

PERSISTENT POLLUTANTS CONTROL ACT

Act No. 8292, Jan. 26, 2007
Amended by Act No. 8371, Apr. 11, 2007
Act No. 8404, Apr. 27, 2007
Act No. 9433, Feb. 6, 2009
Act No. 10032, Feb. 4, 2010
Act No. 10034, Feb. 4, 2010
Act No. 10893, Jul. 21, 2011
Act No. 11263, Feb. 1, 2012
Act No. 11862, jun. 4, 2013

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to protect citizens' health and the environment from hazards posed by persistent organic pollutants and to promote international cooperation by prescribing matters necessary for the control of persistent organic pollutants, such as dioxin, which are prescribed by the Stockholm Convention on Persistent Organic Pollutants for the implementation thereof.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "persistent organic pollutants" means chemical substances that pose hazards to people and ecosystems, having the characteristics of toxicity, persistence, bioaccumulation, long-range transportability, etc., which are prescribed by the Stockholm Convention on Persistent Organic Pollutants (hereinafter referred to as the "Stockholm Convention"), the details of which shall be prescribed by Presidential Decree;
2. The term "discharge facilities" means facilities, machines, implements, or other objects prescribed by Ordinance of the Ministry of Environment that discharge persistent organic pollutants;
3. The term "wastes containing persistent organic pollutants" means trash, burnt ashes, sludge, waste oil, waste acid, waste alkali, etc. contaminated with persistent organic pollutants exceeding the standards for the content of persistent organic pollutants prescribed by Ordinance of the Ministry of Environment among the commercial wastes defined in subparagraph 3 of Article 2 of the Wastes Control Act, which are wastes prescribed by Presidential Decree among substances that become unnecessary for citizens' lives or their business activities.

Article 3 (Scope of Application)

This Act shall not apply to the control of persistent organic pollutants at sea (referring to the sea defined in Article 3 of the Framework Act on Marine Fishery Development).

Article 4 (Relationship with other Acts)

- (1) This Act shall apply to the control of persistent organic pollutants unless otherwise prescribed by the Chemicals Control Act, the Pesticide Control Act, and other Acts. <Amended by Act No. 22862, Jun. 4, 2013>
- (2) The Wastes Control Act shall apply to matters concerning the control of wastes containing persistent organic pollutants, which are not prescribed by this Act.

Article 5 (Master Plan for Control of Persistent Organic Pollutants)

- (1) The Minister of Environment shall establish a master plan for the control of persistent organic pollutants (hereinafter referred to as "Master Plan") every five years after consultation with the head of a related central administrative agency and the Special Metropolitan City Mayor, Metropolitan City Mayors, Do Governors or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor") and then deliberation of the Central Environmental Preservation Advisory Committee under Article 37 (1) of the Framework Act on Environmental Policy. The same shall apply to any planned

modification to matters of the Master Plan prescribed by Presidential Decree. <Amended by Act No. 10032, Feb 4, 2010>

(2) The Master Plan shall contain the following matters:

1. General objectives of and direction-setting for the control of persistent organic pollutants;
2. Major plans for promoting the control of persistent organic pollutants;
3. Control conditions of persistent organic pollutants and prospect thereof;
4. Plans to raise funds for various projects concerning the control of persistent organic pollutants;
5. Plans for cooperation with international organizations and with foreign and domestic agencies concerning the control of persistent organic pollutants;
6. Matters necessary for the control of persistent organic pollutants.

(3) Other matters necessary for the establishment of the Master Plan shall be prescribed by Presidential Decree.

Article 6 (Implementation Plans for Persistent Organic Pollutants)

(1) The Minister of Environment and the head of a related central administrative agency shall establish and implement a detailed plan for the implementation of the Master Plan (hereinafter referred to as "implementation plan") every year. In such cases, the head of the related central administrative agency shall submit the implementation plan and the results of performance to the Minister of Environment.

(2) Matters necessary for the establishment and implementation of an implementation plan, submission of the results of performance, etc. shall be prescribed by Presidential Decree.

Article 7 Deleted. <by Act No. 10034, Feb 4, 2010>

Article 8 Deleted. <by Act No. 10032, Feb 4, 2010>

Article 9 (Establishment of Maximum Permissible Daily Exposure)

(1) The Government may establish a maximum permissible daily exposure as a standard at which a body may be continuously exposed to persistent organic pollutants through respiration, skin contact, ingestion, etc. during a whole lifetime without any apprehension of influence on health.

(2) The maximum permissible daily exposure by kind of persistent organic pollutant under paragraph (1) shall be prescribed by Presidential Decree.

Article 10 (Establishment of Environmental Standards)

(1) The Government shall establish environmental standards for persistent organic pollutants in order to protect the health of people and to create a comfortable environment, and shall strive to have the appropriateness thereof maintained according to the change of environmental conditions.

(2) The environmental standards under paragraph (1) shall be prescribed by Presidential Decree.

Article 11 (Installation and Operation of Measurement Network)

(1) The Minister of Environment shall install a persistent organic pollutant measurement network (hereinafter referred to as "measurement network") to ascertain the situation of pollution by persistent organic pollutants of air, water, soil, river, sediment, living organisms nationwide, and measure pollution levels.

(2) The Mayor/Do Governor and the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) may install a measurement network to ascertain the situation of pollution by persistent organic pollutants in his/her jurisdiction, and measure the pollution level.

(3) The Minister of Environment shall establish a plan for the installation of a measurement network, which clearly states the location, district, items to be measured, measurement period, measuring frequency, etc. referred to in paragraph (1).

(4) Paragraph (3) shall apply mutatis mutandis to cases where a Mayor/Do Governor or the head of a Si/Gun/Gu installs a measurement network pursuant to paragraph (2).

(5) Where a Mayor/Do Governor or the head of a Si/Gun/Gu installs and operates a measurement network, the Minister of Environment may provide financial and technological support within budgetary limits.

Article 12 (Use of Land, etc.)

(1) The Minister of Environment, a Mayor/Do Governor or the head of a Si/Gun/Gu may use land, or building or fixtures on the land in the district necessary for the installation of a measurement network or for the investigation into the conditions of pollution.

(2) The Act on Acquisition of and Compensation for Land, etc. for Public Works shall apply mutatis mutandis to the procedures of use under paragraph (1) or to the compensation for loss, etc.

CHAPTER II PROHIBITION OF OR RESTRICTION ON MANUFACTURE, EXPORTATION, IMPORTATION OR USE OF PERSISTENT ORGANIC POLLUTANTS

Article 13 (Prohibition of or Restriction on Manufacture, Exportation, Importation or Use of Persistent Organic Pollutants)

(1) No person shall manufacture, export, import or use banned persistent organic pollutants (referring to the persistent organic pollutants prescribed in Annex A to the Stockholm Convention, however, excluding restricted substances and prohibited substances under subparagraphs 4 and 5 of Article 2 of the Chemicals Control Act and pesticides under the Pesticide Control Act; hereinafter the same shall apply): Provided, That, banned persistent organic pollutants, the manufacture or use of which is permitted for specific purposes under Annex A to the Stockholm Convention (hereinafter referred to as "persistent organic pollutants specifically exempted from ban") may be manufactured, imported, exported, or used for such special purposes. <Amended by Act No. 11263, Feb. 1, 2012; Act No. 11862, Jun. 4, 2013>

(2) Those who intend to manufacture, export, import or use persistent organic pollutants specifically exempted from ban pursuant to the proviso to paragraph (1) shall comply with the standards for control prescribed by Presidential Decree, such as making an indication on their containers or packages for safety control. <Newly Inserted by Act No. 11263, Feb. 1, 2012>

(3) Those who intend to manufacture, export, import or use restricted persistent organic pollutants (referring to the persistent organic pollutants prescribed in Annex B to the Stockholm Convention, however, excluding restricted substances and prohibited substances under subparagraphs 4 and 5 of Article 2 of the Chemicals Control Act and pesticides under the Pesticide Control Act; hereinafter the same shall apply) shall comply with the details of restriction and standards for control prescribed by Presidential Decree, such as making an indication on the containers or packages of restricted persistent organic pollutants for safety control, to implement the restrictions provided in Article 3 of the Stockholm Convention. <Amended by Act No. 11263, Feb. 1, 2012; Act No. 11862, Jun. 4, 2013>

(4) Those who intend to export persistent organic pollutants specifically exempted from ban pursuant to the proviso to paragraph (1) or restricted persistent organic pollutants pursuant to paragraph (3) shall obtain the approval of the Minister of Environment by attaching a document stating the matters prescribed by Ordinance of the Ministry of Environment, such as the main use, country of import, details of the content of persistent organic pollutants specifically exempted from ban or restricted persistent organic pollutants to the export notification pursuant to Annex V of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade every year. The same shall apply to any modification to important matters prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11263, Feb. 1, 2012>

CHAPTER III REGULATION ON DISCHARGE OF PERSISTENT ORGANIC POLLUTANTS

Article 14 (Permissible Discharge Standards)

(1) Permissible discharge standards for persistent organic pollutants discharged from discharge facilities in the form of exhaust gas, waste water, etc. shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11263, Feb. 1, 2012>

(2) When the Minister of Environment intends to legislate or amend the Ordinance of the Ministry of Environment under paragraph (1), he/she shall consult with the head of a related central administrative agency in advance.

(3) A person who operates discharge facilities (hereinafter referred to as "discharge business operator") shall comply with the permissible discharge standards prescribed in paragraph (1) (excluding the permissible discharge standards for persistent organic pollutants in the form of waste water, in cases of persons who operate a zero wastewater discharge facility established under the proviso to Article 33 (1) and Article 33 (2) of the Water Quality and Ecosystem Conservation Act, among the discharge facilities established under subparagraph 2 of Article 15). <Amended by Act No. 11263, Feb. 1, 2012>

(4) When the Minister of Environment prescribes permissible discharge standards under paragraph (1), he/she shall consider whether the environmental standards under Article 10 can be maintained or achieved, whether the technology of reducing persistent organic pollutants is economical, applicable, etc.

Article 15 (Standards for Installation of Discharge Facilities)

Any person who intends to obtain a permit or approval, or to file a report falling under any of the following subparagraphs shall be equipped with the facilities that can meet the permissible discharge standards under Article 14, in addition to the standards for facilities prescribed by the relevant Acts: <Amended by Act No. 8371, Apr. 11, 2007; Act. No. 8404, Apr. 27, 2007; Act No. 11263, Feb. 1, 2012>

1. A permit, report, modification permit, or modification report under Article 23 (1) through (3) of the Clean Air Conservation Act;

2. A permit, report, modification permit, or modification report under Article 33 (1) through (3) of the Water Quality and Ecosystem Conservation Act;
3. A permit, modification permit, or modification report for the waste control business under Article 25 (3) or (11) of the Wastes Control Act;
4. Approval, report, modification approval or modification report under Article 29 (2) or (3) of the Wastes Control Act.

Article 16 (Orders of Improvement, Suspension of Use, and Closure)

- (1) Where the level of persistent organic pollutants discharged from the discharge facilities exceeds the permissible discharge standards, the Minister of Environment may order the relevant discharge business operator to take measures necessary to lower the discharge density of the persistent organic pollutants below the permissible discharge standards upon specifying a period of up to one year, as prescribed by Ordinance of the Ministry of Environment, in consideration of measures necessary for improvement, period for installing facilities, etc.
- (2) Where a person subject to an order under paragraph (1) (hereinafter referred to as "correction order") fails to comply with such order, or where he/she has complied with such order but a test reveals that he/she continues to discharge persistent organic pollutants in excess of the permissible discharge standards, the Minister of Environment may order him/her to suspend the use of all or any part of the relevant facilities within a period of up to six months, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11263, Feb. 1, 2012>
- (3) Where a person who is ordered to suspend use under paragraph (2) fails to comply with such order, or where compliance with the permissible discharge standards is deemed impossible due to the structure of discharge facilities, deterioration of prevention facilities, etc., the Minister of Environment may order the closure of the discharge facilities.

Article 17 (Disposition of Penalty Surcharges)

- (1) Where the Minister of Environment has to order suspension of use under Article 16 (2) to a discharge business operator and where such suspension of use of facilities is deemed likely to substantially hinder the national economy and other public interests, such as the livelihood of residents, external credibility, employment, commodity prices, etc., he/she may impose a penalty surcharge not exceeding 300 million won in place of an order of suspension of use.
- (2) The criterion for penalty surcharges according to the kind, scale, etc. of discharge facilities and other necessary matters shall be prescribed by Presidential Decree.
- (3) Where a discharge business operator fails to pay the penalty surcharge under paragraph (1) within the deadline, the Minister of Environment shall collect it in the same manner as delinquent national taxes are collected: Provided, That the authority of the Minister of Environment to impose and collect a penalty surcharge has been delegated to a Mayor/Do Governor, it may be collected in the same manner as delinquent local taxes are collected.
- (4) Penalty surcharges collected under paragraph (1) shall be the revenue of the special accounts for environmental improvement under the Framework Act on Environmental Policy. <Amended by Act No. 10893, Jul. 21, 2011>
- (5) Where the Minister of Environment delegates his/her authority to impose and collect a penalty surcharge to a Mayor/Do Governor, he/she may appropriate part of the penalty surcharge collected as expenses of collection, as prescribed by Presidential Decree.

Article 18 (Investigations of Sources of Discharge and Quantity of Discharge)

- (1) The Minister of Environment may investigate the discharge sources of persistent organic pollutants and the discharged quantity thereof nationwide in order to establish and implement the Master Plan rationally.
- (2) The Minister of Environment may request the head of a related agency for the submission of necessary data or assistance for the investigation of the discharge sources of persistent organic pollutants and the discharged quantity thereof under paragraph (1). In such cases, the head of the related agency in receipt of a request shall comply therewith unless extenuating circumstances exist.
- (3) Matters concerning the methods and procedures for investigating the discharge sources and discharged quantity of persistent organic pollutants, methods for calculating the quantity, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11263, Feb. 1, 2012>

Article 19 (Measurement of Persistent Organic Pollutants, Impact Assessment on Surrounding Areas, etc.)

(1) Every discharge business operator shall measure persistent organic pollutants discharged from the relevant discharge facility in person according to the fair examination standards of environmental pollution under Article 6 (1) 10 of the Environmental Examination and Inspection Act, or have a measuring organization prescribed by Ordinance of the Ministry of Environment measure them, and record the result of measurement and preserve it during the period prescribed by Ordinance of the Ministry of Environment. In such cases, the extent of persistent organic pollutants, methods for and frequency of measurement, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11263, Feb. 1, 2012>

(2) A discharge business operator who operates a discharge facility of a scale larger than that prescribed by Presidential Decree, which impacts substantially on the pollution of the environment shall investigate the impacts of the operation of the discharge facility on the surrounding areas every three years independently or jointly or have a measuring organization prescribed by Ordinance of the Ministry of Environment to investigate such impacts, and submit the result thereof to the Minister of Environment. In such cases, matters necessary for the method for and extent of investigations, report of the result of investigations, etc. shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11263, Feb. 1, 2012>

(3) Where any discharge business operator fails to implement the duty to measure under paragraph (1) or fails to investigate the impacts under paragraph (2), the Minister of Environment may order the measurement of persistent organic pollutants or impact assessments upon specifying a period, as prescribed by Ordinance of the Ministry of Environment.

(4) The Minister of Environment may order discharge business operators who fail to comply with an order issued under paragraph (3) to suspend the use of such discharge facilities or to close them.

(5) The result of measurement under paragraph (1) may be kept and preserved in electronic form pursuant to subparagraph 1 of Article 2 of the Framework Act on Electronic Transactions. <Newly Inserted by Act No. 11263, Feb. 1, 2012>

Article 20 (Emergency Measures and Reporting in Time of Accident, Measures, etc. to Prevent Recurrence)

(1) Where persistent organic pollutants have been discharged into the air or public waters defined in subparagraph 9 of Article 2 of the Water Quality and Ecosystem Conservation Act due to the breakdown or damage of a discharge facility or other accidents, the relevant discharge business operator shall, without delay, take necessary emergency measures according to the standards for handling accidents prescribed by Ordinance of the Ministry of Environment, and remove or dispose of the discharged persistent organic pollutants promptly and safely. <Amended by Act No. 11263, Feb. 1, 2012>

(2) Where an accident under paragraph (1) has occurred, the relevant discharge business operator shall report the status of the accident to the Minister of Environment without delay.

(3) The Minister of Environment may order the discharge business operator of the discharge facility in which an accident has occurred to take measures necessary to prevent the spread of accident or recurrence thereof.

CHAPTER IV DISPOSAL OF WASTES CONTAINING PERSISTENT ORGANIC POLLUTANTS

Article 21 (Classification, Control, etc. of Wastes Containing Persistent Organic Pollutants)

Wastes containing persistent organic pollutants shall be deemed controlled wastes as defined in subparagraph 4 of Article 2 of the Wastes Control Act.

Article 22 (Standards for Disposal, etc. of Wastes Containing Persistent Organic Pollutants)

Those who intend to collect, transport, keep or dispose of wastes containing persistent organic pollutants shall comply with the standards and methods prescribed by Ordinance of the Ministry of Environment.

Article 23 (Restriction on Recycling)

(1) Those who intend to recycle wastes containing persistent organic pollutants shall recycle wastes containing persistent organic pollutants only for the kinds and uses prescribed by Ordinance of the Ministry of Environment for eco-friendly recycling.

(2) Those who intend to recycle wastes containing persistent organic pollutants as prescribed in paragraph (1) shall be equipped with a safekeeping facility and recycling facility prescribed by Ordinance of the Ministry of Environment and report to the competent Mayor/Do Governor thereof. The same shall apply to any modification to important matters prescribed by Ordinance of the Ministry of Environment among the reported matters. <Amended by Act No. 11263, Feb. 1, 2012>

(3) Mayors/Do Governors may order a person who recycles wastes containing persistent organic pollutants, for the kinds and uses other than those prescribed in paragraph (1), to suspend the use thereof, or to close the relevant facility. <Amended by Act No. 11263, Feb. 1, 2012>

CHAPTER V CONTROL OF INSTRUMENTS, ETC. CONTAINING PERSISTENT ORGANIC POLLUTANTS

Article 24 (Making List of Contaminated Implements, etc.)

The Minister of Environment may make a list of instruments, facilities and products containing persistent organic pollutants exceeding a level set out in the standards prescribed by Presidential Decree (hereinafter referred to as "contaminated implements, etc.") in order to prevent hazards to the human body.

[This Article Wholly Amended by Act No. 11263, Feb. 1, 2012]

Article 24-2 (Reporting, etc. of Implements, etc. Subject to Control)

The owner of an instrument, facility or product prescribed by Presidential Decree, such as a transformer (hereinafter referred to as "implements, etc. subject to control"), shall report to the competent Mayor/Do Governor of the matters prescribed by Ordinance of the Ministry of Environment, such as the manufacturer, date of manufacture, and replacement of insulating oil. The same shall also apply to any modification to important matters prescribed by Ordinance of the Ministry of Environment among the reported matters, such as replacement of insulating oil.

[This Article Newly Inserted by Act No. 11263, Feb. 1, 2012]

Article 24-3 (Restriction on Import and Export of Implements, etc. Subject to Control)

No person shall import or export implements, etc. subject to control containing insulating oil, the concentration of persistent organic pollutants of which exceeds a level set out in the standards prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 11263, Feb. 1, 2012]

Article 25 (Safety Control of Contaminated Implements, etc.)

- (1) The owner of contaminated implements, etc. shall take the following safety control measures:
 1. Indication of the matters that require attention for safety control;
 2. Attaching an identification device to verify whether they are contaminated.
- (2) Detailed matters necessary for the safety control measures under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.
- (3) Where the owner of contaminated implements, etc. fails to take the safety control measures under paragraphs (1) and (2), the competent Mayor/Do Governor may order the owner to take measures necessary for safety control by specifying a period, as prescribed by Ordinance of the Ministry of Environment.

<Amended by Act No. 11263, Feb. 1, 2012>

Article 26 (Deadline for Disposal of Contaminated Implements, etc.)

The owner of contaminated implements, etc. who has finished using such implements shall properly dispose of them in accordance with the standards and methods provided in Article 22 within the deadline prescribed by Ordinance of the Ministry of Environment.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 27 (Assistance in Installation, etc. of Facilities)

The Minister of Environment may install and operate any of the following facilities, or render assistance necessary for the development, dissemination, etc. of technology to reduce environmental pollution due to persistent organic pollutants for the proper management of the persistent organic pollutants:

1. A facility to eliminate or reduce persistent organic pollutants discharged from the discharge facility;
2. A facility to collect, transport, keep or dispose of wastes containing persistent organic pollutants.

Article 28 (International Cooperation)

The Government shall exchange information and technology relating to persistent organic pollutants and cooperate in the exchange of human resources, joint investigations, research and development, etc. through international cooperation with international organizations and countries relating to the Stockholm Convention, and proactively participate in international endeavor to prevent and reduce hazards of persistent organic pollutants to health or the environment.

Article 29 (Reporting, Examination, etc.)

- (1) The Minister of Environment or a Mayor/Do Governor may order each of the following persons to file a report or to submit data on the matters prescribed by Ordinance of the Ministry of Environment, and may authorize related public officials to access their facilities or places of business and to investigate the discharge sources of persistent organic pollutants and the discharged quantity pursuant to Article 18 or collect samples or inspect relevant documents, facilities, equipment, etc. to verify whether the permissible discharge standards, standards for disposal of wastes containing persistent organic pollutants under Article 22 or the deadline for disposal of contaminated implements, etc. under Article 26 is complied with, etc.:

<Amended by Act No. 11263, Feb. 1, 2012>

1. Discharge business operators;
2. Persons who recycle wastes containing persistent organic pollutants under Article 23;
3. Owners of contaminated implements, etc. under Article 24;
4. Owners of implements, etc. subject to control under Article 24-2.

(2) Where the Minister of Environment orders to file a report or to submit data, collects samples or conducts an inspection (hereinafter referred to as "inspection, etc.") under paragraph (1), he/she shall notify the relevant person in advance of a plan regarding the date, reasons, details, etc. of inspection, etc. by no later than seven days before the start of the inspection, etc.: Provided, That where it is necessary to expedite an inspection, etc. or it is acknowledged that the objective of an inspection, etc. cannot be achieved due to destruction of evidence, etc. if the inspection, etc. are notified in advance, this shall not apply.

(3) Any public official who gains access and conducts an inspection pursuant to paragraph (1) shall carry a certificate indicating his/her authority and produce it to persons involved.

Article 29-2 (Submission of Annual Reports)

(1) Every Mayor/Do Governor shall submit an annual report on the control of persistent organic pollutants to the Minister of Environment.

(2) Matters necessary for the methods of preparing annual reports under paragraph (1) and the timing of submission thereof shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 11263, Feb. 1, 2012]

Article 30 (Hearings)

When the Minister of Environment or a Mayor/Do Governor intends to issue an order of closure pursuant to Article 16 (3), 19 (4) or 23 (3), he/she shall hold a hearing. <Amended by Act No. 11263, Feb. 1, 2012>

Article 31 (Delegation and Entrustment of Authority)

(1) The Minister of Environment may partially delegate his/her authority under this Act to Mayors/Do Governors, the President of the National Institute of Environmental Research or the director general of a regional environmental office, as prescribed by Presidential Decree.

(2) The Minister of Environment may entrust each of the following business affairs to the related specialized agencies, such as the Korea Environment Corporation established under the Korea Environment Corporation Act, as prescribed by Presidential Decree: <Amended by Act No. 9433, Feb. 6, 2009; Act No. 11263, Feb. 1, 2012>

1. Business affairs regarding the establishment and operation of a measurement network under Article 11;
2. Business affairs regarding the investigations of the discharge sources and the discharged quantity of persistent organic pollutants under Article 18 (1);
3. Business affairs regarding the installation and operation of facilities for the collection, transport, keeping and disposal of wastes containing persistent organic pollutants under subparagraph 2 of Article 27;
4. Business affairs regarding the access, collection of samples, and inspections under Article 29 (1) (only for cases required for investigations under subparagraph 2).

Article 31-2 (Statutory Treatment as Public Officials in Application of Penalty Provisions)

Any executive or employee of the related specialized agencies conducting business affairs entrusted pursuant to Article 31 (2) shall be deemed a public official in application of penalty provisions under Articles 129 through 132 of the Criminal Act.

[This Article Newly Inserted by Act No. 11263, Feb. 1, 2012]

CHAPTER VII PENALTY PROVISIONS

Article 32 (Penalty Provisions)

Any person who fails to comply with an order of closure issued under Article 16 (3), 19 (4) or 23 (3) shall be punished by imprisonment for not more than five years or by a fine not exceeding 50 million won.

<Amended by Act No. 11263, Mar. 18, 2014>

Article 33 (Penalty Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding 30 million won: <Amended by Act No. 11263, Feb. 1, 2012; Act No. 12464, Mar. 18, 2014>

1. A person who manufactures, exports, imports or uses banned persistent organic pollutants, in violation of the main sentence of Article 13 (1);
2. A person who fails to comply with an order of improvement or an order of suspension of use issued under Article 16 (1) or (2);
3. A person who fails to comply with an order of suspension of use issued under Article 19 (4);

4. A person who recycles wastes containing persistent organic pollutants for the kinds and uses other than those prescribed by Ordinance of the Ministry of Environment, in violation of Article 23 (1);
5. A person who fails to comply with an order of suspension of use issued under Article 23 (3);
- 5-2. A person who imports or exports implements, etc. subject to control, in violation of Article 24-3;
6. A person who fails to properly dispose of contaminated implements, etc. within the deadline, in violation of Article 26.

Article 34 (Penalty Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding 20 million won: <Amended by Act No. 11263, Feb. 1, 2012; Act No. 12464, Mar. 18, 2014>

1. A person who fails to comply with the standards for control regarding the manufacture, export, import, or use of persistent organic pollutants specifically exempted from ban, in violation of Article 13 (2);
- 1-2. A person who fails to comply with the details of restriction on or standards for the manufacture, export, import or use of restricted persistent organic pollutants, in violation of Article 13 (3);
2. A person who exports restricted persistent organic pollutants without obtaining approval or modification approval, or after obtaining approval or modification approval fraudulently, in violation of Article 13 (4);
3. A person who fails to comply with the permissible discharge standards, in violation of Article 14 (3);
4. A person who fails to comply with an order of measurement of persistent organic pollutants or an order of impact assessment on the surrounding area issued under Article 19 (3);
5. A person who fails to comply with an order to take measures issued under Article 20 (3);
6. A person who pollutes the surrounding environment by collecting, transporting, keeping or disposing of wastes containing persistent organic pollutants, in violation of Article 22.

Article 35 (Penalty Provisions)

Any person who fails to comply with an order to take measures issued under Article 25 (3) shall be punished by a fine not exceeding one million won.

Article 36 (Joint Penalty Provisions)

Where the representative of a corporation, or an agent, employee or other servant of the corporation or an individual commits an offence under Articles 32 through 35 in connection with the business of the corporation or individual, not only shall such offender be punished, but the corporation or individual be also punished by a fine as prescribed in the corresponding provisions: Provided, That where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business to prevent such offence, this shall not apply.

[This Article Wholly Amended by Act No. 11263, Feb. 1, 2012]

Article 37 (Administrative Fines)

(1) Any person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding ten million won: <Amended by Act No. 11263, Feb. 1, 2012>

1. A person who fails to measure persistent organic pollutants or preserve the record thereof, makes or preserves a false record, or fails to investigate the effects on the surrounding area or to submit the result thereof, in violation of Article 19 (1) or (2);
2. A person who fails to devise emergency measures, fails to remove or dispose of discharged persistent organic pollutants promptly and safely, or fails to file an accident report, in violation of Article 20 (1) or (2);
3. A person who collects, transports, keeps or disposes of wastes containing persistent organic pollutants (excluding any person falling under subparagraph 6 of Article 34), in violation of Article 22.

(2) Any person who falls under any of the following subparagraphs shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 11263, Feb. 1, 2012>

1. A person who fails to file a report or modification report on a safekeeping facility and recycling facility, in violation of Article 23 (2);
2. A person who fails to file a report or modification report of instruments, etc. subject to control, in violation of Article 24 (2), or files a false report or false modification report.
- (3) A person who fails to submit a report or data under Article 29, or submits a false report or data, or refuses, interferes with or evades access, taking samples or inspections by related public officials shall be punished by an administrative fine not exceeding one million won.

(4) Administrative fines under paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment or the competent Mayor/Do Governor, as prescribed by Presidential Decree. <Amended by Act No. 11263, Feb. 1, 2012>

(5) through (7) Deleted. <by Act No. 11263, Feb. 1, 2012>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures concerning Standards for Installation of Discharge Facilities)

Any discharge business operator who has installed and is operating a discharge facility as at the time this Act enters into force shall meet the standards for the installation of discharge facilities under Article 15 (1) and (2) within one year from the date this Act enters into force.

Article 3 (Transitional Measures concerning Measurement, etc.)

(1) Where a measurement has been taken under Article 31 (2) of the Wastes Control Act before this Act enters into force, such measurement shall be deemed taken under Article 19 (1) of this Act. <Amended by Act No. Act No. 8371, Apr. 11, 2007>

(2) Where an investigation has been conducted under Article 31 (3) of the Wastes Control Act before this Act enters into force, such investigation shall be deemed conducted under Article 19 (2) of this Act. <Amended by Act No. Act No. 8371, Apr. 11, 2007>

Article 4 Omitted.

ADDENDA <Act No. 8371, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDA <Act No. 8404, Apr. 27, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 14 Omitted.

ADDENDA <Act No. 9433, Feb. 6, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2010.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 10032, Feb 4, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Articles 2 through 3 Omitted.

ADDENDUM <Act No. 10034, Feb 4, 2010>

This Act shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 10893, Jul. 21, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 11263, Feb. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of the proviso to Article 13 (1), Article 14, the part concerning the entrustment of investigation to a measuring organization in the amended provisions of Article 19 (2), Article 19 (5), subparagraph 1 of Article 33, Articles 36 and 37 (1) 3 shall enter into force on the date of its promulgation, and the amended provisions of Articles 13 (excluding the proviso to paragraph (1)) and 34 shall enter into force six months after the date of its promulgation.

Article 2 (Transitional Measures concerning Administrative Fines)

In the application of administrative fines (limited to Article 37 (1) 3) against any act done before this Act enters into force, the previous provisions shall prevail.

ADDENDA <Act No. 11862, Jun. 4, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015.

Articles 2 through 12 Omitted.

ADDENDUM <Act No. 12464, Mar. 18, 2014>

This Act shall enter into force on the date of its promulgation.