

**【Title】 Detailed Rules for the Implementation of the Water Pollution Prevention and Control Law of the People's Republic of China**[现行有效]

**【法规标题】 中华人民共和国水污染防治法实施细则(2000) [Effective]**

**Date issued:** 03-20-2000  
**Effective date:** 03-20-2000  
**Issuing authority:** State Council  
**Area of law:** Environmental Protection

**发布日期:** 2000-03-20  
**生效日期:** 2000-03-20  
**发布部门:** 国务院  
**类别:** 环境保护

Order of the State Council of the People's Republic of China  
(No. 284)

中华人民共和国国务院令  
(第 2 8 4 号)

[The Detailed Rules for the Implementation of the Water Pollution Prevention and Control Law of the People's Republic of China](#) are hereby promulgated and shall come into force as of the date of promulgation.  
Premier Zhu Rongji  
March 20, 2000  
[Detailed Rules for the Implementation of the Water Pollution Prevention and Control Law of the People's Republic of China](#)

(相关资料: [行政法规 2 篇](#) [部门规章 21 篇](#) [地方法规 165 篇](#) [裁判文书 4 篇](#) [相关论文 9 篇](#) [实务指南](#))

现发布《[中华人民共和国水污染防治法实施细则](#)》，自发布之日起施行。

总理 朱镕基

2 0 0 0 年 3 月 2 0 日

[中华人民共和国水污染防治法实施细则](#)

Chapter I General Provisions

第一章 总则

Article 1 These Detailed Rules are formulated in accordance with [the Water Pollution Prevention and Control Law of the People's Republic of China](#) (hereinafter referred to as [the Water Pollution Prevention and Control Law](#)).

第一条 根据《[中华人民共和国水污染防治法](#)》（以下简称[水污染防治法](#)），制定本实施细则。

Chapter II Supervision and Administration of the Prevention and Control of Water Pollution

第二章 水污染防治的监督管理

Article 2 The plans for preventing and controlling the water pollution of river basins, which are worked out pursuant to [Article 10](#) of [the Water Pollution Prevention and Control Law](#) shall cover:

第二条 依照[水污染防治法](#)[第十条](#)规定编制的流域水污染防治规划，应当包括下列内容：

- (1) the requirements for the environmental functions of the water bodies;
- (2) the water quality aims to be reached by phases and the time limits therefor;
- (3) the key regions to be controlled and major pollution sources for water pollution prevention and control, as well as the concrete implementing measures; and

- (一) 水体的环境功能要求；
- (二) 分阶段达到的水质目标及时限；
- (三) 水污染防治的重点控制区域和重点污染源，以及具体实施措施；
- (四) 流域城市排水与污水处理设

(4) the planning on the construction of facilities for the urban drainage and sewage treatment.

Article 3 The competent administrative departments of water of the people's governments at and above the county level shall, when determining the minimum water effusion from the dams of large and medium reservoirs, guarantee the natural purification capability of the downstream water body and solicit the opinions of the departments of environmental protection of people's governments at the same level.

Article 4 An enterprise or public institution shall, if it has to discharge any pollutant into a water body, submit an Application Form for the Registration of Pollutant Discharge to the department of environmental protection of the local people's government at or above the county level of the place where it is located.

If an enterprise or public institution discharges a pollutant in excess of the pollutant discharge standards established by the State or the locality, it shall give the reasons therefor and the measures of treatment within a given time limit at the time of submitting the Application Form for the Registration of Pollutant Discharge.

Article 5 If an enterprise or public institution has to dismantle or leave idle its pollutant treatment facilities, it shall file an application with the department of environmental protection of the local people's government at or above the county level of the place where it is located in advance and give the reasons therefor. Within one month from the date of receiving the application, the department of environmental protection shall make a decision of approval or disapproval and give a written reply. If no reply is given as scheduled, an approval shall be deemed to have been given.

Article 6 If a water body does not meet the water environmental quality standards established by the State even after measures are taken to limit its discharge of pollutants, it may be subject to the control of the total discharge of major pollutants.

The plans on the control of the total discharge of pollutants for important river basins as determined by the State shall be formulated by the department of environmental protection of the State Council jointly with the relevant departments of the State Council and in consultation with the people's governments of related provinces, autonomous regions, and municipalities directly under the Central Government, and reported to the State Council for approval. The plans on the control of total discharge of pollutants for other water bodies shall be formulated by the departments of environmental protection of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government, jointly with the relevant departments at the same level and

施建设规划。

第三条 县级以上人民政府水行政主管部门在确定大、中型水库坝下最小泄流量时,应当维护下游水体的自然净化能力,并征求同级人民政府环境保护部门的意见。

第四条 向水体排放污染物的企业事业单位,必须向所在地的县级以上地方人民政府环境保护部门提交《排污申报登记表》。

企业事业单位超过国家规定的或者地方规定的污染物排放标准排放污染物的,在提交《排污申报登记表》时,还应当写明超过污染物排放标准的原因及限期治理措施。

(相关资料: [地方法规 2 篇](#))

第五条 企业事业单位需要拆除或者闲置污染物处理设施的,必须事先向所在地的县级以上地方人民政府环境保护部门申报,并写明理由。环境保护部门应当自收到申报之日起 1 个月内作出同意或者不同意的决定,并予以批复;逾期不批复的,视为同意。

(相关资料: [地方法规 3 篇](#))

第六条 对实现水污染物达标排放仍不能达到国家规定的水环境质量标准的水体,可以实施重点污染物排放总量控制制度。

国家确定的重要江河流域的总量控制计划,由国务院环境保护部门会同国务院有关部门商有关省、自治区、直辖市人民政府编制,报国务院批准。其他水体的总量控制计划,由省、自治区、直辖市人民政府环境保护部门会同同级有关部门商有关地方人民政府编制,报省、自治区、直辖市人民政府批准;其中,跨省、自治区、直辖市的水体的总量控制计划,由有关省、自治区、直辖市人民政府协商确定。

in consultation with the local people's governments concerned, and be reported to the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government for approval. Of them, the plans on the control of total discharge of pollutants for the water bodies involving two or more provinces, autonomous regions, or municipalities directly under the Central Government shall be formulated through consultation by the people's governments of the related provinces, autonomous regions, and municipalities directly under the Central Government.

Article 7 A plan on the control of total discharge of pollutants shall contain the area of the control of total discharge, types and total discharge of major pollutants, the pollutant discharge to be reduced, and the time limit for reduction.

Article 8 If the control of total discharge of major pollutants is imposed on a water body according to law, the local people's government at or above the county level shall organize the formulation of an implementing program for the control of total discharge for the said water body within its own administrative area in accordance with the quantity of the control of total discharge allocated by the plan on the control of total discharge. The implementing program for the control of total discharge shall determine the entities required to reduce their discharge of pollutants, the types and the quantities of the key pollutants of each pollutant discharging unit subject to the control of total discharge, the pollutant discharge to be reduced, and the time limit for the reduction.

Article 9 The allocation of quota for the total discharge of major pollutants shall be in compliance with the principle of openness, fairness and impartiality, and be carried out in a scientific and unified way. The measures for the allocation of quotas of the control of total discharge shall be formulated by the department of environmental protection of the State Council in consultation with the relevant departments of the State Council.

Article 10 The departments of environmental protection of local people's governments at and above the county level examine and approve the discharge quantities of major pollutants being discharged into the water bodies of the entities within their respective administrative areas according to the implementing program for the control of total discharge, and issue a pollutant discharge permit to those whose discharge does not exceed the quotas for the control of total discharge; order those whose discharge exceeds the quotas for the control of total discharge to make treatment within a given time limit and issue an interim pollutant discharge permit for the treatment period. The concrete measures therefor shall be formulated by the department of environmental protection of the State Council.

第七条 总量控制计划应当包括总量控制区域、重点污染物的种类及排放总量、需要削减的排污量及削减时限。  
(相关资料: [裁判文书 1 篇](#))

第八条 对依法实施重点污染物排放总量控制的水体,县级以上地方人民政府应当依据总量控制计划分配的排放总量控制指标,组织制定本行政区域内该水体的总量控制实施方案。

总量控制实施方案应当确定需要削减排污量的单位、每一排污单位重点污染物的种类及排放总量控制指标、需要削减的排污量以及削减时限要求。  
(相关资料: [地方法规 2 篇](#))

第九条 分配重点污染物排放总量控制指标,应当遵循公开、公平、公正的原则,并按照科学、统一的标准执行。总量控制指标分配办法由国务院环境保护部门商国务院有关部门制定。  
(相关资料: [地方法规 1 篇](#))

第十条 县级以上地方人民政府环境保护部门根据总量控制实施方案,审核本行政区域内向该水体排污的单位的重点污染物排放量,对不超过排放总量控制指标的,发给排污许可证;对超过排放总量控制指标的,限期治理,限期治理期间,发给临时排污许可证。具体办法由国务院环境保护部门制定。  
(相关资料: [部门规章 1 篇](#) [地方法规 11 篇](#))

Article 11 The entities reducing the pollutant discharge as determined in the implementing program for the control of total discharge shall construct pollutant discharge outlets and install monitoring equipment for the control of total discharge of pollutants according to the regulations of the department of environmental protection of the State Council.

Article 12 The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government of the places where the major river basins as determined by the state are located shall implement the water environmental quality standards applicable to water bodies within the provincial boundaries approved by the State Council.

Article 13 The monitoring of water environmental quality for water bodies of the major river basins within provincial boundaries as determined by the State shall be strictly governed by the water environmental quality monitoring norms as formulated by the department of environmental protection of the State Council.

Article 14 The administrative departments of urban construction shall, according to the overall urban planning, organize the formulation of specialized plans on urban drainage and waste water treatment, and organize the construction of the central treatment facilities for urban waste water according to the requirements of the plans.

Article 15 The quality of water flowing out of the central treatment facilities for urban waste water shall be governed by the pollutant discharge standards as established by the State or the localities.

The operating entities of central treatment facilities for urban waste water shall be responsible for the quality of the water flowing out of the central treatment facilities for urban waste water.

The departments of environmental protection shall carry out sample inspections into the quality and quantity of the water flowing out of the central treatment facilities for urban waste water.

Article 16 A pollutant discharge entity which is ordered to make treatment within a given time limit shall submit its treatment plan to the department of environmental protection of the people's government which made the decision of treatment within the given time limit, and shall report the progress of the disposal on a periodical basis.

The department of environmental protection of the people's government which made the decision of treatment within a given time limit shall inspect the treatment progress of the pollutant discharge entity which is ordered to make treatment within a given time limit, and shall carry out the acceptance inspection into the project of treatment within a given time limit when they are completed.

第十一条 总量控制实施方案确定的削减污染物排放量的单位，必须按照国务院环境保护部门的规定设置排污口，并安装总量控制的监测设备。

第十二条 国家确定的重要江河流域所在地的省、自治区、直辖市人民政府，应当执行国务院批准的省界水体适用的水环境质量标准。

第十三条 国家确定的重要江河流域的省界水体的水环境质量状况监测，必须按照国务院环境保护部门制定的水环境质量监测规范执行。

第十四条 城市建设管理部门应当根据城市总体规划，组织编制城市排水和污水处理专业规划，并按照规划的要求组织建设城市污水集中处理设施。

（相关资料: [地方法规 1 篇](#)）

第十五条 城市污水集中处理设施出水水质，按照国家规定的或者地方规定的污染物排放标准执行。

城市污水集中处理的营运单位，应当对城市污水集中处理设施的出水水质负责。

环境保护部门应当对城市污水集中处理设施的出水水质和水量进行抽测检查。

第十六条 被责令限期治理的排污单位，应当向作出限期治理决定的人民政府的环境保护部门提交治理计划，并定期报告治理进度。

作出限期治理决定的人民政府的环境保护部门，应当检查被责令限期治理的排污单位的治理情况，对完成限期治理的项目进行验收。

被责令限期治理的排污单位，必须按期完成治理任务；因不可抗力不能在规定的期限内完成治理任务的，必须在

The pollutant discharge entity which is ordered to make treatment within a given time limit shall finish the treatment task as scheduled. If it is unable to do so due to force majeure, it shall, within one month after the occurrence of the force majeure, submit an application for an extension of the treatment time to the department of environmental protection of the people's government which made the decision of treatment within the given time limit, and the people's government which made the said decision shall examine the application and make a decision therefor.

Article 17 When the departments of environmental protection and the maritime and fishery administration bodies conduct on-spot inspections into the entities which discharge pollutants into water bodies within the scope of their jurisdiction, they shall show their certificates of administrative law enforcement or wear badges of administrative law enforcement.

Article 18 When the departments of environmental protection and the maritime and fishery administrative bodies conduct on-spot inspections, they may, where necessary, demand the entities being inspected to provide the following information and materials:

- (1) information about the discharge of pollutants;
- (2) information about the pollutant treatment facilities, and their use, operation and management;
- (3) models and specifications of the monitoring equipment, instruments and facilities and information about their inspection and calibration;
- (4) the monitoring analytical methods employed and the monitoring records;
- (5) information about the progress of treatment within a given time limit;
- (6) information about accidents and related records;
- (7) materials about the production process and the use of raw materials relevant to pollution; and
- (8) other information and materials related to the prevention and control of water pollution.

Article 19 An enterprise or public institution which causes a water pollution accident shall take measures without delay, stop or reduce its pollutant discharge within 48 hours after the occurrence of the accident, make a preliminary report about the time, location and type of the accident, the types and quantity of the pollutants discharged, the economic losses, personal injuries, and emergency measures taken by the local department of environmental protection; and after the cause of the accident is clarified after investigation, it shall make a written report on the cause of the accident, process, harms, measures taken, treatment results, potential harms of the accident or indirect harms, social impact, leftover problems and precautionary measures, and provide relevant documentary evidences.

不可抗力情形发生后 1 个月内，向作出限期治理决定的人民政府的环境保护部门提出延长治理期限申请，由作出限期治理决定的人民政府审查决定。

（相关资料: [地方法规 2 篇](#)）

第十七条 环境保护部门和海事、渔政管理机构对管辖范围内向水体排放污染物的单位进行现场检查时，应当出示行政执法证件或者佩戴行政执法标志。

第十八条 环境保护部门和海事、渔政管理机构进行现场检查时，根据需要，可以要求被检查单位提供下列情况和资料：

- （一）污染物排放情况；
- （二）污染物治理设施及其运行、操作和管理情况；
- （三）监测仪器、仪表、设备的型号和规格以及检定、校验情况；
- （四）采用的监测分析方法和监测记录；
- （五）限期治理进展情况；
- （六）事故情况及有关记录；
- （七）与污染有关的生产工艺、原材料使用的资料；
- （八）与水污染防治有关的其他情况和资料。

第十九条 企业事业单位造成水污染事故时，必须立即采取措施，停止或者减少排污，并在事故发生后 48 小时内，向当地环境保护部门作出事故发生的时间、地点、类型和排放污染物的种类、数量、经济损失、人员受害及应急措施等情况的初步报告；事故查清后，应当向当地环境保护部门作出事故发生的原因、过程、危害、采取的措施、处理结果以及事故潜在危害或者间接危害、社会影响、遗留问题和防范措施等情况的书面报告，并附有关证明文件。



After receiving the preliminary report on the water pollution accident, the department of environmental protection shall immediately report it to the people's government at the same level and the department of environmental protection of the people's government at the next higher level, and the local people's government concerned shall organize the relevant departments to investigate into the cause of the accident and take effective measures to reduce and eliminate the pollution. The department of environmental protection of the people's government at or above the county level shall organize the monitor of the water areas likely to be affected by the pollution accident, and shall investigate into and deal with the accident.

When a ship causes a water pollution accident, an immediate report shall be made to the nearby maritime administrative body. If a pollution accident is caused to a water body of fishery, an immediate report shall be made to the fishery administrative body of the place of the accident. The maritime or fishery administrative body shall, after receiving such a report, notify the department of environmental protection of the people's government at the same level and immediately start to investigate into and deal with it.

If a water pollution accident causes or is likely to cause harms or damages in two or more administrative areas, the local people's government at or above the county level of the place of accident shall immediately inform the people's governments of the places that are harmed or damaged or are likely to be harmed or damaged by the accident of the time, site and type of the accident, the types and quantity of pollutants discharged and the required precautionary measures.

### Chapter III Prevention of Surface Water Pollution

Article 20 The surface water source protection zones for domestic and drinking water involving two or more provinces, autonomous regions, and municipalities directly under the Central Government shall be determined through consultation by the relevant people's governments of provinces, autonomous regions, and municipalities directly under the Central Government; and if they fail to do so, the department of environmental protection of the State Council shall propose a plan to determine them jointly with the relevant departments of water resources, land resources, health and construction of the State Council, and report it to the State Council for approval.

In determining other surface water source protection zones for domestic and drinking water, the people's governments of the cities or counties concerned propose the plans of determination through consultation, and report them to the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government for approval; and if they fail to do so, the departments of environmental protection of the people's governments of provinces, autonomous regions,

环境保护部门收到水污染事故的初步报告后, 应当立即向本级人民政府和上一级人民政府环境保护部门报告, 有关地方人民政府应当组织有关部门对事故发生的原因进行调查, 并采取有效措施, 减轻或者消除污染。县级以上人民政府环境保护部门应当组织对事故可能影响的水域进行监测, 并对事故进行调查处理。

船舶造成水污染事故时, 必须立即向就近的海事管理机构报告。造成渔业水体污染事故的, 必须立即向事故发生地的渔政管理机构报告。海事或者渔政管理机构接到报告后, 应当立即向本级人民政府的环境保护部门通报情况, 并及时开展调查处理工作。

水污染事故发生或者可能发生跨区域危害或者损害的, 事故发生地的县级以上地方人民政府应当及时向受到或者可能受到事故危害或者损害的有关地方人民政府通报事故发生的时间、地点、类型和排放污染物的种类、数量以及需要采取的防范措施等情况。

(相关资料: [地方法规 1 篇](#))

### 第三章 防止地表水污染

第二十条 跨省、自治区、直辖市的生活饮用水地表水源保护区, 由有关省、自治区、直辖市人民政府协商划定; 协商不成的, 由国务院环境保护部门会同国务院水利、国土资源、卫生、建设等有关部门提出划定方案, 报国务院批准。

其他生活饮用水地表水源保护区的划定, 由有关市、县人民政府协商提出划定方案, 报省、自治区、直辖市人民政府批准; 协商不成的, 由省、自治区、直辖市人民政府环境保护部门会同同级水利、国土资源、卫生、建设等有关部门提出划定方案, 报省、自治区、直辖市人民政府批准。

生活饮用水地表水源保护区分为一级保护区和二级保护区。

and municipalities directly under the Central Government shall, jointly with the relevant departments of water resources, land resources, health and construction at the same level, propose a plan for determination and report it to the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government for approval. The surface water source protection zones for domestic and drinking water are classified into the Grade I protection zone and Grade II protection zone.

Article 21 The State's Surface Water Environmental Quality Standards of Category II shall be applicable to the quality of domestic and drinking water in the Grade I protection zones of surface water sources; and the State's Surface Water Environmental Quality Standards of Category III shall be applicable to the water quality in the Grade II protection zones.

Article 22 The protection of the Grade I protection zones for surface water sources for domestic and drinking water shall be governed by the provisions of [Article 20](#) of [the Water Pollution Prevention and Control Law](#).

Article 23 It is forbidden to start or expand the construction projects discharging pollutants into the water bodies within the Grade II protection zones of surface water sources for domestic and drinking water. If a project is reconstructed within the Grade II surface water source protection zone for domestic and drinking water, the quantity of discharged pollutants shall be reduced.

Within the Grade II protection zones of surface water sources for domestic and drinking water, it is forbidden to discharge pollutants in excess of the pollutant discharge standards as established by the State or the localities.

Within the Grade II protection zones of surface water sources for domestic and drinking water, it is forbidden to construct docks for handling rubbish, oils or other toxic or harmful materials.

Article 24 If the industrial waste water and urban waste water are used for irrigation, the competent administrative departments of agriculture of the local people's governments at or above the county level shall organize regular monitoring over the quality of the water used for irrigation, of the post-irrigation soil and farm produces, and take corresponding measures to prevent pollution to the soil, ground water and farm produces.

Article 25 Ships in inland rivers shall be equipped with pollution prevention equipment that complies with the State's regulations, and shall have a quality certificate issued by the ship inspection departments. A ship which does not have pollution prevention equipment or whose

(相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#))

第二十一条 生活饮用水地表水源一级保护区内的水质, 适用国家《地面水环境质量标准》II类标准; 二级保护区内的水质, 适用国家《地面水环境质量标准》III类标准。

第二十二条 生活饮用水地表水源一级保护区的保护, 依照[水污染防治法第二十条](#)的规定执行。

第二十三条 禁止在生活饮用水地表水源二级保护区内新建、扩建向水体排放污染物的建设项目。在生活饮用水地表水源二级保护区内改建项目, 必须削减污染物排放量。

禁止在生活饮用水地表水源二级保护区内超过国家规定的或者地方规定的污染物排放标准排放污染物。

禁止在生活饮用水地表水源二级保护区内设立装卸垃圾、油类及其他有毒有害物品的码头。

(相关资料: [地方法规 2 篇](#))

第二十四条 利用工业废水和城市污水进行灌溉的, 县级以上地方人民政府农业行政主管部门应当组织对用于灌溉的水质及灌溉后的土壤、农产品进行定期监测, 并采取相应措施, 防止污染土壤、地下水和农产品。

(相关资料: [相关论文 3 篇](#))

第二十五条 在内河航行的船舶, 应当配置符合国家规定的防污设备, 并持有船舶检验部门签发的合格证书。

船舶无防污设备或者防污设备不符

pollution prevention equipment does not comply with the State's regulations shall meet the specified standards within a given time limit.

Article 26 Ships in inland rivers shall keep pollution prevention documents or log documents required by the maritime administration bodies. Oil tankers with a tonnage of 150 tons or above or non-oil tankers with a tonnage of 400 tons or above in inland rivers shall keep records of the types of oil.

Article 27 Ports or docks shall be equipped with the receiving and treatment facilities of waste water containing oil and refuse. The port management entities shall be responsible for the construction, management and maintenance of such receiving and treatment facilities. No ship in an inland river may discharge waste oil, residue oil or rubbish into the water body. Passenger and tourist ships in inland rivers shall establish a rubbish control system.

Article 28 For the following operations carried out by ships at the ports, one shall file an application in advance to the maritime administration body and may not start such operations within the designated areas until its application is approved:

- (1) to wash the decks and cabins of ships loaded with toxic goods or bulk goods with dust;
- (2) to discharge waste water produced by ballast, cabin washing or engine room and other residue substances; or
- (3) to use chemical oil detergent.

Article 29 When oils and other toxic, harmful, corrosive and radioactive goods are loaded onto or unloaded from ships at a port or dock, the ship owner and the operating entities shall take precautionary measures to prevent pollution to the water body.

Article 30 If a ship accident causes or is likely to cause pollution to a water body, the maritime administrative body shall organize compulsory salvage or tugging, and all expenses arising therefrom shall be borne by the owner of the ship that the accident.

Article 31 The entities engaging in ship building, repairing, dismantling and salvaging shall be equipped with pollution prevention equipment and facilities. When conducting such operations, they shall take precautionary measures to prevent pollution to the water body produced by oil, oil mixture and other refuse.

#### Chapter IV Prevention of Ground Water Pollution

合国家规定的，应当限期达到规定的标准。

第二十六条 在内河航行的船舶，必须持有海事管理机构规定的防污文书或者记录文书。在内河航行的150总吨以上的油轮和400总吨以上的非油轮，必须持有油类记录本。

第二十七条 港口或者码头应当配备含油污水和垃圾的接收与处理设施。接收与处理设施由港口经营单位负责建设、管理和维护。

在内河航行的船舶不得向水体排放废油、残油和垃圾。在内河航行的客运、旅游船舶，必须建立垃圾管理制度。

第二十八条 在港口的船舶进行下列作业，必须事先向海事管理机构提出申请，经批准后，在指定的区域内进行：

- （一）冲洗载运有毒货物、有粉尘的散装货物的船舶甲板和舱室；
- （二）排放压舱、洗舱和机舱污水以及其他残余物质；
- （三）使用化学消油剂。

（相关资料: [地方法规 3 篇](#)）

第二十九条 船舶在港口或者码头装卸油类及其他有毒有害、腐蚀性、放射性货物时，船方和作业单位必须采取预防措施，防止污染水体。

第三十条 船舶发生事故，造成或者可能造成水体污染的，海事管理机构应当组织强制打捞清除或者强制拖航，由此支付的费用由肇事船方承担。

第三十一条 造船、修船、拆船、打捞船舶的单位，必须配备防污设备和器材；进行作业时，应当采取预防措施，防止油类、油性混合物和其他废弃物污染水体。

（相关资料: [地方法规 1 篇](#)）

#### 第四章 防止地下水污染



Article 32 The departments of environmental protection of local people's governments at or above the county level shall, jointly with the relevant administrative departments, such as water resources, land resources, health and construction at the same level, propose a plan for determining ground water source protection zones for domestic and drinking water in accordance with the geographic location of water sources for domestic and drinking water, hydro-geological conditions, capacity of water supply, exploration method, and distribution of sources of pollution, and report them to the people's governments at the same level for approval. The State's Ground Water Quality Standards of Category II shall be applicable to the quality of water in ground water source protection zones for domestic and drinking water.

Article 33 It is forbidden to carry out the following activities within the ground water source protection zones for domestic and drinking water:

- (1) to use waste water for irrigation;
- (2) to use sludge containing toxic pollutants as manure;
- (3) to use hypertoxic or high-residue pesticides; or
- (4) to use cracks or cavity of the water storage stratum, solution caves or deserted mine pits to store oils, radioactive substances, toxic chemicals or pesticides.

Article 34 When extracting ground water involving multiple strata, the following water storage strata shall be extracted separately and may not be extracted in a mixed manner:

- (1) semi-saltwater, saltwater and bittern strata;
- (2) water storage stratum already polluted;
- (3) water storage stratum that contains toxic, harmful elements and the percentage exceeds [the health standards for domestic and drinking water](#); and
- (4) ground hot water, hot springs and mineral water with medical values and special economic values.

Article 35 If the water storage strata has to be exposed or penetrated through in a prospecting project, the work to block water by stratum and close the holes shall be done well in strict accordance with the relevant requirements.

Article 36 When toxic or harmful waste water is discharged from a mining shaft or mining pit, water collection projects shall be constructed in the surrounding areas of the mine beds and effective measures shall be taken to prevent pollution to the ground water.

Article 37 The quality of water siphoned back into the underground to

第三十二条 生活饮用水地下水源保护区，由县级以上地方人民政府环境保护部门会同同级水利、国土资源、卫生、建设等有关行政主管部门，根据饮用水水源地所处的地理位置、水文地质条件、供水量、开采方式和污染源的分布提出划定方案，报本级人民政府批准。

生活饮用水地下水源保护区的水质，适用国家《地下水质量标准》II类标准。

（相关资料: [地方法规 3 篇](#)）

第三十三条 禁止在生活饮用水地下水源保护区内从事下列活动：

- （一）利用污水灌溉；
- （二）利用含有毒污染物的污泥作肥料；
- （三）使用剧毒和高残留农药；
- （四）利用储水层孔隙、裂隙、溶洞及废弃矿坑储存石油、放射性物质、有毒化学品、农药等。

（相关资料: [地方法规 1 篇](#)）

第三十四条 开采多层地下水时，对下列含水层应当分层开采，不得混合开采：

- （一）半咸水、咸水、卤水层；
- （二）已受到污染的含水层；
- （三）含有毒有害元素并超过[生活饮用水卫生标准](#)的水层；
- （四）有医疗价值和特殊经济价值的地下热水、温泉水和矿泉水。

（相关资料: [地方法规 1 篇](#) [实务指南](#)）

第三十五条 揭露和穿透含水层的勘探工程，必须按照有关规范要求，严格做好分层止水和封孔工作。

第三十六条 矿井、矿坑排放有毒有害废水，应当在矿床外围设置集水工程，并采取有效措施，防止污染地下水。

第三十七条 人工回灌补给地下饮

supplement drinking ground water shall be in compliance with the quality standards of water sources for domestic and drinking water, and shall be approved by the competent administrative department of health of local people's governments at or above the county level.

## Chapter V Legal Responsibility

Article 38 The imposition of fines under the provisions of Items (1), (2) and (4) of Paragraph 1 of [Article 46](#) of [the Water Pollution Prevention and Control Law](#) is governed by the following provisions:

- (1) Where anyone refuses to report or makes any false report of the pollutant discharge registration items as required by the department of environmental protection of the State Council, it or he may be fined not more than 10,000 yuan;
- (2) Where anyone rejects any on-the-spot inspection of the department of environmental protection or maritime or fishery administrative body or resorting to trickery means, it or he may be fined not more than 10,000 yuan; and
- (3) Where anyone fails to pay pollutant discharge fee or the excessive pollutant discharge fee, it or he may be fined not more than 50% of the fee payable, in addition to paying the pollutant discharge fee or the excessive pollutant discharge fee and the overdue fine.

Article 39 The imposition of fines under the provisions of Item (3) of Paragraph 1 of [Article 46](#) of [the Water Pollution Prevention and Control Law](#) shall be governed by the following provisions:

- (1) Anyone who discharges or dumps waste liquid containing hypertoxic or dissolvable hypertoxic waste residues containing mercury, cadmium, arsenic, chromium, cyanide or yellow phosphorus into any water body or directly burying them underground may be fined not more than 100,000 yuan;
- (2) Where anyone discharges or dumps radioactive solid wastes, oils, acid solutions or alkali solutions or waste water containing high or medium level radioactive substances into any water body, a fine not exceeding 50,000 yuan may be imposed thereon;
- (3) Where anyone discharges residue oils or waste oils into any water body or cleans vehicles or containers used to carry or contain oils and toxic pollutants in any water body, a fine not exceeding 10,000 yuan may be imposed thereon;
- (4) Where anyone discharges or dumps industrial waste residues or urban living refuse into any water body, or piles solid wastes at the tidal land or bank slopes below the highest water marks of rivers, lakes, canals, ditches or reservoirs, a fine not exceeding 10,000 yuan may be imposed thereon;
- (5) Where anyone dumps rubbish from the ship into the water body, a fine

using the water quality, shall conform to the water quality standards of drinking water sources, and shall be approved by the competent administrative department of health of local people's governments at or above the county level.

## 第五章 法律责任

第三十八条 依照[水污染防治法](#)第四十六条第一款第（一）项、第（二）项、第（四）项规定处以罚款的，按照下列规定执行：

（一）拒报或者谎报国务院环境保护部门规定的有关污染物排放申报登记事项的，可以处1万元以下的罚款；

（二）拒绝环境保护部门或者海事、渔政管理机构现场检查，或者弄虚作假的，可以处1万元以下的罚款；

（三）不按照国家规定缴纳排污费或者超标排污费的，除追缴排污费或者超标排污费及滞纳金外，可以处应缴数额50%以下的罚款。

（相关资料：[部门规章 2 篇](#) [地方法规 7 篇](#) [裁判文书 1 篇](#)）

第三十九条 依照[水污染防治法](#)第四十六条第一款第（三）项规定处以罚款的，按照下列规定执行：

（一）向水体排放剧毒废液，或者将含有汞、镉、砷、铬、氰化物、黄磷等可溶性剧毒废渣向水体排放、倾倒或者直接埋入地下的，可以处10万元以下的罚款；

（二）向水体排放、倾倒放射性固体废物废弃物、油类、酸液、碱液或者含有高、中放射性物质的废水的，可以处5万元以下的罚款；

（三）向水体排放船舶的残油、废油，或者在水体清洗装载过油类、有毒污染物的车辆和容器的，可以处1万元以下的罚款；

（四）向水体排放、倾倒工业废渣、城市生活垃圾，或者在江河、湖泊、运河、渠道、水库最高水位线以下的滩地和岸坡存贮固体废弃物的，可以处1万元以下的罚款；

（五）向水体倾倒船舶垃圾的，可

not exceeding 2,000 yuan may be imposed thereon;

(6) If an enterprise or public institution uses solution caves to discharge or dump waste water containing pathogens or any other refuse, a fine not exceeding 20,000 yuan may be imposed thereon; and if it uses a seepage well, seepage pit or crack to discharge waste water containing toxic pollutants, a fine not exceeding 50,000 yuan may be imposed thereon; and

(7) If an enterprise or public institution uses a ditch or pond without anti-seepage measures to transport or store waste water containing pathogens or any other refuse, a fine not exceeding 10,000 yuan may be imposed thereon; and if it uses a ditch or pond without anti-seepage measures to transport or store waste water containing toxic pollutants, a fine not exceeding 20,000 yuan may be imposed thereon.

Article 40 If a fine is imposed according to the provisions of [Article 47 of the Water Pollution Prevention and Control Law](#), the fine may be up to 100,000 yuan.

Article 41 If a fine is imposed according to the provisions of [Article 48 of the Water Pollution Prevention and Control Law](#), the fine may be up to 100,000 yuan.

Article 42 If a fine is imposed according to the provisions of Paragraph (1) of [Article 52 of the Water Pollution Prevention and Control Law](#), the fine may be up to 200,000 yuan.

Article 43 The fines under the provisions of [Article 53 of the Water Pollution Prevention and Control Law](#) shall be governed by the following provisions:

(1) If an enterprise or public institution causes a water pollution accident; the fine shall be calculated at 20% of the direct losses, but the maximum amount may not exceed 200,000 yuan; and

(2) If a serious economic loss is caused, the fine shall be calculated at 30% of the direct losses, but the maximum amount may not exceed 1 million yuan.

Article 44 Where any entity fails to discharge pollutants by violating the

with 200,000 yuan or less;

(六) 企业事业单位利用溶洞排放、倾倒含病原体的污水或者其他废弃物的，可以处2万元以下的罚款；利用渗井、渗坑、裂隙排放含有毒污染物的废水的，可以处5万元以下的罚款；

(七) 企业事业单位使用无防止渗漏措施的沟渠、坑塘等输送或者存贮含病原体的污水或者其他废弃物的，可以处1万元以下的罚款；使用无防止渗漏措施的沟渠、坑塘等输送或者存贮含有毒污染物的废水的，可以处2万元以下的罚款。

(相关资料: [部门规章 1 篇](#) [地方法规 16 篇](#) [相关论文 1 篇](#))

第四十条 依照[水污染防治法第四十七条](#)规定处以罚款的，可以处10万元以下的罚款。

(相关资料: [部门规章 1 篇](#) [地方法规 4 篇](#))

第四十一条 依照[水污染防治法第四十八条](#)规定处以罚款的，可以处10万元以下的罚款。

(相关资料: [部门规章 2 篇](#) [地方法规 7 篇](#) [裁判文书 1 篇](#))

第四十二条 依照[水污染防治法第五十二条](#)第一款处以罚款的，可以处20万元以下的罚款。

(相关资料: [地方法规 5 篇](#))

第四十三条 依照[水污染防治法第五十三条](#)规定处以罚款的，按照下列规定执行：

(一) 对造成水污染事故的企业事业单位，按照直接损失的20%计算罚款，但是最高不得超过20万元；

(二) 对造成重大经济损失的，按照直接损失的30%计算罚款，但是最高不得超过100万元。

(相关资料: [部门规章 1 篇](#) [地方法规 6 篇](#))

第四十四条 不按照排污许可证或

provisions of the pollutant discharge permit or the interim pollutant discharge permit, the department of environmental protection which issued the permit shall order it to make corrections within a given time limit and may impose a fine not exceeding 50,000 yuan thereon; it may also revoke the pollutant discharge permit or the interim pollutant discharge permit thereof in case the circumstance is serious.

Article 45 If, in violation of the provisions of Article 11 of these Rules, anyone fails to construct the pollutant discharge outlet or the total discharge control monitoring equipment as required, the department of environmental protection shall order it to make corrections within a given time limit and may impose a fine not exceeding 10,000 yuan thereon.

Article 46 If, as in violation of the provisions of Paragraph 1 of Article 23 of these Rules, a construction project which discharges pollutants into the water body within a Grade II surface water source protection zone for domestic and drinking water is constructed or expanded, or a reconstructed project fails to reduce the pollutant discharge, the people's government at or above the county level shall order, within its limit of power, the violator to suspend its operations or shut down.

If, as in violation of Paragraph 2 of Article 23 of these Rules, any pollutant is discharged in excess of the State or local standards on pollutant discharge within the Grade II surface water source protection zone for domestic and drinking water, the people's government at or above the county level shall order the violator to make treatment within a given time limit, and may impose a fine not exceeding 100,000 yuan thereon; and if it fails to finish the treatment task at the expiry of the given time limit, the people's government at or above the county level shall order, within its limit of power, it to suspend its operations or to shut down.

If, as in violation of the provisions of Paragraph 3 of Article 23 of these Rules, a dock for handling rubbish, oils and other toxic or harmful articles within a Grade II surface water source protection zone for domestic and drinking water is constructed, the department of environmental protection of the people's government at or above the county level shall order the violator to dismantle it and may impose a fine not exceeding 100,000 yuan thereon.

Article 47 If, as in violation of Sub-paragraph (4) of Article 33 of these Rules, cracks or cavity of the water storage stratum, solution caves or deserted mining pits are used to store oil, radioactive substance, toxic chemical or farm chemical, the department of environmental protection of the local people's government at or above the county level shall order the violator to make corrections and may impose a fine not exceeding 100,000 yuan thereon.

者临时排污许可证的规定排放污染物的，由颁发许可证的环境保护部门责令限期改正，可以处5万元以下的罚款；情节严重的，并可以吊销排污许可证或者临时排污许可证。

（相关资料: [部门规章 2 篇](#) [地方法规 5 篇](#)）

第四十五条 违反本细则第十一条的规定，未按照规定设置排污口、安装总量控制监测设备的，由环境保护部门责令限期改正，可以处1万元以下的罚款。

（相关资料: [地方法规 4 篇](#)）

第四十六条 违反本细则第二十三条第一款的规定，在生活饮用水地表水源二级保护区内新建、扩建向水体排放污染物的建设项目的，或者改建项目未削减污染物排放量的，由县级以上人民政府按照规定的权限责令停业或者关闭。

违反本细则第二十三条第二款的规定，在生活饮用水地表水源二级保护区内，超过国家规定的或者地方规定的污染物排放标准排放污染物的，由县级以上人民政府责令限期治理，可以处10万元以下的罚款；逾期未完成治理任务的，由县级以上人民政府按照规定的权限责令停业或者关闭。

违反本细则第二十三条第三款的规定，在生活饮用水地表水源二级保护区内，设立装卸垃圾、油类及其他有毒有害物品码头的，由县级以上人民政府环境保护部门责令限期拆除，可以处10万元以下的罚款。

（相关资料: [地方法规 8 篇](#)）

第四十七条 违反本细则第三十三条第（四）项的规定，利用储水层孔隙、裂隙、溶洞及废弃矿坑储存石油、放射性物质、有毒化学品、农药的，由县级以上地方人民政府环境保护部门责令改正，可以处10万元以下的罚款。

（相关资料: [地方法规 3 篇](#)）

Article 48 The entities which pay pollutant discharge fee or excessive pollutant discharge fee or are warned or fined shall not be exempt from the liabilities of eliminating the pollution and harm, as well as compensating for the losses they have brought about.

#### Chapter VI Supplementary Provisions

Article 49 These Detailed Rules shall come into force as of the promulgation date. [The Detailed Rules for the Implementation of the Law of the People's Republic of China on the Prevention and Control of Water Pollution](#) as approved by the State Council and promulgated by the State Environmental Protection Administration on July 12, 1989 shall be repealed simultaneously.

第四十八条 缴纳排污费、超标排污费或者被处以警告、罚款的单位，不免除其消除污染、排除危害和赔偿损失的责任。

#### 第六章 附则

第四十九条 本细则自发布之日起施行。1989年7月12日国务院批准、国家环境保护局发布的《[中华人民共和国水污染防治法实施细则](#)》同时废止。

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