their certificates when they conduct on-the-spot inspection.

第三章 固体废物污染环境的防治

Chapter 3 Prevention and Control of Environmental Pollution by Solid Waste

第一节 一般规定

Section 1 General Provisions

第十六条   产生固体废物的单位和个人，应当采取措施，防止或者减少固体废物对环境的污染。

Article 16 Organisations and individuals generating solid waste shall adopt measures to prevent or reduce environmental pollution by solid waste.

第十七条   收集、贮存、运输、利用、处置固体废物的单位和个人，必须采取防扬散、防流失、防渗漏或者其他防止污染环境的措施；不得擅自倾倒、堆放、丢弃、遗撒固体废物。

Article 17 Units and individuals that collect, store, transport, utilize or treat solid waste shall take measures to prevent the scattering, running off and leaking of solid waste, as well as other measures against environmental pollution. They shall not dump, pile up, discard or spill solid waste without authorization.

禁止任何单位或者个人向江河、湖泊、运河、渠道、水库及其最高水位线以下的滩地和岸坡等法律、法规规定禁止倾倒、堆放废弃物的地点倾倒、堆放固体废物。

No organisation or individual shall dump and pile solid waste at venues at which dumping and piling of solid waste is prohibited by laws and regulations, such as rivers, lakes, canals, ditches, reservoirs and beaches and bank slopes below the highest water level of the reservoirs.

第十八条   产品和包装物的设计、制造，应当遵守国家有关清洁生产的规定。国务院标准化行政主管部门应当根据国家经济和技术条件、固体废物污染环境防治状况以及产品的技术要求，组织制定有关标准，防止过度包装造成环境污染。

Article 18 Any entity shall abide by state rules about the cleaner production for designing and manufacturing products and packages. The administrative department for standardization under the State Council shall, on the basis of the economic and technological conditions of the State, in light of the prevention and control of environmental pollution by solid waste and in compliance with the technical requirements of the products, take charge of formulating relevant standards to prevent environmental pollution by over-package.

生产、销售、进口依法被列入强制回收目录的产品和包装物的企业，必须按照国家有关规定对该产品和包装物进行回收。

Enterprises engaging in manufacturing, sale and importation of products and packaging materials included in the mandatory recycling list pursuant to the law shall carry out recycling of such products and packaging materials pursuant to the relevant provisions of the State.

第十九条   国家鼓励科研、生产单位研究、生产易回收利用、易处置或者在环境中可降解的薄膜覆盖物和商品包装物。

Article 19 The State encourages scientific research and production institutions to do research on and manufacture plastic-sheet covering and packages of commodities that are easy to be recycled or treated, or easy to be degraded in the environment.

使用农用薄膜的单位和个人，应当采取回收利用等措施，防止或者减少农用薄膜对环境的污染。

Organisations and individuals using agricultural films shall adopt recycling and utilisation measures to prevent or reduce environmental pollution by agricultural films.

第二十条   从事畜禽规模养殖应当按照国家有关规定收集、贮存、利用或者处置养殖过程中产生的畜禽粪便，防止污染环境。

Article 20 Persons engaging in scale livestock and poultry breeding shall collect, store, utilise or dispose manure produced in the breeding process pursuant to the relevant provisions of the State, and prevent environmental pollution.

禁止在人口集中地区、机场周围、交通干线附近以及当地人民政府划定的区域露天焚烧秸秆。

In densely inhabited areas, the areas around the airports, the areas in the vicinity of main traffic arteries or the areas designated by local people's governments, the burning of stalks in the open air shall be prohibited.

第二十一条   对收集、贮存、运输、处置固体废物的设施、设备和场所，应当加强管理和维护，保证其正常运行和使用。

Article 21 Management and maintenance of facilities, equipments and places for collecting, storing, transporting and treating solid wastes shall be improved so as to ensure their normal operation and function.

第二十二条   在国务院和国务院有关主管部门及省、自治区、直辖市人民政府划定的自然保护区、风景名胜区、饮用水水源保护区、基本农田保护区和其他需要特别保护的区域内，禁止建设工业固体废物集中贮存、处置的设施、场所和生活垃圾填埋场。

Article 22 Construction of facilities and premises for centralised storage and treatment of industrial solid waste and domestic waste land fill is prohibited in nature reserves, scenic spots, drinking water source reserves, basic farmland protection areas and other special protection areas designated by the State Council, the relevant department (s) of the State Council and the People's Governments of provinces, autonomous regions and centrally-administered municipalities.

第二十三条   转移固体废物出省、自治区、直辖市行政区域贮存、处置的，应当向固体废物移出地的省、自治区、直辖市人民政府环境保护行政主管部门提出申请。移出地的省、自治区、直辖市人民政府环境保护行政主管部门应当商经接受地的省、自治区、直辖市人民政府环境保护行政主管部门同意后，方可批准转移该固体废物出省、自治区、直辖市行政区域。未经批准的，不得转移。

Article 23 To transport any solid waste out of the administrative region of a province, autonomous region or municipality directly under the Central Government for storage or treatment, one shall apply to the environmental protection administrative department of the people's government of the province, autonomous region or municipality directly under the Central Government where the solid waste is to be moved out for approval. The environmental protection administrative department of the People's Government of the province, autonomous region or centrally-administered municipality where the solid waste is moving from shall consult with the environmental protection administrative department of the People's Government of the province, autonomous region or centrally-administered municipality where the solid waste is moving to, before approving transfer of solid waste from the administrative region of the province, autonomous region or centrally-administered municipality. No transfer may be conducted until it is approved.

第二十四条   禁止中华人民共和国境外的固体废物进境倾倒、堆放、处置。

Article 24 It is forbidden to dump, pile up or treat any solid waste from abroad within the territory of China.

第二十五条   禁止进口不能用作原料或者不能以无害化方式利用的固体废物；对可以用作原料的固体废物实行限制进口和非限制进口分类管理。

Article 25 The State forbids the import of solid wastes that cannot be used as raw material and those that can't be utilized through harmless treatment, and restricts the import of the solid wastes that can be used as raw materials and implements the classification management of non-restrictive import thereto.

国务院环境保护行政主管部门会同国务院对外贸易主管部门、国务院经济综合宏观调控部门、海关总署、国务院质量监督检验检疫部门制定、调整并公布禁止进口、限制进口和非限制进口的固体废物目录。

The environmental protection administrative department of the State Council shall, in conjunction with the foreign trade administrative department and the economic comprehensive macro-control department of the State Council, the General Administration of Customs and the quality supervision, inspection and quarantine department of the State Council, formulate, adjust and publish solid waste catalogues of import-forbidden, import-restricted and non- restricted import.

禁止进口列入禁止进口目录的固体废物。进口列入限制进口目录的固体废物，应当经国务院环境保护行政主管部门会同国务院对外贸易主管部门审查许可。

It is forbidden to import the solid wastes included in the catalog of forbidden import. The import of solid wastes as listed in the catalogue of import-restricted shall be examined and approved by the environmental protection administrative department of the State Council in collaboration with the foreign trade administrative department of the State Council.

进口的固体废物必须符合国家环境保护标准，并经质量监督检验检疫部门检验合格。

Imported solid waste shall comply with environmental protection standards of the State, and shall pass inspection by the quality supervision, inspection and quarantine authorities.

进口固体废物的具体管理办法，由国务院环境保护行政主管部门会同国务院对外贸易主管部门、国务院经济综合宏观调控部门、海关总署、国务院质量监督检验检疫部门制定。

Detailed administrative measures on importation of solid waste shall be formulated by the environmental protection department of the State Council jointly with the foreign trade administrative department of the State Council, the macroeconomic regulation and control department of the State Council, the General Administration of Customs, the quality supervision, inspection and quarantine department of the State Council.

第二十六条   进口者对海关将其所进口的货物纳入固体废物管理范围不服的，可以依法申请行政复议，也可以向人民法院提起行政诉讼。

Article 26 Importers who disagree with the decision of the Customs on inclusion of their imports into the scope of administration of solid waste may apply for administrative review pursuant to the law, or file an administrative lawsuit with a People's Court.

第二节 工业固体废物污染环境的防治

Section 2 Prevention and Control of Environmental Pollution by Industrial Solid Wastes

第二十七条   国务院环境保护行政主管部门应当会同国务院经济综合宏观调控部门和其他有关部门对工业固体废物对环境的污染作出界定，制定防治工业固体废物污染环境的技术政策，组织推广先进的防治工业固体废物污染环境的生产工艺和设备。

Article 27 The administrative competent department of environmental protection of the State Council shall, jointly with the economic comprehensive macro-control department of the State Council and other relevant departments, define the environmental pollution by industrial solid wastes, work out technical policies regarding the prevention and control thereof, and organize and popularize the advanced production techniques and equipments for the prevention and control of environmental pollution by industrial solid wastes.

第二十八条   国务院经济综合宏观调控部门应当会同国务院有关部门组织研究、开发和推广减少工业固体废物产生量和危害性的生产工艺和设备，公布限期淘汰产生严重污染环境的工业固体废物的落后生产工艺、落后设备的名录。

Article 28 The department in charge of comprehensive and macro-economic control under the State Council shall, in conjunction with the relevant departments under the State Council, take charge of research in, development of and promotion of the wide use of, the production techniques and equipment that will serve to reduce the quantity of industrial solid waste generated and its harmfulness, and publish the catalogue of the backward production techniques and equipment that discharge industrial solid waste causing serious environmental pollution and that should be eliminated within a time limit.

生产者、销售者、进口者、使用者必须在国务院经济综合宏观调控部门会同国务院有关部门规定的期限内分别停止生产、销售、进口或者使用列入前款规定的名录中的设备。生产工艺的采用者必须在国务院经济综合宏观调控部门会同国务院有关部门规定的期限内停止采用列入前款规定的名录中的工艺。

Manufacturers, sellers, importers and users shall stop manufacturing, sale, importation or use of equipment included in the list stipulated in the preceding paragraph within the period stipulated by the macroeconomic regulation and control department of the State Council jointly with the relevant department (s) of the State Council. Users of the production techniques listed in the catalog mentioned in the preceding paragraph shall stop using such techniques within the time limit specified by the comprehensive macroeconomic control department under the State Council in concert with the relevant departments under the State Council.

列入限期淘汰名录被淘汰的设备，不得转让给他人使用。

Eliminated equipments included in the catalogue of equipments to be eliminated within a time limit shall not be transferred to any other for use.

第二十九条   县级以上人民政府有关部门应当制定工业固体废物污染环境防治工作规划，推广能够减少工业固体废物产生量和危害性的先进生产工艺和设备，推动工业固体废物污染环境防治工作。

Article 29 The relevant departments of the people's governments at or above the county level shall formulate a work plan for the prevention and control of environmental pollution by industrial solid wastes, popularize the advanced production techniques and equipments which can reduce the discharge and harm of industrial solid wastes and promote the work on the prevention and control of environmental pollution by industrial solid wastes.

第三十条   产生工业固体废物的单位应当建立、健全污染环境防治责任制度，采取防治工业固体废物污染环境的措施。

Article 30 Organisations generating industrial solid waste shall establish and improve upon their environmental pollution prevention and treatment accountability system, and adopt measures for prevention and treatment of environmental pollution by industrial solid waste.

第三十一条   企业事业单位应当合理选择和利用原材料、能源和其他资源，采用先进的生产工艺和设备，减少工业固体废物产生量，降低工业固体废物的危害性。

Article 31 Enterprises and institutions shall rationally select and use raw materials, energy and other resources, and adopt advanced production techniques and equipment, so as to reduce the discharge and harmfulness of industrial solid waste.

第三十二条   国家实行工业固体废物申报登记制度。

Article 32 The State institutes a system of declaration and registration for industrial solid waste.

产生工业固体废物的单位必须按照国务院环境保护行政主管部门的规定，向所在地县级以上地方人民政府环境保护行政主管部门提供工业固体废物的种类、产生量、流向、贮存、处置等有关资料。

Units where industrial solid waste is generated shall, in accordance with the regulations of the administrative department for environmental protection under the State Council, provide information about the types, quantity, flow direction, storage, treatment, etc. of industrial solid waste to the administrative department for environmental protection of the local people's governments at or above the county level in the places where they are located.

前款规定的申报事项有重大改变的，应当及时申报。

Any significant modification of the declaration matters as prescribed in the preceding paragraph shall be timely declared.

第三十三条   企业事业单位应当根据经济、技术条件对其产生的工业固体废物加以利用；对暂时不利用或者不能利用的，必须按照国务院环境保护行政主管部门的规定建设贮存设施、场所，安全分类存放，或者采取无害化处置措施。

Article 33 Enterprises and public institutions shall make use of industrial solid wastes produced thereby pursuant to economic and technical conditions; for those industrial solid wastes that will not or can't be utilized temporarily, enterprises and public institutions shall, in accordance with the regulations of the environmental protection administrative department of the State Council, build facilities and sites for their safe and classified storage or carry out the harmless treatment for them.

建设工业固体废物贮存、处置的设施、场所，必须符合国家环境保护标准。

Construction of facilities and premises for storage and disposal of industrial solid waste shall comply with the environmental protection standards of the State.

第三十四条   禁止擅自关闭、闲置或者拆除工业固体废物污染环境防治设施、场所；确有必要关闭、闲置或者拆除的，必须经所在地县级以上地方人民政府环境保护行政主管部门核准，并采取措施，防止污染环境。

Article 34 It is forbidden to close down, leave idle or dismantle, without authorization, facilities or places for the prevention and control of environmental pollution by industrial solid waste. Where it is necessary to do so, prior verification and approval shall be obtained from the administrative department for environmental protection of the local people's government at or above the county level, and measures shall be taken to prevent environmental pollution.

第三十五条   产生工业固体废物的单位需要终止的，应当事先对工业固体废物的贮存、处置的设施、场所采取污染防治措施，并对未处置的工业固体废物作出妥善处置，防止污染环境。

Article 35 Where it is necessary for the entities discharging industrial solid wastes to be terminated, measures for preventing and controlling pollution shall be taken in advance to the facilities and sites for storing and treating industrial solid wastes, and the untreated industrial solid wastes shall be disposed properly to prevent environmental pollution.

产生工业固体废物的单位发生变更的，变更后的单位应当按照国家有关环境保护的规定对未处置的工业固体废物及其贮存、处置的设施、场所进行安全处置或者采取措施保证该设施、场所安全运行。变更前当事人对工业固体废物及其贮存、处置的设施、场所的污染防治责任另有约定的，从其约定；但是，不得免除当事人的污染防治义务。

Where the unit where industrial solid waste is generated is changed, the new unit shall, in accordance with the State regulations for environmental protection, make safety treatment of the industrial solid waste that has not been treated and of the facilities and grounds for its storage or treatment, or take measures to ensure the safe operation of such facilities and grounds. Where the parties concerned prior to the change have agreed on the responsibilities for prevention and treatment of pollution by industrial solid waste and its storage and disposal facilities and premises, such agreement shall prevail; however, this shall not exempt the obligations of the parties concerned for prevention and treatment of pollution.

对本法施行前已经终止的单位未处置的工业固体废物及其贮存、处置的设施、场所进行安全处置的费用，由有关人民政府承担；但是，该单位享有的土地使用权依法转让的，应当由土地使用权受让人承担处置费用。当事人另有约定的，从其约定；但是，不得免除当事人的污染防治义务。

Expenses for safe disposal of industrial solid waste pending disposal and the storage and disposal facilities and premises of an organisation which is terminated prior to implementation of this Law shall be borne by the relevant People's Government; however, where the land use right held by the organisation is transferred pursuant to the law, the transferee of the land use right shall bear the disposal expenses. If the parties agree otherwise, their agreement shall prevail; but they shall not thus be relieved of their duty to prevent and control pollution.

第三十六条   矿山企业应当采取科学的开采方法和选矿工艺，减少尾矿、矸石、废石等矿业固体废物的产生量和贮存量。

Article 36 Mining enterprises shall adopt scientific mining methods and beneficiation processes to reduce the amount of mining solid waste such as tailings, gangue and mullock which are generated and stored.

尾矿、矸石、废石等矿业固体废物贮存设施停止使用后，矿山企业应当按照国家有关环境保护规定进行封场，防止造成环境污染和生态破坏。

After the facilities for storing gangues, waste rocks, mullocks and other mining solid wastes aren't used any more, a mining enterprise shall, according to state provisions on environmental protection, close the fields to prevent environmental pollution and ecological destruction.

第三十七条   拆解、利用、处置废弃电器产品和废弃机动车船，应当遵守有关法律、法规的规定，采取措施，防止污染环境。

Article 37 When dismantling, utilizing or disposing abandoned electronic appliances and motor vehicles and vessels, measures shall be taken to prevent environmental pollution according to relevant laws and regulations.

第三节 生活垃圾污染环境的防治

Section 3 Prevention and Control of Environmental Pollution by Domestic Waste

第三十八条   县级以上人民政府应当统筹安排建设城乡生活垃圾收集、运输、处置设施，提高生活垃圾的利用率和无害化处置率，促进生活垃圾收集、处置的产业化发展，逐步建立和完善生活垃圾污染环境防治的社会服务体系。

Article 38 People's Governments of county level and above shall coordinate arrangements for construction of collection, transportation and disposal facilities for urban and rural domestic waste, raise the utilisation rate and decontamination and disposal rate for domestic waste, promote development of the industry for collection and disposal of domestic waste, and progressively establish and improve upon a social service system for prevention and treatment of environmental pollution by domestic waste.

第三十九条   县级以上地方人民政府环境卫生行政主管部门应当组织对城市生活垃圾进行清扫、收集、运输和处置，可以通过招标等方式选择具备条件的单位从事生活垃圾的清扫、收集、运输和处置。

Article 39 The environmental health administrative authorities of local People's Governments of county level and above shall organise cleaning, collection, transportation and disposal of municipal solid waste, and may select qualified organisations through tenders etc to undertake cleaning, collection, transportation and disposal of domestic waste.

第四十条   对城市生活垃圾应当按照环境卫生行政主管部门的规定，在指定的地点放置，不得随意倾倒、抛撒或者堆放。

Article 40 Urban household waste shall, in accordance with the regulations of the administrative departments for environmental sanitation, be placed at designated places and shall not be dumped, littered or piled up at will.

第四十一条   清扫、收集、运输、处置城市生活垃圾，应当遵守国家有关环境保护和环境卫生管理的规定，防止污染环境。

Article 41 Urban household waste shall be cleaned up, collected, transported and treated in compliance with the State regulations for environmental protection and sanitation, in order to prevent environmental pollution.

第四十二条   对城市生活垃圾应当及时清运，逐步做到分类收集和运输，并积极开展合理利用和实施无害化处置。

Article 42 Urban house refuse shall be cleared and transported in a timely manner, it shall gradually be classified in different categories for collection and transportation, and efforts shall be made to have it rationally utilized and turned into something innocuous through treatment.

第四十三条   城市人民政府应当有计划地改进燃料结构，发展城市煤气、天然气、液化气和其他清洁能源。

Article 43 Urban people's governments shall, in a planned way, improve the composition of fuel, and develop coal gas, natural gas, liquefied gas and other clean energy for use in urban areas.

城市人民政府有关部门应当组织净菜进城，减少城市生活垃圾。

Relevant departments of an urban people's government shall arrange for the supply of clean vegetables to cities and towns so as to reduce urban household waste.

城市人民政府有关部门应当统筹规划，合理安排收购网点，促进生活垃圾的回收利用工作。

Relevant departments of an urban people's government shall make an overall plan, rationally arrange for collecting and purchasing networks, so as to promote the recycling of consumer wastes.

第四十四条   建设生活垃圾处置的设施、场所，必须符合国务院环境保护行政主管部门和国务院建设行政主管部门规定的环境保护和环境卫生标准。

Article 44 The construction of facilities and sites for disposing consumer wastes shall comply with the standards on environmental protection and environmental sanitation as prescribed by the environmental protection administrative department of the State Council and the construction administrative department of the State Council.

禁止擅自关闭、闲置或者拆除生活垃圾处置的设施、场所；确有必要关闭、闲置或者拆除的，必须经所在地的市、县级人民政府环境卫生行政主管部门商所在地环境保护行政主管部门同意后核准，并采取措施，防止污染环境。

It is forbidden to close down, leave idle or dismantle facilities and sites for disposing consumer wastes without approval. If it is really necessary to close, leave idle or dismantle such facilities and sites, it shall be subject to the verification and approval of the administrative competent department of environmental sanitation of the local people's government at the city or county level after consulting with and obtaining the consent of the local administrative competent department of environmental protection, and measures shall be taken to prevent environmental pollution.

第四十五条   从生活垃圾中回收的物质必须按照国家规定的用途或者标准使用，不得用于生产可能危害人体健康的产品。

Article 45 Recycled substances from domestic waste shall be used pursuant to the purpose or standard stipulated by the State, and shall not be used for manufacturing of products which may endanger human health.

第四十六条   工程施工单位应当及时清运工程施工过程中产生的固体废物，并按照环境卫生行政主管部门的规定进行利用或者处置。

Article 46 Builders shall promptly clear solid waste produced in the course of construction, and utilise or dispose the solid waste pursuant to the provisions of the environmental health administrative authorities.

第四十七条   从事公共交通运输的经营单位，应当按照国家有关规定，清扫、收集运输过程中产生的生活垃圾。

Article 47 An entity engaged in public transportation shall, pursuant to state regulations, clear up and collect the consumer wastes produced in the course of transportation.

第四十八条   从事城市新区开发、旧区改建和住宅小区开发建设的单位，以及机场、码头、车站、公园、商店等公共设施、场所的经营管理单位，应当按照国家有关环境卫生的规定，配套建设生活垃圾收集设施。

Article 48 Organisations engaging in development of new urban districts, reconstruction of old districts and development and construction of residential areas, as well as business management organisations of public facilities and premises such as airports, ports, stations, parks and shops, shall construct domestic waste collection facilities pursuant to the provisions of the State on environmental health.

第四十九条   农村生活垃圾污染环境防治的具体办法，由地方性法规规定。

Article 49 The specific measures for the prevention and control of rural living wastes shall be prescribed by local regulations.

第四章 危险废物污染环境防治的特别规定

Chapter 4 Special Provisions on the Prevention and Control of Environmental Pollution by Hazardous Wastes

第五十条   危险废物污染环境的防治，适用本章规定；本章未作规定的，适用本法其他有关规定。

Article 50 The provisions of this Chapter shall apply to prevention and treatment of environmental pollution by hazardous waste; for matters not stipulated in this Chapter, other relevant provisions of this Law shall apply.

第五十一条   国务院环境保护行政主管部门应当会同国务院有关部门制定国家危险废物名录，规定统一的危险废物鉴别标准、鉴别方法和识别标志。

Article 51 The environmental protection administrative department of the State Council shall, jointly with other relevant departments of the State Council, formulate a national catalog of hazardous wastes, lay down unified criteria and methods for identifying and distinguishing hazardous wastes.

第五十二条   对危险废物的容器和包装物以及收集、贮存、运输、处置危险废物的设施、场所，必须设置危险废物识别标志。

Article 52 A distinguishing mark of hazardous wastes shall be put on the containers and packages of hazardous wastes as well as on the facilities and sites for collection, storage, transportation and treatment of hazardous wastes.

第五十三条   产生危险废物的单位，必须按照国家有关规定制定危险废物管理计划，并向所在地县级以上地方人民政府环境保护行政主管部门申报危险废物的种类、产生量、流向、贮存、处置等有关资料。

Article 53 Organisations generating hazardous waste shall formulate a hazardous waste management plan pursuant to the relevant provisions of the State, and declare information on type, amount, flow, storage and disposal of hazardous waste to the environmental protection administrative authorities of local People's Governments of county level and above at the locality.

前款所称危险废物管理计划应当包括减少危险废物产生量和危害性的措施以及危险废物贮存、利用、处置措施。危险废物管理计划应当报产生危险废物的单位所在地县级以上地方人民政府环境保护行政主管部门备案。

The plan for managing hazardous wastes as mentioned in the preceding paragraph shall contain measures for reducing the discharge amount and harmfulness of hazardous wastes and for storing, utilizing and treating hazardous wastes. The said plan shall report to the environmental protection department of the local people's government at or above the county level for archival filing.

本条规定的申报事项或者危险废物管理计划内容有重大改变的，应当及时申报。

Any significant modification of declaration matters as prescribed by this Article or the plan for managing hazardous wastes shall be declared in a timely manner.

第五十四条   国务院环境保护行政主管部门会同国务院经济综合宏观调控部门组织编制危险废物集中处置设施、场所的建设规划，报国务院批准后实施。

Article 54 The administrative department for environmental protection under the State Council shall, in conjunction with the department in charge of comprehensive and macro-economic control under the State Council, take charge of drawing up plans for constructing facilities and grounds for centralized treatment of hazardous waste and shall have the plans implemented after obtaining approval of the State Council.

县级以上地方人民政府应当依据危险废物集中处置设施、场所的建设规划组织建设危险废物集中处置设施、场所。

Local People's Governments of county level and above shall organise construction of facilities and premises for centralised disposal of hazardous waste, based on the construction plan for facilities and premises for centralised disposal of hazardous waste.

第五十五条   产生危险废物的单位，必须按照国家有关规定处置危险废物，不得擅自倾倒、堆放；不处置的，由所在地县级以上地方人民政府环境保护行政主管部门责令限期改正；逾期不处置或者处置不符合国家有关规定的，由所在地县级以上地方人民政府环境保护行政主管部门指定单位按照国家有关规定代为处置，处置费用由产生危险废物的单位承担。

Article 55 Units where hazardous waste is generated shall treat such waste in accordance with the relevant regulations of the State, and they shall not dump or pile up such waste without authorization; those that fail to treat such waste shall be ordered by the administrative department for environmental protection of the local people's governments at or above the county level in the places where they are located to rectify within a time limit; if they fail to do so at the expiration of the time limit or in accordance with the relevant regulations of the State, designated units by the administrative department for environmental protection of the local people's governments at or above the county level shall treat such waste on their behalf in accordance with the relevant regulations of the State, and the expenses entailed therefrom shall be borne by the units where hazardous waste is generated.

第五十六条   以填埋方式处置危险废物不符合国务院环境保护行政主管部门规定的，应当缴纳危险废物排污费。危险废物排污费征收的具体办法由国务院规定。

Article 56 Where the disposal of hazardous waste via landfill method does not comply with the provisions of the environmental protection department of the State Council, the organisation shall pay disposal fees for hazardous waste. The specific measures for imposition of such fees shall be formulated by the State Council.

危险废物排污费用于污染环境的防治，不得挪作他用。

Disposal fees for hazardous waste shall be used for prevention and treatment of environmental pollution and shall not be used for any other purposes.

第五十七条   从事收集、贮存、处置危险废物经营活动的单位，必须向县级以上人民政府环境保护行政主管部门申请领取经营许可证；从事利用危险废物经营活动的单位，必须向国务院环境保护行政主管部门或者省、自治区、直辖市人民政府环境保护行政主管部门申请领取经营许可证。具体管理办法由国务院规定。

Article 57. A unit which engages in the collection, storage or treatment of dangerous waste materials must apply to the administrative department of the people's government at county level or above responsible for environmental protection for a business permit. A unit which engages in the utilisation of dangerous waste materials must apply to the State Council administrative department responsible for environmental protection or the administrative department of the people's government of a province, autonomous region or centrally administered municipality for a business permit. The specific administrative measures shall be formulated by the State Council.

禁止无经营许可证或者不按照经营许可证规定从事危险废物收集、贮存、利用、处置的经营活动。

It is forbidden to collect, store, utilize or treat hazardous wastes without a business license or against the provisions of the business license.

禁止将危险废物提供或者委托给无经营许可证的单位从事收集、贮存、利用、处置的经营活动。

It is forbidden to supply or entrust hazardous waste to a unit that does not have the operation license for collection, storage, utilization and treatment.

第五十八条   收集、贮存危险废物，必须按照危险废物特性分类进行。禁止混合收集、贮存、运输、处置性质不相容而未经安全性处置的危险废物。

Article 58 Hazardous wastes shall be collected and stored separately according to their different characteristics. It is forbidden to collect, store, transport and treat mixed hazardous wastes of incompatible nature that have not undergone safety treatment.

贮存危险废物必须采取符合国家环境保护标准的防护措施，并不得超过一年；确需延长期限的，必须报经原批准经营许可证的环境保护行政主管部门批准；法律、行政法规另有规定的除外。

Protective measures which conform to the national standards for environmental protection shall be adopted for storage of hazardous waste, and its storage may not exceed one year. Where it is really necessary to extend the time limit, the matter shall be subject to approval by the administrative department for environmental protection that originally approved the business license, except where otherwise provided for by laws and administrative regulations.

禁止将危险废物混入非危险废物中贮存。

It is forbidden to mix hazardous waste with non-hazardous waste for storage.

第五十九条   转移危险废物的，必须按照国家有关规定填写危险废物转移联单。跨省、自治区、直辖市转移危险废物的，应当向危险废物移出地省、自治区、直辖市人民政府环境保护行政主管部门申请。移出地省、自治区、直辖市人民政府环境保护行政主管部门应当商经接受地省、自治区、直辖市人民政府环境保护行政主管部门同意后，方可批准转移该危险废物。未经批准的，不得转移。

Article 59 Whoever transfers hazardous wastes shall, according to the relevant state regulations, fill in duplicate forms for transferring hazardous wastes. For moving of hazardous waste out of a province, an autonomous region or a centrally-administered municipality, an application shall be submitted to the environmental protection administrative authorities of the People's Government of the province, autonomous region or centrally-administered municipality where the hazardous waste is moved out. The environmental protection administrative department of the People's Government of the province, autonomous region or centrally-administered municipality at the place of origin shall consult with and obtain the consent of the environmental protection administrative department of the People's Government of the province, autonomous region or centrally-administered municipality at the place of destination before approving transfer of the said hazardous waste. No transfer may be conducted until it is approved.

转移危险废物途经移出地、接受地以外行政区域的，危险废物移出地设区的市级以上地方人民政府环境保护行政主管部门应当及时通知沿途经过的设区的市级以上地方人民政府环境保护行政主管部门。

Where it is necessary to transfer hazardous wastes by way of administrative areas other than the areas where the hazardous waste is to be moved out or in, the administrative competent departments of environmental protection of the local people's governments at or above the level of city divided into districts where the hazardous waste is to be moved out shall timely notify the administrative competent departments of environmental protection of the local people's governments at or above the level of city divided into districts where the hazardous waste is to pass through.

第六十条   运输危险废物，必须采取防止污染环境的措施，并遵守国家有关危险货物运输管理的规定。

Article 60 Whoever transports hazardous wastes shall adopt measures for the prevention and control of environmental pollution and observe state regulations on the control of transportation of hazardous goods.

禁止将危险废物与旅客在同一运输工具上载运。

It is forbidden to carry hazardous waste and passengers in the same transport vehicle.

第六十一条   收集、贮存、运输、处置危险废物的场所、设施、设备和容器、包装物及其他物品转作他用时，必须经过消除污染的处理，方可使用。

Article 61 When sites, facilities, equipment as well as containers, packages and other articles for the collection, storage, transportation and treatment of hazardous waste are to be used for other purposes, they can be put to use only after pollution is eliminated through treatment.

第六十二条   产生、收集、贮存、运输、利用、处置危险废物的单位，应当制定意外事故的防范措施和应急预案，并向所在地县级以上地方人民政府环境保护行政主管部门备案；环境保护行政主管部门应当进行检查。

Article 62 The entities discharging, collecting, storing, transporting, using or treating hazardous wastes shall work out measures for keeping away and prepared counter plans against accidents, and report them to the environmental protection administrative department of the local people's government at or above the county level for archival filing; and the environmental protection administrative department shall carry out the inspection on it.

第六十三条   因发生事故或者其他突发性事件，造成危险废物严重污染环境的单位，必须立即采取措施消除或者减轻对环境的污染危害，及时通报可能受到污染危害的单位和居民，并向所在地县级以上地方人民政府环境保护行政主管部门和有关部门报告，接受调查处理。

Article 63 The entities that have caused severe environmental pollution by hazardous wastes due to accidents or other unexpected events shall immediately take measures to eliminate or reduce the danger and damage of environmental pollution, promptly inform the entities and residents that may be harmed by the pollution, and in the meantime, report to the environmental protection administrative department of the local people's government at or above the county level and other relevant departments, and shall be subject to the investigation and settlement.

第六十四条   在发生或者有证据证明可能发生危险废物严重污染环境、威胁居民生命财产安全时，县级以上地方人民政府环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门必须立即向本级人民政府和上一级人民政府有关行政主管部门报告，由人民政府采取防止或者减轻危害的有效措施。有关人民政府可以根据需要责令停止导致或者可能导致环境污染事故的作业。

Article 64 Upon occurrence of or where there is evidence to prove possible serious environmental pollution due to hazardous waste which is threatening to the lives and property of residents, the environmental protection administrative authorities of local People's Governments of county level and above or the supervision and administration authorities implementing prevention and treatment of environmental pollution by solid waste shall forthwith report to the People's Government and the relevant administrative department (s) of the higher-level People's Government, and the People's Government shall adopt effective measures to prevent or mitigate harm. The relevant People's Government may, based on the needs, order cessation of the operation which caused or may cause the environment pollution accident.

第六十五条   重点危险废物集中处置设施、场所的退役费用应当预提，列入投资概算或者经营成本。具体提取和管理办法，由国务院财政部门、价格主管部门会同国务院环境保护行政主管部门规定。

Article 65 Ex-service expenses used for the facilities and sites for the centralized disposal of important hazardous wastes shall be drawn in advance and incorporated into the investment budgetary estimate or operational costs. Specific measures for the drawing and administration thereof shall be enacted by the financial department, the competent department of price of the State Council in collaboration with the administrative competent department of environmental protection of the State Council.

第六十六条   禁止经中华人民共和国过境转移危险废物。

Article 66 It is forbidden to transfer hazardous waste via the territory of the People's Republic of China.

第五章 法律责任

Chapter 5 Legal Liabilities

第六十七条   县级以上人民政府环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门违反本法规定，有下列行为之一的，由本级人民政府或者上级人民政府有关行政主管部门责令改正，对负有责任的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任：

Article 67 If an environmental protection administrative department of the local people's government at or above the county level or any other supervisory and administrative department of the prevention and control of environmental pollution caused by solid waste violates the present Law and has any of the following acts, it shall be ordered to get right by the relevant administrative department of the people's governments at the corresponding level or the next higher level, the principle and other persons hold to be responsible shall be given administrative sanctions, if the crimes are constituted, the offenders shall be subject to criminal liabilities:

(一)不依法作出行政许可或者办理批准文件的；

1. failure to make administrative license or handle approval documents in accordance with the law;

(二)发现违法行为或者接到对违法行为的举报后不予查处的；

(II) Failing to investigate after finding violations or receiving a report of violations; or

(三)有不依法履行监督管理职责的其他行为的。

(III) any other failure in performing supervisory and administrative liabilities in accordance with the law.

第六十八条   违反本法规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门责令停止违法行为，限期改正，处以罚款：

Article 68 Any unit that, in violation of the provisions of this Law, commits one of the following acts shall be instructed by the administrative department for environmental protection under the people's government at or above the county level to cease the violation and to rectify within a time limit and shall be fined:

(一)不按照国家规定申报登记工业固体废物，或者在申报登记时弄虚作假的；

1. failing to declare and register industrial solid wastes pursuant to state regulations, or resorting to deception in declaring and registering;

(二)对暂时不利用或者不能利用的工业固体废物未建设贮存的设施、场所安全分类存放，或者未采取无害化处置措施的；

2. failing to build facilities and sites for separately storing industrial solid wastes that are not or cannot be utilized temporarily by different types or failing to adopt measures of harmless treatment;

(三)将列入限期淘汰名录被淘汰的设备转让给他人使用的；

(III) transferring eliminated equipments included in the catalogue of equipments to be eliminated within the time limit to another for use;

(四)擅自关闭、闲置或者拆除工业固体废物污染环境防治设施、场所的；

(IV) closing down, leaving idle or dismantling facilities or sites for the prevention and control of environmental pollution by industrial solid wastes without approval;

(五)在自然保护区、风景名胜区、饮用水水源保护区、基本农田保护区和其他需要特别保护的区域内，建设工业固体废物集中贮存、处置的设施、场所和生活垃圾填埋场的；

(V) constructing facilities or sites for centralized storage or treatment of industrial solid wastes or landfills for consumer wastes in nature reserves, scenic spots or historical sites, areas of source of drinking water or other zones that need special protection; or

(六)擅自转移固体废物出省、自治区、直辖市行政区域贮存、处置的；

(VI) transferring solid wastes out of the administrative area of a province, autonomous region or municipality directly under the Central Government for storage and treatment without approval;

(七)未采取相应防范措施，造成工业固体废物扬散、流失、渗漏或者造成其他环境污染的；

(VII) failing to take corresponding precaution measures and resulting in scattering, run-off, leakage or other environmental pollution by industrial solid wastes; or

(八)在运输过程中沿途丢弃、遗撒工业固体废物的。

(VIII) casting off or leaving behind industrial solid wastes in the course of transportation.

有前款第一项、第八项行为之一的，处五千元以上五万元以下的罚款；有前款第二项、第三项、第四项、第五项、第六项、第七项行为之一的，处一万元以上十万元以下的罚款。

Any entity that commits the act as specified in item 1 or 8 of the preceding paragraph shall be imposed upon a fine of CNY5,000 up to CNY50,000; any entity that commits any of the acts as specified in item 2, 3, 4, 5, 6 or 7 of the preceding paragraph shall be imposed with a fine of CNY10,000 up to CNY100 ,000.

第六十九条   违反本法规定，建设项目需要配套建设的固体废物污染环境防治设施未建成、未经验收或者验收不合格，主体工程即投入生产或者使用的，由审批该建设项目环境影响评价文件的环境保护行政主管部门责令停止生产或者使用，可以并处十万元以下的罚款。

Article 69 Where the construction of supporting facilities is necessary for the facilities for preventing and controlling environmental pollution caused by solid waste, any entity violates this Law and puts the main part of a project into production or use when such facilities haven't been built, checked or accepted, or checked or accepted up to standards, such entity shall be ordered to stop manufacturing or using and may be imposed with a fine of less than 100,000 yuan by the environmental protection administrative department that has approved the evaluation documents regarding the said project's compacts on environment.

第七十条   违反本法规定，拒绝县级以上人民政府环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门现场检查的，由执行现场检查的部门责令限期改正；拒不改正或者在检查时弄虚作假的，处二千元以上二万元以下的罚款。

Article 70 Any entity that violates this Law and refuses the on-the- spot inspection carried out by the environmental protection administrative department of the local people's government at or above the county level or any other supervisory and administrative department shall be ordered to correct within the time limit by the department that carried out the on-the- spot inspection; if it refuses to correct or resorts to deception at the time of inspection, it shall be imposed with a fine of 2,000 to 20,000.

第七十一条   从事畜禽规模养殖未按照国家有关规定收集、贮存、处置畜禽粪便，造成环境污染的，由县级以上地方人民政府环境保护行政主管部门责令限期改正，可以处五万元以下的罚款。

Article 71 Any entity that engages in the scale breeding of livestock and birds fails to collect, store or dispose dung of livestock and birds and thus causes environmental pollution, it shall be ordered to correct within the time limit by the environmental protection administrative department of the local people's government at or above the county level and be imposed with a fine of less than 50,000.

第七十二条   违反本法规定，生产、销售、进口或者使用淘汰的设备，或者采用淘汰的生产工艺的，由县级以上人民政府经济综合宏观调控部门责令改正；情节严重的，由县级以上人民政府经济综合宏观调控部门提出意见，报请同级人民政府按照国务院规定的权限决定停业或者关闭。

Article 72 Persons who violate the provisions of this Law in manufacturing, sale, importation or use of obsolete equipment or adopting obsolete manufacturing processes shall be ordered by the macroeconomic regulation and control department of the People's Governments of county level and above to make correction; in serious cases, the macroeconomic regulation and control department of the People's Governments of county level and above shall issue an opinion and request the People's Government of counterpart level to order suspension or closure pursuant to the powers stipulated by the State Council.

第七十三条   尾矿、矸石、废石等矿业固体废物贮存设施停止使用后，未按照国家有关环境保护规定进行封场的，由县级以上地方人民政府环境保护行政主管部门责令限期改正，可以处五万元以上二十万元以下的罚款。

Article 73 After the facilities for storing gangues, waste rocks, mullocks and other mining solid wastes aren't used any more, a mining enterprise that fails to close the fields according to state provisions on environmental protection, it shall be ordered to correct within the time limit by the environmental protection administrative department of the local people's government at or above the county level and may be imposed with a fine of CNY50,000 up to CNY200,000.

第七十四条   违反本法有关城市生活垃圾污染环境防治的规定，有下列行为之一的，由县级以上地方人民政府环境卫生行政主管部门责令停止违法行为，限期改正，处以罚款：

Article 74 Any entity that violates the provisions of this Law on the prevention and control of environmental pollution by urban consumer wastes and commits any of the following acts shall be ordered to stop its illegal act and be ordered to correct within the time limit and be fined by the environmental protection administrative department of the local people's government at or above the county level:

(一)随意倾倒、抛撒或者堆放生活垃圾的；

1. dumping, scattering or piling up consumer wastes at random;

(二)擅自关闭、闲置或者拆除生活垃圾处置设施、场所的；

2. closing down, leaving idle or dismantling facilities or sites for treating consumer wastes without approval;

(三)工程施工单位不及时清运施工过程中产生的固体废物，造成环境污染的；

(III) If the construction entity fails to timely clear or move any solid waste produced in the construction and thus causes environmental pollution;

(四)工程施工单位不按照环境卫生行政主管部门的规定对施工过程中产生的固体废物进行利用或者处置的；

(IV) the entity undertaking the construction fails to utilize or dispose solid wastes produced in the course of construction in accordance with the provisions as prescribed by the environmental sanitation administrative department; or

(五)在运输过程中沿途丢弃、遗撒生活垃圾的。

(V) casting off or leaving behind living wastes in the course of transportation.

单位有前款第一项、第三项、第五项行为之一的，处五千元以上五万元以下的罚款；有前款第二项、第四项行为之一的，处一万元以上十万元以下的罚款。个人有前款第一项、第五项行为之一的，处二百元以下的罚款。

Any entity that commits the act specified in item 1, 3 or 5 of the preceding paragraph shall be imposed with a fine of 5,000 up to 50,000 yuan; any entity who commits the act specified in item 2 or 4 of the preceding paragraph shall be imposed with a fine of 10,000 up to 100,000 yuan. Any individual that commits the act specified in Item 1 or 5 shall be imposed with a fine of less than CNY200.

第七十五条   违反本法有关危险废物污染环境防治的规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门责令停止违法行为，限期改正，处以罚款：

Article 75 If any entity, in violation of the provisions of this Law on the prevention and control of environmental pollution by hazardous wastes, commits any of the following acts, it shall be ordered by the environmental protection administrative department of the people's government at or above the county level to stop the illegal act, to correct it within the time limit and also be fined:

(一)不设置危险废物识别标志的；

1. failing to install identification marks for hazardous waste;

（二）不按照国家规定申报登记危险废物，或者在申报登记时弄虚作假的；

(II) failing to declare or register hazardous wastes in accordance with state provisions or practicing fraud at the time of declaration and registration;

（三）擅自关闭、闲置或者拆除危险废物集中处置设施、场所的；

(III) closing down, leaving idle or dismantling facilities or sites for centralized disposal of hazardous wastes without approval;

（四）不按照国家规定缴纳危险废物排污费的；

4. failing to pay discharging fees for hazardous wastes in accordance with state regulations;

(五)将危险废物提供或者委托给无经营许可证的单位从事经营活动的；

(V) supplying or entrusting hazardous wastes to an entity that does not have a business license for his businesses;

(六)不按照国家规定填写危险废物转移联单或者未经批准擅自转移危险废物的；

(VI) failing to fill in duplicate forms for transferring hazardous wastes according to relevant state regulations, or failing to report to the competent department when transferring hazardous wastes;

(七)将危险废物混入非危险废物中贮存的；

(VII) mixing hazardous wastes with non-hazardous wastes for storage;

(八)未经安全性处置，混合收集、贮存、运输、处置具有不相容性质的危险废物的；

(VIII) collecting, storing, transporting and treating mixed hazardous wastes of incompatible nature without safety treatment;

(九)将危险废物与旅客在同一运输工具上载运的；

(IX) carrying hazardous wastes and passengers in a same transport vehicle;

(十)未经消除污染的处理将收集、贮存、运输、处置危险废物的场所、设施、设备和容器、包装物及其他物品转作他用的；

(X) using, without the treatment to eliminate pollution, sites, facilities, equipments or containers, packages or other articles for collecting, storing, transporting or treating hazardous wastes for other purposes;

（十一）未采取相应防范措施，造成危险废物扬散、流失、渗漏或者造成其他环境污染的；

(XI) failing to take corresponding precaution measures and causing the scattering, loss, leakage or other environmental pollution by hazardous wastes;

（十二）在运输过程中沿途丢弃、遗撒危险废物的；

(XII) casting off or leaving behind hazardous wastes in the course of transportation; or

(十三)未制定危险废物意外事故防范措施和应急预案的。

(XIII) failing to work out measures for keeping away and prepared counter plans against accidents of hazardous wastes.

有前款第一项、第二项、第七项、第八项、第九项、第十项、第十一项、第十二项、第十三项行为之一的，处一万元以上十万元以下的罚款；有前款第三项、第五项、第六项行为之一的，处二万元以上二十万元以下的罚款；有前款第四项行为的，限期缴纳，逾期不缴纳的，处应缴纳危险废物排污费金额一倍以上三倍以下的罚款。

Persons who commit any of the acts stipulated in item (1), item (2), item (7), item (8), item (9), item (10), item (11), item (12) and item (13) of the preceding paragraph shall be subject to a fine ranging from RMB10,000 to RMB100,000; persons who commit any of the acts stipulated in item (3), item (5) and item (6) of the preceding paragraph shall be subject to a fine ranging from RMB20,000 to RMB200,000; persons who commit any of the acts stipulated in item (4) of the preceding paragraph shall be ordered to make payment within a stipulated period, and those who failed to make payment within the stipulated period shall be subject to a fine ranging from one to three times the amount of the disposal fee for hazardous waste payable.

第七十六条   违反本法规定，危险废物产生者不处置其产生的危险废物又不承担依法应当承担的处置费用的，由县级以上地方人民政府环境保护行政主管部门责令限期改正，处代为处置费用一倍以上三倍以下的罚款。

Article 76 Any entity that violates this Law and fails to treat hazardous wastes discharged thereby or fails to bear the waste treatment fees that should be borne according to law shall be ordered to get right within the time limit by the environmental protection administrative department of the people's government at or above the county level, and also be imposed with a fine of one up to three times of such treatment fees.

第七十七条   无经营许可证或者不按照经营许可证规定从事收集、贮存、利用、处置危险废物经营活动的，由县级以上人民政府环境保护行政主管部门责令停止违法行为，没收违法所得，可以并处违法所得三倍以下的罚款。

Article 77 Any entity that is engaged in collecting, storing, utilizing and treating hazardous wastes without a business license or against the provisions of the business license shall be ordered by the environmental protection administrative department of the people's government at or above the county level to stop the illegal act. Its illegal gains shall be confiscated, and it may also be imposed upon a fine of less than three times of the illegal gains.

不按照经营许可证规定从事前款活动的，还可以由发证机关吊销经营许可证。

If any entity engages, against the provisions of business license, in activities specified in the preceding paragraph, its business license may also be revoked by the license-issuing department

第七十八条   违反本法规定，将中华人民共和国境外的固体废物进境倾倒、堆放、处置的，进口属于禁止进口的固体废物或者未经许可擅自进口属于限制进口的固体废物用作原料的，由海关责令退运该固体废物，可以并处十万元以上一百万元以下的罚款；构成犯罪的，依法追究刑事责任。进口者不明的，由承运人承担退运该固体废物的责任，或者承担该固体废物的处置费用。

Article 78 Whoever, in violation of this Law, dumps, piles up, or treats solid wastes from abroad within the territory of China, or imports any import-forbidden or import-restricted solid wastes as raw material without permission, it shall be ordered by the customs to transport such solid waste back to where it is dispatched and may also be imposed upon a fine of not less than 100,000 yuan but not more than 1 million yuan. If it constitutes crimes, it shall be subject to criminal liabilities. Where the importer is unknown, the carrier shall be responsible for return of shipment of solid waste, or bear the disposal expenses of the solid waste.

逃避海关监管将中华人民共和国境外的固体废物运输进境，构成犯罪的，依法追究刑事责任。

Whoever tries to avoid the supervision and control of the Customs shall, if his act constitutes a crime, be subject to criminal liabilities.

第七十九条   违反本法规定，经中华人民共和国过境转移危险废物的，由海关责令退运该危险废物，可以并处五万元以上五十万元以下的罚款。

Article 79 Persons who violate the provisions of this Law in moving hazardous waste across borders through the People's Republic of China shall be ordered by the Customs to return shipment of the hazardous waste, and may be subject to a fine ranging from RMB50,000 to RMB500,000.

第八十条   对已经非法入境的固体废物，由省级以上人民政府环境保护行政主管部门依法向海关提出处理意见，海关应当依照本法第七十八条的规定作出处罚决定；已经造成环境污染的，由省级以上人民政府环境保护行政主管部门责令进口者消除污染。

Article 80 With regard to illegally imported solid waste, the administrative department for environmental protection of the people's government at or above the provincial level shall, according to law, put forward suggestions to the Customs regarding its disposition, and the Customs shall make a decision on punishment in accordance with the provisions of Article 78 of this Law. If such waste has caused environmental pollution, the administrative department for environmental protection of the people's government at or above the provincial level shall instruct the importer to eliminate the pollution.

第八十一条   违反本法规定，造成固体废物严重污染环境的，由县级以上人民政府环境保护行政主管部门按照国务院规定的权限决定限期治理；逾期未完成治理任务的，由本级人民政府决定停业或者关闭。

Article 81 Any entity that violates this Law and causes serious environmental pollution by solid wastes shall be treated within the time limit by the administrative competent department of environmental protection of the people's government at or above the county level on the strength of their functions specified by the State Council; if it fails to accomplish the treatment task within the time limit, its business shall be suspended or the entity shall be closed down by the people's government of the same level.

第八十二条   违反本法规定，造成固体废物污染环境事故的，由县级以上人民政府环境保护行政主管部门处二万元以上二十万元以下的罚款；造成重大损失的，按照直接损失的百分之三十计算罚款，但是最高不超过一百万元，对负有责任的主管人员和其他直接责任人员，依法给予行政处分；造成固体废物污染环境重大事故的，并由县级以上人民政府按照国务院规定的权限决定停业或者关闭。

Article 82 Persons who violate the provisions of this Law in causing environmental pollution by solid waste shall be subject to a fine ranging from RMB20,000 to RMB200,000 imposed by the environmental protection administrative authorities of People's Governments of county level and above; where the violation causes serious losses, the fine shall be computed in accordance with 30% of the direct losses, but shall not exceed RMB1 million; the accountable person (s) -in-charge and other directly accountable personnel shall be subject to administrative punishment pursuant to the law; where the violation causes a serious accident of environmental pollution by solid waste, the People's Governments of county level and above shall, in accordance with the powers stipulated by the State Council, order the offender to suspend operation or close down.

第八十三条   违反本法规定，收集、贮存、利用、处置危险废物，造成重大环境污染事故，构成犯罪的，依法追究刑事责任。

Article 83 Any entity that collects, stores, utilizes and treats hazardous wastes against the provisions of this Law and has caused a serious environmental pollution accident and therefore constitutes a crime shall be subject to criminal liabilities.

第八十四条   受到固体废物污染损害的单位和个人，有权要求依法赔偿损失。

Article 84 Units and individuals that have suffered damage caused by solid waste pollution shall have the right to claim compensation according to law.

赔偿责任和赔偿金额的纠纷，可以根据当事人的请求，由环境保护行政主管部门或者其他固体废物污染环境防治工作的监督管理部门调解处理；调解不成的，当事人可以向人民法院提起诉讼。当事人也可以直接向人民法院提起诉讼。

A dispute over the liability for compensation or the amount of compensation may, at the request of the parties, be settled through mediation by the administrative department for environmental protection or the administrative department for supervision over prevention and control of environmental pollution by solid waste; if mediation fails, the parties may bring a suit before a People's Court. The party concerned may also take legal action directly at the people's court.

国家鼓励法律服务机构对固体废物污染环境诉讼中的受害人提供法律援助。

The State encourages legal services organisations to provide legal aid to victims in a lawsuit over environmental pollution by solid waste.

第八十五条   造成固体废物污染环境的，应当排除危害，依法赔偿损失，并采取措施恢复环境原状。

Article 85 Those who cause environmental pollution by solid waste shall eliminate the damage, compensate for the losses according to law and take measures to restore the original state of the environment.

第八十六条   因固体废物污染环境引起的损害赔偿诉讼，由加害人就法律规定的免责事由及其行为与损害结果之间不存在因果关系承担举证责任。

Article 86 For a damage suit arising from the environmental pollution by solid wastes, the inflicter shall assume the burden of proof for the statutory causes for exemption and the nonexistence of causation between its act and damage consequences.

第八十七条   固体废物污染环境的损害赔偿责任和赔偿金额的纠纷，当事人可以委托环境监测机构提供监测数据。环境监测机构应当接受委托，如实提供有关监测数据。

Article 87 For any dispute over damages and compensations due to the environmental pollution caused by solid waste, any party concerned may entrust an environmental monitoring institution to offer monitoring data. The environment monitoring agency shall accept the entrustment and provide the relevant monitoring data truthfully.

第六章 附 则

Chapter 6 Supplementary Provisions

第八十八条   本法下列用语的含义：

Article 88 Terms used in this Law are defined as follows:

(一)固体废物，是指在生产、生活和其他活动中产生的丧失原有利用价值或者虽未丧失利用价值但被抛弃或者放弃的固态、半固态和置于容器中的气态的物品、物质以及法律、行政法规规定纳入固体废物管理的物品、物质。

(I) "Solid waste" means articles and substances in solid, semi-solid state or gaseity in containers that are produced in the production, living and other activities and have lost their original use values or are discarded or abandoned though haven't yet lost use values, and articles and substances that are included into the management of solid wastes upon the strength of administrative regulations.

(二)工业固体废物，是指在工业生产活动中产生的固体废物。

2. "Industrial solid waste" means solid waste discharged in industrial production activities.

(三)生活垃圾，是指在日常生活中或者为日常生活提供服务的活动中产生的固体废物以及法律、行政法规规定视为生活垃圾的固体废物。

(III) "Consumer waste" means solid waste discharged from everyday life or from services provided to everyday life as well as the solid waste that is regarded as consumer waste under laws and administrative regulations.

(四)危险废物，是指列入国家危险废物名录或者根据国家规定的危险废物鉴别标准和鉴别方法认定的具有危险特性的固体废物。

(IV) "Hazardous waste" means solid waste that is included in the national list of hazardous waste or identified to be dangerous according to the identification criteria and methods of hazardous waste as prescribed by the State.

(五)贮存，是指将固体废物临时置于特定设施或者场所中的活动。

(V) "Storage" refers to an activity that temporarily places solid waste into specific facilities or sites.

(六)处置，是指将固体废物焚烧和用其他改变固体废物的物理、化学、生物特性的方法，达到减少已产生的固体废物数量、缩小固体废物体积、减少或者消除其危险成份的活动，或者将固体废物最终置于符合环境保护规定要求的填埋场的活动。

(VI) "Treatment" means activities conducted to reduce the quantity or volume of the discharged solid wastes, reduce or eliminate their dangerous composition through incineration or other methods that can change the physical, chemical or biological characteristics of the solid waste, or activities conducted ultimately to put solid wastes in landfills that meet the requirements of environmental protection, from which the solid waste shall never be taken back again.

(七)利用，是指从固体废物中提取物质作为原材料或者燃料的活动。

(VII) "Utilization" refers to an activity that distills substances as raw materials or fuels from solid waste.

第八十九条   液态废物的污染防治，适用本法；但是，排入水体的废水的污染防治适用有关法律，不适用本法。

Article 89 This Law shall apply to the prevention and control of pollution by liquid wastes. However, the prevention and control of pollution by waste water discharged into a water body shall be governed by relevant laws other than this Law.

第九十条   中华人民共和国缔结或者参加的与固体废物污染环境防治有关的国际条约与本法有不同规定的，适用国际条约的规定；但是，中华人民共和国声明保留的条款除外。

Article 90 If an international treaty regarding the prevention and control of environmental pollution caused by solid waste concluded or acceded to by the People's Republic of China contains provisions differing from those contained in this Law, the provisions of the international treaty shall prevail, with the exception of the provisions that the People's Republic of China has declared reservation.

第九十一条   本法自2005年4月1日起施行。

Article 91. This Law shall be effective 1 April 2005.