Provisions on the Management of Inspection and Acceptance of Completed Environmental Protection Facilities of Construction Projects

Decree of the National Environmental Protection Agency
No. 14

Provisions on the Management of Inspection and Acceptance of Completed Environmental Protection Facilities of Construction Projects was adopted at the executive meeting of the National Environmental Protection Agency on December 22, 1994 and is hereby promulgated for implementation.

Minister Xie Zhenhua
National Environmental Protection Agency
December 31, 1994

Article 1 The Provisions are hereby formulated in order to strengthen the management of environmental protection at the stage of inspection and acceptance of completed construction projects, prevent and control pollution and ecological destruction and ensure that the environmental protection facilities of construction projects are constructed or commissioned simultaneously with the main project in accordance with the "Environmental Protection Law of the People's Republic of China" and other relevant laws and regulations.

Article 2 The Provisions are applicable to the inspection and acceptance of the completed environmental protection facilities of construction projects by the competent department of the environmental protection administration under the State Council that is responsible for the examination and approval of the environmental impact report (statement).

The Provisions are not applicable to the inspection and acceptance of the completed environmental protection facilities of nuclear construction projects.

Article 3 The competent department of the environmental protection administration under the State Council may either directly organize the inspection and acceptance of the completed environmental protection facilities of construction projects or authorize the competent department of the environmental protection administration at a lower level to organize the inspection and acceptance. The competent department of the environmental protection administration that accepts the authorization must submit the inspection and acceptance materials of the completed environmental protection facilities to the competent department of the environmental protection administration under the State Council for record.

Objections to the results of the authorized inspection and acceptance shall be reviewed and decided by the competent department of the environmental protection administration under the State Council.

Article 4 Prior to the trial production of the construction project, the construction unit shall, together with the units responsible for the construction and design, inspect whether the environmental protection facilities are in accord with the requirements of the "three simultaneities" and submit a report on the results and the starting time of the planned trial production of the construction project to the local competent departments of the environmental protection administration at the prefectural, municipal and provincial levels and the competent department of the environmental protection administration under the State Council and relevant leading departments of their trades at the central level. Upon inspection and approval by the local competent departments of the environmental protection administration at the prefectural and municipal levels, the construction project may be put into trial production. The construction unit shall ensure that the environmental protection facilities of construction project shall be commissioned simultaneously with the main project.

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The competent departments of the environmental protection administration at all levels shall have the right to inspect the operation of the environmental protection facilities during the trial operation period. If the environmental protection facilities fail to meet the requirements for the "three simultaneities" system, the competent department of the environmental protection administration under the State Council shall order it to stop operation.

The trial operation period generally shall not exceed one year.

Article 5 During the trial operation period, the construction unit should authorize the environmental protection monitoring station under the competent department of the environmental protection administration above the prefectural and municipal levels (including the prefectural and municipal level) to monitor the discharge of pollutants, the clean production techniques of the construction project and the operation of the environmental protection facilities. The authorized environmental monitoring station may organize the local industrial environmental monitoring stations participating in the environmental monitoring network to take part in the monitoring activities.

The authorized environmental monitoring station should carry out its monitoring activities in accordance with the monitoring provisions or regulations and submit a "Monitoring Report" to the construction unit.

The monitoring expenses shall be settled in accordance with relevant provisions.

Article 6 Prior to the formal production or commission of the construction project, the construction unit must apply for inspection and acceptance of the completed environmental protection facilities to the competent department of the environmental protection administration under the State Council. The application for inspection and acceptance shall meet the following requirements:

(1) The self-inspected environmental protection facilities have satisfied the terms specified in Article 9;

(2) The linkage of the environmental protection facilities shall be organized in line with the relevant provisions on the trial run, and the record on the trial operation shall be kept;

(3) Complete the "Application Report on the Inspection and Acceptance of the Completed Environmental Protection Facilities of Construction Projects" (hereinafter referred to as the "Inspection and Acceptance Application Report") in line with the Form of the Attachment in the Provisions and submit the "Monitoring Report" according to the provisions of Article 5.

Article 7 The "Inspection and Acceptance Application Report" shall be submitted by the construction unit to the competent department of the environmental protection administration under the State Council and the copies shall be submitted to the relevant leading departments of their trades at the central level and the competent departments of the environmental protection administration of the locality at all levels. The competent department of the environmental protection administration under the State Council shall, within one month after receipt of the "Inspection and Acceptance Application Report", organize the examination and inspection and acceptance.

Article 8 Inspection and acceptance of the completed environmental protection facilities organized by the competent department of the environmental protection administration under the State Council may either be conducted separately or along with the inspection and acceptance of the main project, taking into consideration of a given situation.

When the inspection and acceptance of the completed environmental protection facilities is conducted separately, the competent department of the environmental protection administration under the State Council shall organize the competent departments of the local environmental protection administration and competent departments of industries and enterprises at all levels to set up an inspection and acceptance committee or an inspection and acceptance group to put forward the opinions on the inspection and acceptance that are the basis for approving the "Inspection and Acceptance Application Report".

The construction unit, the units responsible for construction and design and the unit that prepares the environmental impact assessment report (statement) shall take part in the inspection and acceptance.
Article 9  The qualified inspection and acceptance of the completed environmental protection facilities shall meet the following terms:

(1) The procedures for inspection, examination and approval for the first-phase construction of the construction project shall be complete. The technical data shall be complete and the environmental protection facilities shall be constructed in accordance with the approved environmental impact assessment report (statement) and the designing specifications;

(2) The assembly quality of the environmental protection facilities shall be in accord with the norms and regulations on professional and engineering inspection and acceptance and the inspection and appraisal standards issued by the government and relevant departments;

(3) After the completion of the environmental protection facilities and the main project, the load trial run shall meet the standard and the ability to prevent and control pollution shall satisfy the requirements of the main project;

(4) Discharge of pollutants shall meet the requirements specified in the approved designing document and the environmental impact assessment report (statement);

(5) The environment that was destroyed in the course of construction and that can be restored has already been repaired and maintained;

(6) The environmental protection facilities can operate normally, meet the requirements for commission and have the normal operation conditions, including the trained operators for the environmental protection facilities, establishment of the management system and implementation of raw and semi-finished materials and power;

(7) The managerial and supervisory bodies for environmental protection, including personnel, monitoring apparatuses, equipment, monitoring and managerial systems shall meet the requirements set out in the environmental impact assessment report (statement) and relevant provisions.

Article 10  Upon the qualified inspection and acceptance of the environmental protection facilities of the construction project, the competent department of the environmental protection administration under the State Council shall approve the “Inspection and Acceptance Application Report” submitted by the construction unit.

The approved “Inspection and Acceptance Application Report” is the principal basis for the final inspection and acceptance of the whole construction project. The construction project that has not been approved in the “Inspection and Acceptance Application Report” is not allowed to be put into operation or commission.

Article 11  If the construction project is constructed and receive benefits in stages, the corresponding environmental protection facilities of the construction projects shall also be inspected and accepted in stages, taking into consideration of the given situation.

If some construction projects or individual projects that have partial production capacity or have been in fact commissioned in production and the whole project cannot be completed in the near future, however, they have satisfied the conditions for completed inspection and acceptance specified in Article 6 and 9, the inspection and acceptance of the completed environmental protection facilities of the completed project and equipment shall be conducted.

Article 12  During the trial operation period of the construction project, if the discharge of pollutants fails to meet the prescribed standard, the competent department of the environmental protection administration in charge of the inspection and acceptance shall require that the construction unit shall reach the standard for the discharge of pollutants within a specified time in accordance with the concrete situation of the construction project; in areas where the total control of pollutant discharge has been implemented, the discharge shall also meet the requirements for the local total control of pollutant discharge.

Pollution discharge charges shall be paid in line with the provisions for pollutant discharge during the trial operation period and during the prescribed period for reaching the discharging standard.

Article 13  If the construction project whose environmental protection facilities have not been completed, or whose inspection and acceptance fails to meet the standard or still fails to reach the stan-
Article 14  If the construction project fails to apply for the completed inspection and acceptance according the provisions and put the project into operation and commission without authorization, the competent department of the environmental protection administration under the State Council shall order the construction unit to handle the supplement procedures after the event for applying for the completed inspection and acceptance of the environmental protection facilities within a specified time and impose a fine.

Article 15  The competent departments of the environmental protection administration in various provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for examining and approving the inspection and acceptance of the completed environmental protection facilities of construction projects of the environmental impact assessment report (statement) and implement it in accordance with the provisions.

Article 16  Provisions on the inspection and acceptance of the completed environmental protection facilities of construction projects with special requirements may be formulated separately by the competent department of the environmental protection administration under the State Council and the competent departments of other industries.

Article 17  The Provisions shall enter into force on the date of its promulgation.

Attachment: The Inspection and Acceptance Application Report on the Completed Environmental Protection Facilities of Construction Projects
The Inspection and Acceptance Application Report

on the Completed Environmental Protection Facilities of Construction Projects

Project name ____________________________
Construction unit ____________________________ (seal)
Construction site ____________________________
Person in charge of the project ____________________________
Telephone ____________________________
Postal code ____________________________

Filled in by the competent department for environmental protection

Date of receiving the inspection and acceptance environmental report

Serial No.

Explanations

1. This "Inspection and Acceptance Application Report" is formulated in accordance with the "Provisions on the Management of Inspection and Acceptance of the Completed Environmental Protection Facilities of Construction Projects".

2. The construction unit shall, two months prior to the overall and formal inspection and acceptance of the construction project, fill in the report and submit it to the competent department of the environmental protection administration for review.

3. Items that cannot be clearly explained in the form shall be further explained with supplementary notes.

4. The cover shall be affixed with the official seal of the construction unit.

5. The report shall be made in six copies. Four copies shall be submitted to the competent departments of the environmental protection administration at all levels (the state, province, autonomous region and municipality directly under the Central Government), the local prefecture and county); one copy to the competent department of the higher level and one copy is kept by the unit for record. This report shall be printed in a unified form by the National Environmental Protection Agency.