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## AIR POLLUTION PREVENTION AND CONTROL LAW OF THE PEOPLE'S REPUBLIC OF CHINA

(Adopted at the 22nd meeting of the Standing Committee of the Sixth National People's Congress on September 5, 1987, in accordance with the "About the Amendment to the "Chinese People's The Decision of the Air Pollution Prevention and Control Law of the Republic was revised for the first time on April 29, 2000 at the 15th meeting of the Standing Committee of the Ninth National People's Congress and revised for the first time at the 12th National People's Congress on August 29, 2015 The 16th meeting of the Standing Committee of the National People's Congress amended for the second time in accordance with the Sixth Meeting of the Standing Committee of the Thirteenth National People's Congress on October 26, 2018 "About the Amendment of the Wildlife Protection Law of the People's Republic of China" and other 15 laws Decision of the Second Amendment)

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### Chapter 1 General Provisions

**Article 1** This Law is enacted for the purpose of protecting and improving the environment, preventing and controlling air pollution, safeguarding public health, advancing the construction of an ecological civilization, and promoting sustainable economic and social development.

**Article 2** The prevention and control of air pollution shall aim at improving the quality of the air environment, adhere to source control, plan first, transform the mode of economic development, optimize the industrial structure and layout, and adjust the energy structure. To prevent and control air pollution, we should strengthen the comprehensive prevention and control of air pollution from coal burning, industry, motor vehicles and ships, flying dust, agriculture, etc., promote joint prevention and control of regional air pollution, and control air pollutants such as particulate matter, sulfur dioxide, nitrogen oxides, volatile organic compounds, and ammonia. Co-control with greenhouse gases.

**Article 3** The people's governments at or above the county level shall incorporate air pollution prevention and control work into national economic and social development plans, and increase financial input for air pollution prevention and control. Local people's governments at various levels shall be responsible for the quality of the atmospheric environment in their respective administrative regions, formulate plans, and take measures to control

or gradually reduce the emission of atmospheric pollutants, so that the quality of the atmospheric environment reaches the prescribed standards and is gradually improved.

**Article 4** The competent department of the State Council for ecology and environment, in conjunction with relevant departments of the State Council, shall, in accordance with the provisions of the State Council, conduct assessments of the improvement goals of the atmospheric environment quality of provinces, autonomous regions, and municipalities directly under the Central Government and the completion of key tasks of air pollution prevention and control. The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government formulate assessment methods to conduct assessments of the local air environment quality improvement goals and the completion of key air pollution prevention and control tasks within their administrative regions. The assessment results should be disclosed to the public.

**Article 5** The competent department of ecological environment of the people's government at or above the county level shall implement unified supervision and management of air pollution prevention and control.

Other relevant departments of the people's government at or above the county level shall supervise and manage the prevention and control of air pollution within the scope of their respective responsibilities.

**Article 6** The state encourages and supports scientific and technological research on air pollution prevention and control, conducts analysis of air pollution sources and their changing trends, promotes advanced and applicable air pollution prevention and control technologies and equipment, promotes the transformation of scientific and technological achievements, and utilizes science and technology in the prevention and control of air pollution. supporting role.

**Article 7** Enterprises, public institutions and other producers and operators shall take effective measures to prevent and reduce air pollution, and shall be liable for the damages caused according to law.

Citizens should enhance their awareness of atmospheric environmental protection, adopt a low-carbon and frugal lifestyle, and consciously fulfill their obligations to protect the atmospheric environment.

## **Chapter II Air Pollution Prevention and Control Standards and Planning for Reaching Standards within a Deadline**

**Article 8** The competent department of ecology and environment under the State Council or the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall formulate atmospheric environmental quality standards for the purpose of safeguarding public health and protecting the ecological environment, adapt to economic and social development, and be scientific and reasonable.

**Article 9** The competent department of ecology and environment under the State Council or the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall formulate air pollutant discharge standards based on the air environmental quality standards and the country's economic and technical conditions.

**Article 10** To formulate atmospheric environmental quality standards and air pollutant discharge standards, experts shall be organized to review and demonstrate, and opinions from relevant departments, industry associations, enterprises, public institutions, and the public shall be solicited.

**Article 11** The competent department of ecological environment of the people's government at or above the provincial level shall publish the air environment quality standards and air pollutant discharge standards on its website for free viewing and downloading by the public.

**Article 12** The implementation of atmospheric environmental quality standards and air pollutant discharge standards shall be evaluated regularly, and the standards shall be revised in due course according to the evaluation results.

**Article 13** When formulating quality standards for products containing volatile organic compounds such as coal, petroleum coke, biomass fuel, and coatings, fireworks, and boilers, the requirements for atmospheric environmental protection shall be specified. The formulation of fuel quality standards shall comply with the national air pollutant control requirements, and shall be in line with the national air pollutant emission standards for motor vehicles, ships, and non-road mobile machinery, and shall be implemented simultaneously.

The non-road mobile machinery referred to in the preceding paragraph refers to mobile machinery equipped with engines and transportable industrial equipment.

**Article 14** The people's government of a city that has not reached the national atmospheric environmental quality standards shall promptly prepare a plan for achieving the atmospheric environmental quality within a time limit, and take measures to meet the atmospheric environmental quality standards within the time limit specified by the State Council or the provincial people's government.

To formulate plans for reaching urban atmospheric environmental quality standards within a time limit, the opinions of relevant industry associations, enterprises, public institutions, experts, and the public should be solicited.

**Article 15** The plan for reaching the standard of urban air environment quality within a specified time limit shall be disclosed to the public. The plans for attaining atmospheric environmental quality standards within a time limit for municipalities directly under the Central Government and cities divided into districts shall be reported to the competent department of ecology and environment of the State Council for the record.

**Article 16** When reporting the environmental status and the completion of environmental protection goals to the people's congress at the same level or its standing committee every year, the urban people's government shall report on the implementation of the plan to meet the air environmental quality within a time limit, and make it public.

**Article 17** The urban air environment quality standard attainment plan shall be evaluated and revised in due course according to the requirements of air pollution prevention and control and economic and technical conditions.

### **Chapter III Supervision and Administration of Air Pollution Prevention and Control**

**Article 18** Enterprises, public institutions and other producers and operators who construct projects that have an impact on the atmospheric environment shall conduct environmental impact assessments and disclose environmental impact assessment documents according to law; Requirements for total emission control of key air pollutants.

**Article 19** Enterprises and public institutions that discharge industrial waste gas or toxic and harmful air pollutants listed in the list stipulated in Article 78 of this law, coal-fired heat source production and operation units of centralized heating facilities, and other units that implement pollutant discharge permit management according to law, should obtain a pollutant discharge permit. The specific measures and implementation steps for pollutant discharge permits shall be stipulated by the State Council.

**Article 20** Enterprises, public institutions, and other producers and operators that discharge pollutants into the atmosphere shall set up air pollutant discharge outlets in accordance with laws and regulations and the provisions of the competent department of ecology and environment under the State Council.

It is prohibited to discharge air pollutants by means of sneaking, tampering or falsifying monitoring data, temporarily stopping production for the purpose of evading on-site inspections, opening emergency discharge channels in non-emergency situations, and abnormally operating air pollution prevention and control facilities.

**Article 21** The State implements total control over the discharge of key air pollutants. The total emission control target of key air pollutants shall be submitted to the State Council for approval and implementation by the competent department of ecology and environment of the State Council, after soliciting the opinions of relevant departments of the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, in conjunction with the comprehensive economic department of the State Council.

The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall control or reduce the total discharge of key air pollutants in their administrative regions in accordance with the total discharge control targets issued by the State Council.

The specific measures for determining the total amount control target and decomposing the total amount control indicators shall be stipulated by the competent department of ecology and environment of the State Council in conjunction with relevant departments of the State Council. The

people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may, according to the needs of air pollution prevention and control in their administrative regions, exercise total control over the discharge of air pollutants other than national key air pollutants.

The state gradually promotes the trading of emission rights of key air pollutants.

**Article 22** For areas that have exceeded the national key air pollutant discharge total control indicators or have not completed the air environmental quality improvement goals issued by the state, the competent department of ecology and environment of the people's government at or above the provincial level shall, in conjunction with relevant departments, interview the people's government of the area. The main person in charge of the project will suspend the approval of the environmental impact assessment documents of construction projects that increase the total discharge of key air pollutants in the area. Interviews should be disclosed to the public.

**Article 23** The competent department of ecology and environment under the State Council is responsible for formulating monitoring and evaluation specifications for atmospheric environmental quality and air pollution sources, organizing the construction and management of the national atmospheric environmental quality and air pollution source monitoring network, organizing and carrying out monitoring of atmospheric environmental quality and air pollution sources, and releasing them in a unified manner National atmospheric environmental quality information. The competent department of ecological environment of the local people's government at or above the county level is responsible for organizing the construction and management of the monitoring network of atmospheric environmental quality and air pollution sources in the administrative area, carrying out the monitoring of atmospheric environmental quality and air pollution sources, and uniformly publishing information on the status of the atmospheric environmental quality in the administrative area.

**Article 24** Enterprises, public institutions and other producers and operators shall, in accordance with the relevant national regulations and monitoring norms, monitor the industrial waste gas they discharge and the toxic and harmful air pollutants listed in the catalog stipulated in Article 78 of this Law, and Keep original monitoring records. Among them, key pollutant discharge units should install and use automatic monitoring equipment for air pollutant emissions, and be connected to the monitoring equipment of the competent department of ecological environment to ensure the normal operation of monitoring equipment and disclose emission information according to law. The specific methods of monitoring and the conditions of key pollutant-discharging units shall be stipulated by the competent department of ecology and environment under the State Council. The list of key pollutant-discharging units is determined by the competent department of ecological environment of the local people's government at or above the city level divided into districts in accordance with the regulations of the competent department of ecological environment of the State Council, according to the atmospheric environmental carrying capacity of the administrative region, the requirements of the total emission control indicators of key air pollutants, and the pollutant discharge The types, quantities and concentrations of air pollutants emitted by units shall be determined in consultation with relevant departments and announced to the public.

**Article 25** Key pollutant discharge units shall be responsible for the authenticity and accuracy of the automatic monitoring data. If the competent department of ecology and environment finds that the data transmitted by the automatic monitoring equipment for air pollutant discharge of key pollutant discharge units is abnormal, it shall conduct an investigation in a timely manner.

**Article 26** It is prohibited to occupy, destroy, or move without authorization, or change air environment quality monitoring facilities and air pollutant emission automatic monitoring equipment.

**Article 27** The state implements an elimination system for processes, equipment and products that seriously pollute the atmospheric environment. The comprehensive economic department of the State Council shall, in conjunction with relevant departments of the State Council, determine the time limit for the elimination of processes, equipment and products that seriously pollute the atmospheric environment, and include them in the national comprehensive industrial policy catalogue.

Producers, importers, sellers or users shall stop producing, importing, selling or using the equipment and products included in the catalog stipulated in the preceding paragraph within the prescribed time

limit. The adopter of the technology shall stop using the technology included in the catalog stipulated in the preceding paragraph within the prescribed time limit.

Eliminated equipment and products shall not be transferred to others for use.

**Article 28** The State Council's competent department of ecology and environment shall, in conjunction with relevant departments, establish and improve an air pollution damage assessment system.

**Article 29** The competent departments of ecology and environment, their environmental law enforcement agencies, and other departments responsible for the supervision and management of atmospheric environmental protection have the right to conduct on-site inspections and monitoring, automatic monitoring, remote sensing monitoring, and far-infrared photography. Enterprises, public institutions and other producers and operators of goods shall conduct supervision and inspection. The person under inspection shall truthfully report the situation and provide necessary information. Departments, institutions and their staff that conduct inspections shall keep commercial secrets for those under inspection.

**Article 30** Where enterprises, public institutions and other producers and operators discharge air pollutants in violation of laws and regulations, causing or likely to cause serious air pollution, or relevant evidence may be lost or concealed, the competent department of ecology and environment of the people's government at or above the county level and other Departments responsible for the supervision and management of atmospheric environmental protection may take administrative coercive measures such as sealing up and detaining relevant facilities, equipment, and articles.

**Article 31** The competent departments of ecology and environment and other departments responsible for the supervision and management of atmospheric environmental protection shall publish reporting telephone numbers, e-mail addresses, etc., to facilitate public reporting. The competent department of ecology and environment and other departments responsible for the supervision and management of atmospheric environmental protection shall handle the report in a timely manner and keep the relevant information of the reporter confidential; for real-name reports, they shall provide feedback on the handling results and other information, and if they are verified to be true, The results of the handling are disclosed to the public according to law, and rewards are given to whistleblowers.

If the whistleblower reports to the unit, the unit shall not retaliate against the whistleblower by terminating or changing the labor contract or in other ways.

## **Chapter IV Air Pollution Prevention and Control Measures**

### **Section 1 Prevention and Control of Pollution from Coal Burning and Other Energy Sources**

**Article 32** Relevant departments of the State Council and local people's governments at various levels shall take measures to adjust the energy structure, promote the production and use of clean energy; optimize the use of coal, promote clean and efficient utilization of coal, and gradually reduce the proportion of coal in primary energy consumption. To reduce the emission of air pollutants in the process of coal production, use and transformation.

**Article 33** The state promotes coal washing and processing, reduces the sulfur and ash content of coal, and restricts the mining of coal with high sulfur content and high ash content. Newly built coal mines shall simultaneously construct supporting coal washing facilities to ensure that the sulfur and ash content of coal meet the specified standards; established coal mines shall mine coal with low sulfur content and low ash content or meet the emission standards required by coal-fired power plants. Except for those that need to be washed, supporting coal washing facilities should be built within a time limit.

The mining of coal containing radioactive and arsenic and other toxic and harmful substances exceeding the prescribed standards is prohibited.

**Article 34** The state adopts economic and technical policies and measures conducive to the clean and efficient utilization of coal, and encourages and supports the development and promotion of clean coal technology.

The state encourages coal mining enterprises to adopt reasonable and feasible technical measures to mine and utilize coalbed methane and comprehensively utilize coal gangue. Those who are engaged



in the exploitation and utilization of coalbed methane shall comply with the relevant standards and regulations for the discharge of coalbed methane.

**Article 35** The state prohibits the import, sale and use of coal that does not meet quality standards, and encourages the use of high-quality coal. Units that store coal, coal gangue, cinders, coal ash and other materials shall take anti-combustion measures to prevent air pollution.

**Article 36** Local people's governments at all levels shall take measures to strengthen the management of civilian-use loose coal, prohibit the sale of coal that does not meet the quality standards of civilian-use loose coal, encourage residents to burn high-quality coal and clean briquette coal, and promote energy-saving and environment-friendly stoves.

**Article 37** Petroleum refining enterprises shall produce fuel oil in accordance with the fuel oil quality standards. It is forbidden to import, sell and burn petroleum coke that does not meet the quality standards.

**Article 38** The city people's government may delineate and announce highly polluting fuel combustion prohibited areas, and gradually expand the scope of highly polluting fuel combustion prohibited areas in accordance with the requirements for improving the quality of the air environment. The catalog of highly polluting fuels is determined by the competent department of ecology and environment under the State Council. In the no-combustion zone, it is prohibited to sell and burn highly polluting fuels; it is forbidden to build or expand facilities that use highly polluting fuels, and if they have been built, they should be converted to natural gas, shale gas, and liquefied petroleum within the time limit specified by the city people's government. gas, electricity or other clean energy.

**Article 39** Urban construction shall be planned as a whole, and cogeneration of heat and power and centralized heating shall be promoted in coal-fired heating areas. In the area covered by the central heating pipe network, it is forbidden to build or expand decentralized coal-fired heating boilers ; the built coal-fired heating boilers that cannot meet the emission standards should be dismantled within the time limit specified by the urban people's government.

**Article 40** The market supervision and management department of the people's government at or above the county level shall, in conjunction with the competent department of ecological environment, supervise and inspect the implementation of environmental protection standards or requirements in the production, import, sales and use of boilers; if the environmental protection standards or requirements are not met, Prohibited to be produced, imported, sold and used.

**Article 41** Coal-fired power plants and other coal-fired units shall adopt clean production techniques, build supporting equipment for dust removal, desulfurization, and denitrification, or take other measures to control the emission of air pollutants such as technological transformation. The state encourages coal-burning units to adopt advanced dust removal, desulfurization, denitrification, mercury removal and other air pollutant collaborative control technologies and devices to reduce the emission of air pollutants.

**Article 42** Power dispatching shall give priority to arranging clean energy power generation to be connected to the grid.

## Section 2 Industrial Pollution Prevention and Control

**Article 43** Enterprises that discharge dust, sulfides, and nitrogen oxides during the production process of iron and steel, building materials, non-ferrous metals, petroleum, and chemical industries shall adopt clean production processes, build supporting equipment for dust removal, desulfurization, and denitrification, or adopt technological Transformation and other measures to control the emission of air pollutants.

**Article 44** When producing, importing, selling and using raw materials and products containing volatile organic compounds, the content of volatile organic compounds shall meet the quality standards or requirements. The state encourages the production, import, sale and use of low-toxic, low-volatile organic solvents.

**Article 45** Production and service activities that generate waste gas containing volatile organic compounds shall be carried out in confined spaces or equipment, and pollution prevention and control

facilities shall be installed and used in accordance with regulations; where it cannot be sealed, measures shall be taken to reduce waste gas emissions.

**Article 46** Industrial coating enterprises shall use paints with low volatile organic content, and establish ledgers to record the amount of production raw materials and auxiliary materials used, the amount of waste, whereabouts, and the content of volatile organic compounds. The retention period of ledgers shall not be less than three years.

**Article 47** Petroleum, chemical and other enterprises that produce and use organic solvents shall take measures to maintain and repair pipelines and equipment on a daily basis to reduce material leakage, and the leaked materials shall be collected and disposed of in a timely manner. Oil and gas storage depots, refueling stations, crude oil and refined oil terminals, crude oil and refined oil transport ships, oil tank trucks, and gas tank trucks, etc., shall install oil and gas recovery devices in accordance with relevant state regulations and maintain normal use.

**Article 48** Enterprises in iron and steel, building materials, non-ferrous metals, petroleum, chemicals, pharmaceuticals, and mineral mining shall strengthen fine-grained management, adopt measures such as centralized collection and treatment, and strictly control the discharge of dust and gaseous pollutants.

Industrial production enterprises should take measures such as airtightness, enclosure, covering, cleaning, and watering to reduce the discharge of dust and gaseous pollutants generated during the storage, transportation, loading and unloading of internal materials.

**Article 49** Combustible gases produced by industrial production, garbage landfills or other activities shall be recycled, and those that are not eligible for recycling shall be treated for pollution prevention and control.

If the combustible gas recycling device fails to work normally, it shall be repaired or updated in time. If it is necessary to discharge flammable gas during the normal operation of the recycling device, it shall fully burn the discharged flammable gas or take other measures to control the emission of air pollutants, and report to the local competent department of ecology and environment, and make repairs within a specified time limit or renew.

### Section 3 Pollution Prevention and Control by Motor Vehicles and Vessels

**Article 50** The state advocates low-carbon, environmentally-friendly travel, rationally controls the number of fuel-fueled motor vehicles according to urban planning, vigorously develops urban public transport, and increases the proportion of public transport travel.

The state adopts financial, taxation, government procurement and other measures to promote the application of energy-saving and environment-friendly and new energy motor vehicles and ships, and non-road mobile machinery, restrict the development of high fuel consumption, high emission motor vehicles, and non-road mobile machinery, and reduce the consumption of fossil energy.

The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may, in areas where conditions permit, implement the emission limits for the corresponding phases of the national motor vehicle air pollutant emission standards in advance, and report to the competent department of ecology and environment of the State Council for the record.

Urban people's governments should strengthen and improve urban traffic management, optimize road layout, and ensure continuous and smooth sidewalks and non-motorized lanes.

**Article 51** Motor vehicles, ships and non-road mobile machinery shall not discharge air pollutants exceeding the standard.

Prohibit the production, import or sale of motor vehicles, ships and non-road mobile machinery whose emissions of air pollutants exceed the standard.

**Article 52** Manufacturers of motor vehicles and non-road mobile machinery shall conduct emission inspections on newly produced motor vehicles and non-road mobile machinery. Only those that pass the inspection can leave the factory for sale. Inspection information should be disclosed to the public.

The competent department of ecological environment of the people's government at or above the provincial level may strengthen supervision and inspection of the emission of air pollutants from newly produced and sold motor vehicles and non-road mobile machinery through on-site inspections, sampling tests, and other methods. Relevant departments such as industry and market supervision and management shall cooperate.

**Article 53** Motor vehicles in use shall be subject to regular emission inspections by motor vehicle emission inspection agencies in accordance with relevant national or local regulations. Only those that pass the inspection can be driven on the road. For those that have not passed the inspection, the traffic management department of the public security organ shall not issue a safety technical inspection pass mark.

random testing of the air pollutant emissions of in-use motor vehicles at centralized motor vehicle parking areas and maintenance sites; The method is to supervise and sample the emission of air pollutants from motor vehicles driving on the road, and the traffic management department of the public security organ shall cooperate.

**Article 54** Motor vehicle emission inspection institutions shall pass measurement certification according to law, use motor vehicle emission inspection equipment that has passed the inspection according to law, and conduct emission inspections on motor vehicles in accordance with the specifications formulated by the competent department of ecology and environment under the State Council, and contact the competent department of ecology and environment. Departments are networked to realize real-time sharing of inspection data. The motor vehicle emission inspection agency and its person in charge are responsible for the authenticity and accuracy of the inspection data.

The competent department of ecological environment and the certification and accreditation supervision and management department shall supervise and inspect the emission inspection of the motor vehicle emission inspection agency.

**Article 55** Motor vehicle production and import enterprises shall announce to the public the emission inspection information, pollution control technical information and relevant maintenance technical information of the motor vehicle models they produce and import.

Motor vehicle maintenance units shall maintain motor vehicles in use in accordance with the requirements for the prevention and control of air pollution and the relevant national technical specifications, so as to make them meet the prescribed emission standards. The competent departments of transportation and ecological environment should strengthen supervision and management according to law.

Motor vehicle owners are prohibited from passing motor vehicle emission inspections by falsified methods such as temporary replacement of motor vehicle pollution control devices. Motor vehicle maintenance units are prohibited from providing such maintenance services. It is forbidden to damage the on-board emission diagnosis system of motor vehicles.

**Article 56** The competent department of ecology and environment shall, in conjunction with relevant departments of transportation, housing and urban-rural development, agricultural administration, water administration, etc., supervise and inspect the emission of air pollutants from non-road mobile machinery. If the emission is unqualified, it shall not be used.

**Article 57** The state advocates environmentally-friendly driving, and encourages drivers of fuel-fueled vehicles to turn off the engine if they do not affect road traffic and need to stop for more than three minutes, so as to reduce the emission of air pollutants.

**Article 58** The state establishes an environmental protection recall system for motor vehicles and non-road mobile machinery.

If a production or import enterprise learns that motor vehicles and non-road mobile machinery discharge air pollutants exceeding the standard, which is a design or production defect or does not meet the specified environmental protection durability requirements, it shall recall; if it does not recall, the market supervision and management department of the State Council shall jointly The competent department of ecological environment of the State Council ordered it to recall.

**Article 59** Where heavy-duty diesel vehicles and non-road mobile machinery are not installed with pollution control devices or the pollution control devices do not meet the requirements and cannot



meet the emission standards, they shall install or replace pollution control devices that meet the requirements.

**Article 60** In-use motor vehicles that discharge air pollutants exceeding standards shall be repaired; after repairs or the use of pollution control technology, if air pollutant emissions still do not meet the national emission standards for in-use motor vehicles, they shall be scrapped compulsorily. The owner shall sell the motor vehicle to the scrapped motor vehicle recycling and dismantling enterprise, and the scrapped motor vehicle recycling and dismantling enterprise will carry out registration, dismantling, destruction, etc. according to the relevant state regulations. The state encourages and supports the early scrapping of high-emission motor vehicles and ships and non-road mobile machinery.

**Article 61** The city people's government may delineate and announce areas where the use of high-emission non-road mobile machinery is prohibited based on the quality of the air environment.

**Article 62** Ship inspection agencies conduct emission inspections on ship engines and related equipment. Only ships that meet the national emission standards after inspection can be operated.

**Article 63** Inland river and river-sea direct ships shall use standard diesel oil. Ocean-going ships should use fuel oil for ships that meets the air pollutant control requirements after berthing. Newly built wharves shall plan, design, and construct shore-based power supply facilities; completed wharves shall gradually implement shore-based power supply facilities transformation. Shore power should be used first after the ship is in port.

**Article 64** The competent department of transportation under the State Council may designate ship air pollutant emission control areas in coastal waters, and ships entering the emission control areas shall comply with relevant ship emission requirements.

**Article 65** It is prohibited to produce, import, and sell non-standard motor vehicles, ships, and non-road mobile machinery fuels; it is prohibited to sell ordinary diesel oil and other non-motor vehicle fuels to automobiles and motorcycles; it is prohibited to sell non-road mobile machinery, inland rivers And Jianghai direct ship sales of residual oil and heavy oil.

**Article 66** The content of harmful substances in engine oil, nitrogen oxide reducing agents, fuel and lubricating oil additives, and other additives and other atmospheric environmental protection indicators shall meet the requirements of relevant standards, and shall not damage the effectiveness and durability of pollution control devices for motor vehicles and ships. No new emission of air pollutants shall be added.

**Article 67** The state actively promotes the prevention and control of air pollution from civil aircraft, and encourages the adoption of effective measures to reduce air pollutant emissions in the process of design, production, and use. Civil aircraft shall comply with the relevant engine emission requirements in the airworthiness standards stipulated by the state.

#### Section 4 Prevention and Control of Flying Dust Pollution

**Article 68** Local people's governments at all levels shall strengthen the management of construction and transportation, keep roads clean, control piles of materials and muck, expand green areas, water surfaces, wetlands, and ground paving areas, and prevent and control dust pollution. Housing and urban-rural development, city appearance and environmental sanitation, transportation, land and resources, and other relevant departments shall, in accordance with the duties determined by the people's government at the corresponding level, do a good job in the prevention and control of dust pollution.

**Article 69** The construction unit shall include the cost of dust pollution prevention and control in the project cost, and specify the responsibility of the construction unit for the prevention and control of dust pollution in the construction contract. The construction unit shall formulate a specific implementation plan for the prevention and control of construction dust pollution. Construction units engaged in housing construction, municipal infrastructure construction, river improvement, and building demolition shall file with the competent department in charge of supervising and managing the prevention and control of dust pollution.

The construction unit shall set up hard fences on the construction site, and take effective dust prevention and dust reduction measures such as covering, segmented operations, timing

construction, watering and dust suppression, and washing the ground and vehicles. Construction earthwork, engineering slag, and construction waste shall be cleared and transported in a timely manner; those piled up in the site shall be covered with airtight dust-proof nets. Engineering slag and construction waste should be treated as resources.

The construction unit shall publicize the dust pollution prevention and control measures, the person in charge, and the dust supervision and management department and other information on the construction site.

For construction land that cannot be started temporarily, the construction unit shall cover the bare ground; if it exceeds three months, it shall carry out greening, paving or covering.

**Article 70** Vehicles transporting coal, garbage, dregs, sand, earthwork, mortar and other bulk and fluid materials shall adopt airtight or other measures to prevent dust pollution caused by materials being scattered, and drive according to the prescribed route. Loading and unloading materials shall be sealed or sprayed to prevent dust pollution.

Urban people's governments should strengthen the cleaning and cleaning management of roads, squares, parking lots, and other public places, and promote low-dust operation methods such as clean power mechanized cleaning to prevent and control dust pollution.

**Article 71** For the bare ground of municipal rivers and rivers, public lands and other urban bare grounds, the relevant departments shall organize the implementation of greening or permeable pavement according to the planning.

**Article 72** The storage of coal, coal gangue, coal slag, coal ash, cement, lime, gypsum, sand and other materials that are prone to generate dust shall be sealed; And take effective coverage measures to prevent and control dust pollution. Wharfs, mines, landfills, and disposal sites should implement divisional operations, and take effective measures to prevent and control dust pollution.

#### Section 5 Agriculture and Other Pollution Prevention and Control

**Article 73** Local people's governments at all levels shall promote the transformation of agricultural production methods, develop agricultural circular economy, increase support for comprehensive waste disposal, and strengthen the control of air pollutants emitted by agricultural production and operation activities.

**Article 74** Agricultural producers and operators shall improve the methods of fertilization, scientifically and rationally apply chemical fertilizers and use pesticides in accordance with relevant state regulations, and reduce the emission of ammonia, volatile organic compounds and other air pollutants. It is forbidden to spray highly toxic and highly toxic pesticides on trees, flowers and plants in densely populated areas.

**Article 75** Livestock and poultry farms and breeding areas shall collect, store, clear, transport and harmlessly treat sewage, livestock and poultry manure and corpses in a timely manner to prevent the emission of foul-smelling gases.

**Article 76** The people's governments at all levels and their agricultural administration and other relevant departments shall encourage and support the adoption of advanced and applicable technologies to turn straw and fallen leaves into fertilizer, feed, energy, industrial raw materials, edible fungus base materials, etc. Comprehensive utilization, increasing financial subsidies for returning straw to the field and collecting integrated agricultural machinery. County-level people's governments should organize the establishment of straw collection, storage, transportation, and comprehensive utilization service systems, and use financial subsidies and other measures to support rural collective economic organizations, farmers' professional cooperative economic organizations, and enterprises to carry out straw collection, storage, transportation, and comprehensive utilization services.

**Article 77** People's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall designate areas to prohibit open burning of straw, fallen leaves, and other substances that produce smoke and dust pollution.

**Article 78:** The competent department of ecology and environment under the State Council shall, in conjunction with the health administration department of the State Council, publish a list of toxic and harmful air pollutants and implement risk management based on the degree of harm and impact of air pollutants on public health and the ecological environment.

Enterprises and public institutions that emit toxic and harmful air pollutants listed in the list specified in the preceding paragraph shall establish an environmental risk early warning system in accordance with relevant national regulations, conduct regular monitoring of discharge outlets and the surrounding environment, assess environmental risks, and investigate potential environmental safety hazards, and take measures. Take effective measures to prevent environmental risks.

**Article 79** Enterprises, public institutions and other producers and operators that discharge persistent organic pollutants into the atmosphere, as well as operators of waste incineration facilities, shall, in accordance with relevant state regulations, adopt technical methods that are conducive to reducing the discharge of persistent organic pollutants. And technology, equipped with effective purification devices, to achieve emission standards.

**Article 80** Enterprises, public institutions and other producers and operators that generate malodorous gases during production and business operations shall scientifically select sites, set up reasonable protection distances, install purification devices or take other measures to prevent the emission of foul-smelling gases.

**Article 81** Catering service operators that emit cooking fume shall install cooking fume purification facilities and keep them in normal use, or take other cooking fume purification measures to make the cooking fume discharge meet the standard and prevent pollution to the normal living environment of nearby residents.

It is forbidden to build, renovate, or expand catering service projects that generate oily fumes, peculiar smells, and exhaust gases in residential buildings, commercial and residential complexes that do not have dedicated flues, and commercial floors adjacent to the residential floors in commercial and residential complexes.

No unit or individual is allowed to barbecue food in the open air or provide a venue for outdoor barbecue food in areas prohibited by the local people's government.

**Article 82** It is prohibited to burn asphalt, linoleum, rubber, plastic, leather, garbage, and other substances that produce toxic and harmful smoke and odorous gases in densely populated areas and other areas that require special protection according to law.

The production, sale and discharge of fireworks and firecrackers that do not meet quality standards are prohibited. No unit or individual is allowed to set off fireworks and firecrackers within the time periods and areas prohibited by the city people's government.

**Article 83** The state encourages and advocates civilized and green sacrifices. Crematoriums shall set up dust removal and other pollution prevention and control facilities and keep them in normal use, so as not to affect the surrounding environment.

**Article 84** Operators engaged in service activities such as clothing dry cleaning and motor vehicle maintenance shall set up pollution prevention and control facilities such as odor and waste gas treatment devices in accordance with relevant national standards or requirements and maintain normal use to prevent affecting the surrounding environment.

**Article 85** The state encourages and supports the production and use of substitutes for ozone-depleting substances, and gradually reduces or stops the production and use of ozone-depleting substances.

The state implements total volume control and quota management on the production, use, import and export of ozone-depleting substances. The specific measures by the State Council.

#### Chapter V Joint Prevention and Control of Air Pollution in Key Regions

**Article 86:** The state establishes a joint prevention and control mechanism for air pollution in key areas, and coordinates the prevention and control of air pollution in key areas. The competent

department of ecology and environment under the State Council shall designate national key areas for air pollution prevention and control based on the main functional zoning, regional air environment quality conditions, and the law of air pollution transmission and diffusion, and report to the State Council for approval.

The people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government in key areas shall determine the leading local people's government, hold regular joint meetings, carry out joint prevention and control of air pollution in accordance with the requirements of unified planning, unified standards, unified monitoring, and unified prevention and control measures, and implement air pollution regulations. Responsibility for prevention and control targets. The competent department of ecological environment under the State Council should strengthen guidance and supervision.

Provinces, autonomous regions, and municipalities directly under the Central Government may refer to the provisions of the first paragraph to delineate key areas for air pollution prevention and control in their administrative regions.

**Article 87** The competent department of the State Council for ecology and environment, in conjunction with relevant departments of the State Council and the people's governments of relevant provinces, autonomous regions, and municipalities directly under the central government in key areas of national air pollution prevention and control, formulate joint prevention and control of air pollution in key areas based on the economic and social development of key areas and the carrying capacity of the atmospheric environment. The action plan clarifies control objectives, optimizes regional economic layout, coordinates traffic management, develops clean energy, proposes key prevention and control tasks and measures, and promotes the improvement of atmospheric environment quality in key areas.

**Article 88:** The comprehensive economic department of the State Council, together with the competent department of ecology and environment of the State Council, shall further increase the requirements for environmental protection, energy consumption, safety, quality, etc. in light of the actual industrial development and the quality of the atmospheric environment in the key areas of national air pollution prevention and control.

The people's governments of relevant provinces, autonomous regions, and municipalities directly under the central government in key areas shall implement stricter motor vehicle air pollutant emission standards, unify the inspection methods and emission limits of in-use motor vehicles, and supply qualified vehicle fuel.

**Article 89** When preparing plans for industrial parks, development zones, and regional industries and development that may seriously pollute the atmospheric environment in key national air pollution prevention and control areas, environmental impact assessments shall be conducted in accordance with the law. Planning agencies shall consult with the people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government or relevant departments within key areas.

Projects constructed by relevant provinces, autonomous regions, and municipalities directly under the Central Government in key areas that may have a significant impact on the quality of the atmospheric environment in neighboring provinces, autonomous regions, and municipalities directly under the Central Government shall promptly report relevant information and conduct consultations.

The consultation opinions and their adoption are an important basis for the review or approval of environmental impact assessment documents.

**Article 90** For new construction, reconstruction, or expansion of coal-using projects in key areas for the prevention and control of air pollution in the country, equivalent or reduced amounts of coal shall be substituted.

**Article 91** The competent department of ecology and environment under the State Council shall organize the establishment of a mechanism for sharing information related to air environment quality monitoring and air pollution source monitoring in key areas of national air pollution prevention and control, and use monitoring, simulation, and new technologies such as satellites, aerial surveys, and remote sensing to analyze key areas Sources of domestic air pollution and their changing trends, and disclose them to the public.

**Article 92:** The State Council's department in charge of ecology and the environment and the people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government in key national air pollution prevention and control areas may organize relevant departments to carry out joint law enforcement, cross-regional law enforcement, and cross-law enforcement.

#### Chapter 6 Response to Heavy Pollution Weather

**Article 93:** The state establishes a heavy pollution weather monitoring and early warning system. The competent department of ecology and environment of the State Council, in conjunction with the meteorological authority of the State Council and other relevant departments, and the people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government in key areas of national air pollution prevention and control, establish a monitoring and early warning mechanism for heavily polluted weather in key areas, and unify early warning grading standards. When regional heavy pollution weather may occur, it shall be notified in a timely manner to the people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government in key areas.

Provinces, autonomous regions, municipalities directly under the Central Government, and districted cities' people's governments' ecological and environmental authorities shall, in conjunction with meteorological authorities and other relevant departments, establish a heavy pollution weather monitoring and early warning mechanism in their administrative areas.

**Article 94:** Local people's governments at or above the county level shall incorporate the response to heavily polluted weather into the emergency management system for emergencies. The people's governments of provinces, autonomous regions, municipalities directly under the Central Government, and districted cities, as well as people's governments at the county level where heavy pollution weather may occur, should formulate emergency plans for heavy pollution weather, file them with the competent department of ecological environment of the people's government at the next higher level, and make them public.

**Article 95** The competent department of ecology and environment of the people's government of the province, autonomous region, municipality directly under the Central Government, and city divided into districts shall establish a consultation mechanism with the competent meteorological agency to forecast the quality of the atmospheric environment. When heavy pollution weather may occur, it shall be reported to the people's government at the corresponding level in a timely manner. The people's governments of provinces, autonomous regions, municipalities directly under the central government, and cities divided into districts conduct comprehensive research and judgment based on the heavy pollution weather forecast information, determine the level of early warning and issue early warning in a timely manner. The warning level is adjusted in time according to the changing situation. No unit or individual may release heavy pollution weather forecast and warning information to the public without authorization.

After the early warning information is released, the people's government and its relevant departments should inform the public to take health protection measures, guide the public to travel, and adjust other relevant social activities through television, radio, the Internet, text messages, and other channels.

**Article 96** Local people's governments at or above the county level shall, based on the early warning level of heavily polluted weather, activate emergency plans in a timely manner, and according to emergency needs, may take measures to order relevant enterprises to stop or limit production, restrict the driving of some motor vehicles, prohibit setting off fireworks, Emergency measures such as stopping earthwork operations on construction sites and demolition of buildings, stopping open-air barbecues, stopping outdoor activities organized by kindergartens and schools, and organizing artificial weather modification operations. After the emergency response is over, the people's government shall carry out an assessment of the implementation of the emergency plan in a timely manner, and revise and improve the emergency plan in a timely manner.



**Article 97** In the event of an environmental emergency that causes air pollution, the people's government, its relevant departments, and relevant enterprises and institutions shall, in accordance with the "Emergency Response Law of the People's Republic of China" and the "Environmental Protection Law of the People's Republic of China", do a good job in emergency response. The competent department of ecology and environment shall monitor the air pollutants produced by sudden environmental incidents in a timely manner, and release the monitoring information to the public.

## Chapter VII Legal Responsibilities

**Article 98** Violating the provisions of this Law, refusing to accept the supervision and inspection of the competent department of ecological environment and its environmental law enforcement agency or other departments responsible for the supervision and management of atmospheric environmental protection by refusing to enter the site, or when accepting supervision and inspection Those who practice fraud will be ordered to make corrections by the competent department of ecology and environment of the people's government at or above the county level or other departments responsible for the supervision and management of atmospheric environmental protection, and imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan; The organ shall be punished according to law.

**Article 99** In violation of the provisions of this law, if one of the following acts is committed, the competent department of ecology and environment of the people's government at or above the county level shall order it to make corrections, restrict production, suspend production for rectification, and impose a fine of not less than 100,000 yuan but not more than one million yuan; If the circumstances are serious, it shall be reported to the people's government with approval power for approval, and ordered to suspend business or close down:

- (1) Discharging air pollutants without obtaining a pollutant discharge permit according to law;
- (2) Discharging air pollutants in excess of air pollutant emission standards or in excess of the total emission control indicators of key air pollutants;
- (3) Discharging air pollutants by means of evading supervision.

**Article 100** Anyone who violates the provisions of this law and commits any of the following acts shall be ordered to make corrections by the competent department of ecology and environment of the people's government at or above the county level, and imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan; if he refuses to make corrections, he shall be ordered to stop production for rectification :

- (1) Occupying, destroying, moving or changing air environment quality monitoring facilities or automatic monitoring equipment for air pollutant discharge without authorization;
- (2) Failing to monitor the discharged industrial waste gas and toxic and harmful air pollutants and keep the original monitoring records in accordance with regulations;
- (3) Failing to install and use automatic air pollutant discharge monitoring equipment in accordance with regulations, or failing to network with the monitoring equipment of the competent department of ecological environment in accordance with regulations, and to ensure the normal operation of monitoring equipment;
- (4) Key pollutant-discharging units do not disclose or do not truthfully disclose automatic monitoring data;
- (5) Failing to set up air pollutant discharge outlets in accordance with regulations.

**Article 101** Violating the provisions of this law, producing, importing, selling or using equipment and products prohibited in the national comprehensive industrial policy catalogue, adopting techniques prohibited in the national comprehensive industrial policy catalogue, or eliminating equipment and products If it is transferred to others for use, the comprehensive economic department of the people's government at or above the county level and the customs shall order it to make corrections according to their duties, confiscate the illegal gains, and impose a fine of not less than

one time but not more than three times the value of the goods; Approved by the people's government with power, order to suspend business and close down. If the import behavior constitutes smuggling, it shall be punished by the Customs according to law.

**Article 102** If a coal mine violates the provisions of this Law by failing to build supporting coal washing facilities in accordance with the regulations, the competent department of energy of the people's government at or above the county level shall order it to make corrections and impose a fine of not less than 100,000 yuan but not more than one million yuan; If it is corrected, it shall be reported to the people's government with approval power for approval, and ordered to suspend business or close down.

Anyone who, in violation of the provisions of this Law, mines coal containing radioactive, arsenic and other toxic and harmful substances exceeding the prescribed standards shall be ordered to suspend business or close down by the people's government at or above the county level in accordance with the powers prescribed by the State Council.

**Article 103** Anyone who violates the provisions of this law and commits any of the following acts shall be ordered to make corrections by the market supervision and management department of the local people's government at or above the county level, the raw materials, products, and illegal gains shall be confiscated, and a fine of one to three times the value of the goods shall be imposed. The following fines:

- (1) Selling coal and petroleum coke that do not meet the quality standards;
- (2) Producing and selling raw materials and products whose volatile organic content does not meet the quality standards or requirements;
- (3) Production and sale of fuels, engine oils, nitrogen oxide reducing agents, fuel and lubricating oil additives, and other additives for motor vehicles, ships, and non-road mobile machinery that do not meet the standards;
- (4) Selling highly polluting fuels in combustion-prohibited areas.

**Article 104** Anyone who violates the provisions of this Law by committing any of the following acts shall be ordered by the Customs to make corrections, the raw materials, products and illegal gains shall be confiscated, and a fine of not less than one time but not more than three times the value of the goods shall be imposed; if it constitutes smuggling, the Customs shall punish according to law:

- (1) Importing coal and petroleum coke that do not meet the quality standards;
- (2) Importing raw materials and products whose content of volatile organic compounds does not meet the quality standards or requirements;
- (3) Importing fuels, engine oils, nitrogen oxide reducing agents, fuel and lubricating oil additives, and other additives for motor vehicles, ships, and non-road mobile machinery that do not meet the standards.

**Article 105** In violation of the provisions of this law, units that burn coal or petroleum coke that does not meet the quality standards shall be ordered to make corrections by the competent department of ecology and environment of the people's government at or above the county level, and shall be fined not less than one time but not more than three times the value of the goods. .

**Article 106** Whoever violates the provisions of this law by using fuel oil for ships that does not meet the standards or requirements shall be fined not less than 10,000 yuan but not more than 100,000 yuan by the maritime safety management agency and the competent fishery department according to their duties.

**Article 107** Violating the provisions of this law, constructing or expanding facilities that use highly polluting fuels in combustion-prohibited areas, or failing to stop the use of highly polluting fuels in accordance with regulations, or building or expanding facilities in areas covered by urban central heating pipe networks In case of expansion of scattered coal-fired heating boilers, or failure to dismantle existing coal-fired heating boilers that fail to meet emission standards in accordance with regulations, the competent department of ecology and environment of the local people's government

at or above the county level shall confiscate the facilities that use highly polluting fuels and organize the demolition of the coal-fired heating boilers. Coal heating boilers shall be fined not less than 20,000 yuan but not more than 200,000 yuan.

In violation of the provisions of this law, the production, import, sale or use of boilers that do not meet the prescribed standards or requirements shall be ordered to make corrections by the market supervision and management and ecological environment departments of the people's governments at or above the county level, the illegal gains shall be confiscated, and a fine of not less than 20,000 yuan and 200,000 yuan shall be imposed. A fine of less than ten thousand yuan.

**Article 108** Anyone who violates the provisions of this Law by committing any of the following acts shall be ordered to make corrections by the competent department of ecology and environment of the people's government at or above the county level, and shall be fined not less than 20,000 yuan but not more than 200,000 yuan; if he refuses to make corrections, he shall be ordered to Discontinued rectification:

(1) The production and service activities that generate waste gas containing volatile organic compounds are not carried out in confined spaces or equipment, and pollution prevention and control facilities are not installed and used in accordance with regulations, or measures to reduce waste gas emissions are not taken;

(2) The industrial coating enterprise does not use low-volatile organic content coatings or fails to establish and keep accounts;

(3) Petroleum, chemical and other enterprises that produce and use organic solvents fail to take measures for routine maintenance and repair of pipelines and equipment to reduce material leakage or fail to collect and dispose of leaked materials in a timely manner;

(4) Oil and gas storage depots, refueling stations, oil tank trucks, gas tank trucks, etc., fail to install and normally use oil and gas recovery devices in accordance with relevant state regulations;

(5) Enterprises in iron and steel, building materials, non-ferrous metals, petroleum, chemical industry, pharmaceuticals, and mineral mining, etc., fail to take measures such as centralized collection and treatment, sealing, enclosure, covering, cleaning, and watering to control and reduce the discharge of dust and gaseous pollutants ;

(6) The combustible gas produced in industrial production, landfill or other activities has not been recycled, and the recycling conditions have not been carried out without pollution prevention and treatment, or the combustible gas recovery and utilization device is not working normally, and has not been repaired or updated in time .

**Article 109** Whoever , in violation of the provisions of this Law, produces motor vehicles or non-road mobile machinery exceeding the pollutant discharge standards, shall be ordered to make corrections by the competent department of ecology and environment of the people's government at or above the provincial level, the illegal gains shall be confiscated, and a penalty of one percent of the value of the goods shall be imposed. The fine of not less than three times but not more than three times, confiscate and destroy motor vehicles and non-road mobile machinery that cannot meet the pollutant discharge standards; those who refuse to make corrections shall be ordered to stop production for rectification, and the competent department of motor vehicle production under the State Council shall order to stop the production of the model.

In violation of the provisions of this Law, motor vehicles and non-road mobile machinery manufacturers who falsify engines and pollution control devices, pass them off as good ones, and pass off emission inspections as products that pass the factory for sale, shall be ordered by the competent departments of ecology and environment of the people's governments at or above the provincial level to suspend production for rectification. Confiscate illegal income, impose a fine of not less than one time but not more than three times the value of the goods, confiscate and destroy motor vehicles and non-road mobile machinery that fail to meet the pollutant discharge standards, and the competent department of motor vehicle production under the State Council shall order to stop the production of such models.

**Article 110 Whoever** , in violation of the provisions of this Law, imports or sells motor vehicles or non-road mobile machinery exceeding the pollutant discharge standards, shall have the illegal gains confiscated by the market supervision and administration departments of the people's governments at or above the county level and the customs in accordance with their duties, and be punished accordingly . Motor vehicles and non-road mobile machinery that cannot meet the pollutant discharge standards shall be confiscated and destroyed; if the import behavior constitutes smuggling, the Customs shall punish it according to law.

If, in violation of the provisions of this law, the motor vehicles and non-road mobile machinery sold do not meet the pollutant discharge standards, the seller shall be responsible for repairing, replacing, or returning the goods; if losses are caused to the buyers, the seller shall compensate for the losses.

**Article 111** In violation of the provisions of this law, motor vehicle production and import enterprises fail to announce to the public the emission inspection information or pollution control technology information of the motor vehicle models they produce and import in accordance with the regulations, and the people's governments at or above the provincial level shall The competent department shall order corrections and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan.

In violation of the provisions of this law, if a motor vehicle production or import enterprise fails to announce to the public the relevant maintenance technical information of the motor vehicle models it produces or imports in accordance with the regulations, the competent department of transportation of the people's government at or above the provincial level shall order it to make corrections and impose a fine of not less than 50,000 yuan and 50,000 yuan. A fine of not more than 100,000 yuan.

**Article 112 Whoever** , in violation of the provisions of this law, falsifies the emission inspection results of motor vehicles and non-road mobile machinery or issues false emission inspection reports, the competent department of ecology and environment of the people's government at or above the county level shall confiscate the illegal gains and impose a fine of 100,000 yuan A fine of more than 500,000 yuan; if the circumstances are serious, the department in charge of accreditation will cancel its inspection qualification.

Anyone who, in violation of the provisions of this law, falsifies the inspection results of ship discharge or issues a false discharge inspection report shall be punished by the maritime safety administration according to law.

Anyone who, in violation of the provisions of this law, passes the motor vehicle emission inspection or damages the on-board emission diagnosis system of a motor vehicle by temporarily replacing the motor vehicle pollution control device or other fraudulent means shall be ordered to make corrections by the competent department of ecology and environment of the people's government at or above the county level, and the owner of the motor vehicle shall be punished. A fine of 5,000 yuan shall be imposed; a motor vehicle maintenance unit shall be fined 5,000 yuan for each motor vehicle.

**Article 113 Where** , in violation of the provisions of this Law, a motor vehicle driver drives a motor vehicle that fails the emission inspection to drive on the road, the traffic management department of the public security organ shall punish him according to law.

**Article 114 Anyone** who violates the provisions of this law by using non-road mobile machinery with substandard emissions, or using heavy-duty diesel vehicles or non-road mobile machinery that fails to install or replace pollution control devices in accordance with regulations shall be punished by the people at or above the county level. The government department in charge of ecological environment and other departments shall order corrections according to their duties and impose a fine of 5,000 yuan.

Anyone who violates the provisions of this law and uses high-emission non-road mobile machinery in areas where the use of high-emission non-road mobile machinery is prohibited shall be punished by the competent department of ecology and environment of the city people's government according to law.

**Article 115 Where**, in violation of the provisions of this law, the construction unit commits any of the following acts, the housing and urban-rural development department of the people's government at or above the county level shall order it to make corrections according to its duties, and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; Those who refuse to make corrections shall be ordered to stop work for rectification:

(1) The construction site has not set up hard enclosures, or has not taken effective dust prevention and dust reduction measures such as covering, segmented operations, timing construction, watering and dust suppression, and washing the ground and vehicles;

(2) Construction earthwork, engineering dredges, and construction waste are not cleared and transported in time, or are not covered by closed dust-proof nets.

In violation of the provisions of this law, the construction unit fails to cover the bare ground of the construction land that cannot be started temporarily, or fails to green, pave or cover the bare ground of the construction land that cannot be started for more than three months, and the people at or above the county level shall The government housing and urban-rural development and other competent departments shall impose penalties in accordance with the provisions of the preceding paragraph.

**Article 116** Vehicles that, in violation of the provisions of this Law, transport bulk or fluid materials such as coal, garbage, muck, sand, earthwork, mortar, etc., fail to take airtight or other measures to prevent the materials from being scattered, shall be subject to inspection by the local authorities at or above the county level. The supervision and management department determined by the people's government shall order corrections and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan; if corrections are refused, the vehicle shall not be allowed to drive on the road.

**Article 117** Anyone who violates the provisions of this law by committing any of the following acts shall be ordered to make corrections by the competent department of ecology and environment of the people's government at or above the county level in accordance with their duties, and shall be fined not less than 10,000 yuan but not more than 100,000 yuan; refusing to make corrections, order to suspend work for rectification or suspend business for rectification:

(1) Unsealed coal, coal gangue, cinder, coal ash, cement, lime, gypsum, sand and other materials that are prone to generate dust;

(2) For materials that cannot be airtight and are prone to dust generation, tight enclosures not lower than the height of the stacked materials are not set up, or effective covering measures are not taken to prevent dust pollution;

(3) The loading and unloading of materials does not adopt airtight or spraying methods to control the emission of dust;

(4) Storage of coal, coal gangue, cinder, coal ash and other materials without taking anti-combustion measures;

(5) Wharfs, mines, landfills and disposal sites have not taken effective measures to prevent and control dust pollution;

(6) Enterprises and institutions that emit toxic and harmful air pollutants listed in the list of toxic and harmful air pollutants fail to establish an environmental risk early warning system or conduct regular monitoring of discharge outlets and the surrounding environment, investigate potential environmental safety hazards, and take effective measures Preventing environmental risks;

(7) Enterprises, public institutions and other producers and operators that discharge persistent organic pollutants into the atmosphere, as well as operators of waste incineration facilities, fail to adopt technical methods and techniques that are conducive to reducing the discharge of persistent organic pollutants in accordance with relevant state regulations, Equipped with a purification device;

(8) Failing to take measures to prevent the emission of malodorous gases.

**Article 118** In violation of the provisions of this law, the catering service operators who emit oil fumes fail to install oil fume purification facilities, use oil fume purification facilities abnormally, or fail to take other oil fume purification measures, and discharge oil fumes exceeding the emission standards. The supervision and management department determined by the local people's government above shall order it to make corrections and impose a fine of not less than 5,000 yuan



but not more than 50,000 yuan; if it refuses to make corrections, it shall be ordered to suspend business for rectification.

In violation of the provisions of this law, in residential buildings, commercial and residential complexes without supporting dedicated flue systems, and in commercial floors adjacent to the residential floors in commercial and residential complexes, catering services that generate oily fumes, peculiar smells, and waste gases are newly built, rebuilt, or expanded. If it is a project, the supervision and management department determined by the local people's government at or above the county level will order it to make corrections; if it refuses to make corrections, it will be closed and a fine of not less than 10,000 yuan but not more than 100,000 yuan will be imposed.

Anyone who, in violation of the provisions of this law, grills food in the open air or provides a venue for outdoor barbecue food in the time period and area prohibited by the local people's government shall be ordered to make corrections by the supervision and management department determined by the local people's government at or above the county level, and the barbecue tools and illegal gains shall be confiscated, and A fine of not less than 500 yuan but not more than 20,000 yuan shall be imposed.

**Article 119** In violation of the provisions of this law, spraying highly toxic or highly toxic pesticides on trees, flowers and plants in densely populated areas, or burning straw, fallen leaves and other substances that produce smoke and dust pollution in the open air shall be determined by the local people's government at or above the county level. The supervision and management department shall order it to make corrections, and may impose a fine of not less than 500 yuan but not more than 2,000 yuan.

Those who, in violation of the provisions of this law, burn asphalt, linoleum, rubber, plastic, leather, garbage and other substances that produce toxic and harmful smoke and odorous gases in densely populated areas and other areas that require special protection according to law, shall be determined by the people's government at the county level. The supervision and management department of the company shall order corrections, impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on the unit, and impose a fine of not less than 500 yuan but not more than 2,000 yuan on the individual.

Anyone who, in violation of the provisions of this law, sets off fireworks and firecrackers during the time period and within the area prohibited by the urban people's government shall be punished by the supervision and management department determined by the local people's government at or above the county level.

**Article 120** Those who, in violation of the provisions of this law, engage in service activities such as clothing dry cleaning and motor vehicle maintenance, do not install odor and waste gas treatment devices and other pollution prevention and control facilities and keep them in normal use, and affect the surrounding environment, the local people's government at or above the county level shall The competent department of ecology and environment shall order corrections and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan; those who refuse to make corrections shall be ordered to suspend business for rectification.

**Article 121:** Those who, in violation of the provisions of this law, release heavy pollution weather forecast and early warning information to the public without authorization, which constitutes a violation of public security management, shall be punished by the public security organs in accordance with the law.

Anyone who violates the provisions of this law and refuses to implement emergency measures for heavily polluted weather, such as stopping earthwork operations at construction sites or demolishing buildings, shall be fined not less than 10,000 yuan but not more than 100,000 yuan by the supervision and management department determined by the local people's government at or above the county level.

**Article 122** Whoever violates the provisions of this law and causes air pollution accidents shall be fined by the competent department of ecology and environment of the people's government at or above the county level in accordance with the provisions of the second paragraph of this article; the directly responsible managers and other directly responsible personnel may A fine of less than 50% of the income obtained from the enterprise or institution in the previous year shall be imposed. For those who cause ordinary or relatively large air pollution accidents, the fine shall be calculated at a rate of not less than one time but not more than three times the direct loss caused by the pollution

accident; for those who cause major or extraordinarily serious air pollution accidents, the fine shall be calculated at a rate of not less than three times but not more than five times the direct loss caused by the pollution accident. Fines are calculated below.

**Article 123** In violation of the provisions of this Law, enterprises, public institutions and other producers and business operators who commit any of the following acts are fined and ordered to make corrections, and if they refuse to make corrections, the administrative organ that made the punishment decision according to law may order corrections on their own: Starting from the next day after the first day, the original penalty amount shall be continuously punished on a daily basis:

- (1) Discharging air pollutants without obtaining a pollutant discharge permit according to law;
- (2) Discharging air pollutants in excess of air pollutant emission standards or in excess of the total emission control indicators of key air pollutants;
- (3) Discharging air pollutants by means of evading supervision;
- (4) Failure to take effective measures to prevent and control dust pollution during construction or storage of dust-prone materials.

**Article 124** Anyone who violates the provisions of this law and retaliates against the whistleblower by rescinding or changing the labor contract or other means shall bear responsibility in accordance with the provisions of relevant laws.

**Article 125** Whoever discharges air pollutants and causes damage shall bear tort liability according to law.

**Article 126** Where local people's governments at various levels, competent departments of ecological environment of people's governments at or above the county level, and other departments responsible for the supervision and management of atmospheric environmental protection and their staff abuse their powers, neglect their duties, engage in malpractice for personal gain, or engage in fraud, Sanctions shall be given according to law.

**Article 127** Anyone who violates the provisions of this Law and constitutes a crime shall be investigated for criminal responsibility according to law.

#### Chapter VIII Supplementary Provisions

**Article 128** The prevention and control of atmospheric pollution by marine engineering shall be carried out in accordance with the relevant provisions of the Marine Environmental Protection Law of the People's Republic of China.

**Article 129** This Law shall come into force on January 1, 2016.