

【Title】 Interim Regulations on the Prevention and Control of Water Pollution in the Huaihe River Valley[已被修订]

【法规标题】淮河流域水污染防治暂行条例 [Revised]

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Decree of the State Council of the People's Republic of China
(No. 183)

The Interim Regulations on the Prevention and Control of Water Pollution in the Huaihe River Valley is hereby promulgated and shall go into effect as of the date of promulgation.

Premier Li Peng
August 8, 1995

Interim Regulations on the Prevention and Control of Water Pollution in the Huaihe River Valley

中华人民共和国国务院令
(第183号)

现发布《淮河流域水污染防治暂行条例》，自发布之日起施行。

总理 李鹏
1995年8月8日

淮河流域水污染防治暂行条例

Article 1 These Regulations are formulated for the purpose of strengthening the prevention and control of water pollution in the Huaihe River Valley, protecting and improving water quality, safeguarding human health and ensuring water supply for people's daily life and production.

Article 2 These Regulations shall apply to the prevention and control of pollution of rivers, lakes, reservoirs, canals and other surface water bodies in the Huaihe River Valley.

Article 3 The aim of the prevention and control of water pollution in the Huaihe River Valley is: the discharge of pollutants from industrial pollution sources in the whole valley shall meet the discharge standards by the year 1997, and by the year 2000 the quality of water in the major part of rivers, lakes or reservoirs shall meet the demands in the planning for prevention and control of water pollution in the Huaihe River Valley and the water in Huaihe River will become clear.

Article 4 The Leading Group for Protecting Water Resources in the

第一条 为了加强淮河流域水污染防治，保护和改善水质，保障人体健康和人民生活、生产用水，制定本条例。

第二条 本条例适用于淮河流域的河流、湖泊、水库、渠道等地表水体的污染防治。

第三条 淮河流域水污染防治的目标：1997年实现全流域工业污染源达标排放；2000年淮河流域各主要河段、湖泊、水库的水质达到淮河流域水污染防治规划的要求，实现淮河水体变清。

第四条 淮河流域水资源保护领导

Huaihe River Valley (hereinafter referred to as the Leading Group) shall be responsible for coordinating and settling any significant issues concerning the protection of water resources and the prevention and control of water pollution in the Huaihe River Valley, and for supervising and inspecting the work of prevention and control of water pollution in the Huaihe River Valley, and also for exercising other duties and powers as the State Council may assign to it.

The Office of the Leading Group shall be established in the Bureau of Protection of Water Resources in the Huaihe River Valley.

Article 5 The people's governments of Henan Province, Anhui Province, Jiangsu Province and Shandong Province (hereinafter referred to as the four provinces) shall be responsible for the water environment quality in the Huaihe River Valley in their respective regions, and must take measures to realize their respective aims of prevention and control of water pollution in the Huaihe River Valley in their respective regions. The people's governments of the four provinces shall assign the task of harnessing the water pollution in the Huaihe River Valley to related cities (prefectures) or counties, sign target responsibility documents and require them to fulfill assigned tasks in a given time, and shall consider this work as an important part in examining the achievements of the related cadres.

Article 6 The local people's governments at or above the county level in the Huaihe River Valley shall regularly report to the standing committees of the people's congresses at the corresponding levels the development in prevention and control of water pollution in their administrative areas in the Huaihe River Valley.

Article 7 The State shall practise preferential and support policies for the prevention and control of water pollution in the Huaihe River Valley.

Article 8 The people's governments of the four provinces shall make appropriate arrangements for the workers and staff members in the closed or suspended enterprises in the Huaihe River Valley.

Article 9 The State shall practise a system of controlling the total amount of discharged water pollutants (hereinafter referred to as the total amount of discharged pollutants) in the Huaihe River Valley.

Article 10 The competent administrative department of environmental protection of the State Council, jointly with the planning department and the competent administrative department of water of the State Council, and in consultation with the people's governments of the four provinces, shall, in accordance with the aim of prevention and control of water pollution in the Huaihe River Valley, draw up a planning for preventing and controlling water pollution and a plan for controlling the total amount

小组（以下简称领导小组），负责协调、解决有关淮河流域水资源保护和污染防治的重大问题，监督、检查淮河流域水污染防治工作，并行使国务院授予的其他职权。

领导小组办公室设在淮河流域水资源保护局。

第五条 河南、安徽、江苏、山东四省（以下简称四省）人民政府各对本省淮河流域水环境质量负责，必须采取措施确保本省淮河流域水污染防治目标的实现。

四省人民政府应当将淮河流域水污染治理任务分解到有关市（地）、县，签订目标责任书，限期完成，并将该项工作作为考核有关干部政绩的重要内容。

第六条 淮河流域县级以上地方人民政府，应当定期向本级人民代表大会常务委员会报告本行政区域内淮河流域水污染防治工作进展情况。

第七条 国家对淮河流域水污染防治实行优惠、扶持政策。

第八条 四省人民政府应当妥善做好淮河流域关、停企业的职工安置工作。

第九条 国家对淮河流域实行水污染物排放总量（以下简称排污总量）控制制度。

第十条 国务院环境保护行政主管部门会同国务院计划部门、水行政主管部门商四省人民政府，根据淮河流域水污染防治目标，拟订淮河流域水污染防治规划和排污总量控制计划，经由领导小组报国务院批准后执行。

of discharged pollutants in the Huaihe River Valley, which shall be submitted by the Leading Group to the State Council for approval before implementation.

Article 11 The people's governments at or above the county level in the Huaihe River Valley shall, in accordance with the planning for prevention and control of water pollution and the plan for controlling the total amount of discharged pollutants drawn up by local people's governments at higher levels, organize to draw up the plannings for the prevention and control of water pollution and the plans for controlling the total amount of discharged pollutants in their administrative areas in the Huaihe River Valley, which shall be incorporated into the medium - term or long - term plannings and the annual plans for national economic and social development in their administrative areas.

Article 12 The plan for controlling the total amount of discharged pollutants in the Huaihe River Valley shall include such contents as the exact area in which the total amount of discharged pollutants shall be controlled, the total amount of discharged pollutants, the amount of reduction of discharged pollutants and the time limit for such reduction, the areas in which the control of discharged pollutants shall be centered and lists of key units discharging pollutants out of the aforesaid areas.

Article 13 For enterprises, institutions and individual businesses discharging pollutants into a water body in the Huaihe River Valley (hereinafter referred to as the pollutant discharging units) which are incorporated into the plans for controlling the total amount of discharged pollutants, their control index of the total amount of discharged pollutants shall be determined by competent administrative departments of environmental protection in consultation with other related competent departments of industries at the corresponding levels on the basis of the plans for controlling the total amount of discharged pollutants, the environmental impact statements for construction projects and the declared amounts of discharged pollutants.

The amount of the reduction and the time limit required for such reduction of the control index of the total amount of discharged pollutants shall be appraised and determined by the competent administrative departments of environmental protection that issue the aforesaid control index in consultation with other related competent departments at the corresponding levels in accordance with the provisions of the people's governments at the corresponding levels.

Any pollutant discharging unit that exceeds the limits of the control index of the total amount of discharged pollutants shall be ordered by the local people's government at or above the county level to eliminate and control the pollution within a time limit.

第十一条 淮河流域县级以上地方人民政府，根据上级人民政府制定的淮河流域水污染防治规划和排污总量控制计划，组织制定本行政区域内淮河流域水污染防治规划和排污总量控制计划，并纳入本行政区域的国民经济和社会发展中长期规划和年度计划。

第十二条 淮河流域排污总量控制计划，应当包括确定的排污总量控制区域、排污总量、排污削减量和削减时限要求，以及应当实行重点排污控制的区域和重点排污控制区域外的重点排污单位名单等内容。

第十三条 向淮河流域水体排污的企业事业单位和个体工商户（以下简称排污单位），凡纳入排污总量控制的，由环境保护行政主管部门商同级有关行业主管部门，根据排污总量控制计划、建设项目环境影响报告书和排污申报量，确定其排污总量控制指标。

排污单位的排污总量控制指标的削减量以及削减时限要求，由下达指标的环境保护行政主管部门根据本级人民政府的规定，商同级有关行业主管部门核定。

超过排污总量控制指标排污的，由有关县级以上地方人民政府责令限期治理。

Article 14 The pollutant discharging units within the major controlling area of discharging pollutants or the key pollutant discharging units out of the major controlling area of discharging pollutants which are defined in the plans for controlling the total amount of discharged pollutants in the Huaihe River Valley, shall apply for a pollutants discharge permit in accordance with the relevant provisions of the State and shall install measuring instruments of discharged sewage at sewage outfalls.

Article 15 The competent administrative department of environmental protection of the State Council shall, in consultation with the competent administrative department of water of the State Council, draw up the water quality standards for the provincial boundaries in the Huaihe River Valley in accordance with the plans for controlling the total amount of discharged pollutants in the Huaihe River Valley and with the economic and technological conditions of the four provinces and submit it to the State Council for approval before implementation.

Article 16 The Bureau of Protection of Water Resources in the Huaihe River Valley shall be responsible for monitoring the water quality of the provincial boundaries of the four provinces, and shall report without delay the monitoring results to the Leading Group.

Article 17 Any key pollutant discharging unit in the Huaihe River Valley exceeding the prescribed standards in discharging water pollutants shall be ordered to eliminate and control the pollution within the time limit. For enterprises and institutions under the jurisdiction of a people's government at or below the city or county level, a deadline for the elimination and control of pollution shall be determined by the relevant people's government at the city or county level. For enterprises and institutions directly under the jurisdiction of the Central Government or the people's government at the provincial level, such deadline shall be determined by the people's government at the provincial level. A list of key pollutant discharging units that have been ordered to eliminate and control pollution within a time limit shall be drawn up by the competent administrative department of environmental protection of the State Council in consultation with the people's governments of the four provinces and shall be promulgated after the verification and consent of the Leading Group.

Article 18 All industrial enterprises shall be prohibited from discharging beyond the standards water pollutants into a water body in the Huaihe River Valley as of January 1, 1998.

Article 19 The pollutant discharging unit in the Huaihe River Valley must take measures to accomplish the elimination and control of pollution within the specified period and to ensure that the discharge of water

第十四条 在淮河流域排污总量控制计划确定的重点排污控制区域内的排污单位和重点排污控制区域外的重点排污单位,必须按照国家有关规定申请领取排污许可证,并在排污口安装污水排放计量器具。

第十五条 国务院环境保护行政主管部门商国务院水行政主管部门,根据淮河流域排污总量控制计划以及四省的经济技术条件,制定淮河流域省界水质标准,报国务院批准后施行。

第十六条 淮河流域水资源保护局负责监测四省省界水质,并将监测结果及时报领导小组。

第十七条 淮河流域重点排污单位超标排放水污染物的,责令限期治理。

市、县或者市、县以下人民政府管辖的企业事业单位的限期治理,由有关市、县人民政府决定。中央或者省级人民政府管辖的企业事业单位的限期治理,由省级人民政府决定。

限期治理的重点排污单位名单,由国务院环境保护行政主管部门商四省人民政府拟订,经领导小组审核同意后公布。

第十八条 自1998年1月1日起,禁止一切工业企业向淮河流域水体超标排放水污染物。

第十九条 淮河流域排污单位必须采取措施按期完成污染治理任务,保证水污染物的排放符合国家制定的和地方

pollutants shall conform to the pollutant discharging standards set by the State or local governments; the pollutant discharging unit with a pollutants discharge permit shall ensure that its total amount of discharged pollutants does not exceed the control index of the total amount of discharged pollutants stipulated in the pollutants discharge permit. The pollutant discharging unit that has not completed the elimination and control of pollution within the specified period shall concentrate its funds on accomplishing the elimination and control of pollution as soon as possible; before the elimination and control of pollution has been completed, any construction project enlarging the scale of production is prohibited.

Article 20 The pollutant discharge fees collected by the competent administrative departments of environmental protection of the local people's governments at or above the county level in the Huaihe River Valley shall be spent on the elimination and control of pollution in accordance with the provisions of the State and may not be appropriated for other purposes.

The auditing departments shall audit the usage of pollutant discharge fees in accordance with law and the auditing results shall be reported to the Leading Group by the auditing departments of the people's governments of the four provinces.

Article 21 The installation or enlargement of a sewage outfall within such administrative areas as rivers, lakes, reservoirs and canals located in the Huaihe River Valley must be reported to the competent administrative department of water for approval in accordance with law.

Article 22 No new enterprise making chemical pulp paper shall be established in the Huaihe River Valley.

No new small - scale enterprises engaging in such severely polluting businesses as hide processing, chemical industry, printing and dyeing, electroplating or brewing, shall be established in the Huaihe River Valley. Construction of new large or medium - scale projects listed in the preceding paragraph or other projects which may cause severe pollution is strictly limited; new construction of such projects must be subject to the approval of the competent administrative department of environmental protection of the related people's governments at the provincial level, and shall be reported to the competent administrative department of environmental protection of the State Council for the record.

A list of prohibited or strictly limited industries or products shall be drawn up by the competent department of environmental protection of the State Council in consultation with other related competent departments of industries of the State Council and after being examined and agreed by the Leading Group , shall be submitted to the State Council for approval

制定的排放标准；持有排污许可证的单位应当保证其排污总量不超过排污许可证规定的排污总量控制指标。

未按期完成污染治理任务的排污单位，应当集中资金尽快完成治理任务；完成治理任务前，不得建设扩大生产规模的项目。

第二十条 淮河流域县级以上地方人民政府环境保护行政主管部门征收的排污费，必须按照国家有关规定，全部用于污染治理，不得挪作他用。

审计部门应当对排污费的使用情况依法进行审计，并由四省人民政府审计部门将审计结果报领导小组。

第二十一条 在淮河流域河流、湖泊、水库、渠道等管理范围内设置或者扩大排污口的，必须依法报经水行政主管部门同意。

第二十二条 禁止在淮河流域新建化学制浆造纸企业。

禁止在淮河流域新建制革、化工、印染、电镀、酿造等污染严重的小型企业。

严格限制在淮河流域新建前款所列大中型项目或者其他污染严重的项目；建设该类项目的，必须事先征得有关省人民政府环境保护行政主管部门的同意，并报国务院环境保护行政主管部门备案。

禁止和严格限制的产业、产品名录，由国务院环境保护行政主管部门商国务院有关行业主管部门拟订，经领导小组审核同意，报国务院批准后公布施行。

before promulgation and implementation.

Article 23 The competent administrative department of environmental protection of local people's government at or above the county level in the Huaihe River Valley shall not, in examining and approving the environmental impact statement on a construction project's discharge of pollutants into a water body, exceed the limit of the control index of the total amount of discharged pollutants of its respective administrative area.

Article 24 The local people's governments at or above the county level in the Huaihe River Valley shall construct sewage centralized treatment facilities in cities or towns in accordance with the requirements in the planning for prevention and control of water pollution in the Huaihe River Valley.

Article 25 Sluices in the Huaihe River Valley shall, presupposing the ensuring of flood control or drought relief, give consideration to the quality of water in both the upper and lower reaches of the river. An adjustment and control program for preventing pollution shall be drawn up to avoid the overall discharge of sewage stored in a sluice - controlled river course.

For a sluice deemed important by the Leading Group, the adjustment and control program for preventing pollution shall be drawn up by the Water Conservancy Committee of the Huaihe River jointly with the competent administrative department of water of the people's government of the relevant province and shall be submitted to the Leading Group for approval before implementation.

Article 26 The Office of the Leading Group shall organize the competent administrative departments of environmental protection, the competent administrative departments of water or other relevant departments of the people's governments of the four provinces, take the following measures to carry out the combined work of prevention and control of water pollution in the dry season:

(1) Strengthening the dynamic monitoring of the quality or situation of the water in major river courses, lakes or reservoirs, and circulating a notice of the monitoring results without delay;

(2) In accordance with the maximum capacity of the water environment and in consultation with the competent administrative departments of environmental protection of the people's governments of the four provinces, establishing for each province the maximum amount of pollutants discharged from pollution sources during the dry season, which shall be allotted level by level to pollutant discharging units by the competent administrative departments of environmental protection of the people's governments of the four provinces, and the pollutant discharging units shall discharge pollutants within the quantitative limits in accordance

第二十三条 淮河流域县级以上地方人民政府环境保护行政主管部门审批向水体排放污染物的建设项目的环境影响报告书时，不得突破本行政区域排污总量控制指标。

第二十四条 淮河流域县级以上地方人民政府应当按照淮河流域水污染防治规划的要求，建设城镇污水集中处理设施。

第二十五条 淮河流域水闸应当在保证防汛、抗旱的前提下，兼顾上游下游水质，制定防污调控方案，避免闸控河道蓄积的污水集中下泄。

领导小组确定的重要水闸，由淮河水利委员会会同有关省人民政府水行政主管部门制定防污调控方案，报领导小组批准后施行。

第二十六条 领导小组办公室应当组织四省人民政府环境保护行政主管部门、水行政主管部门等采取下列措施，开展枯水期水污染联合防治工作：

（一）加强对主要河道、湖泊、水库的水质、水情的动态监测，并及时通报监测资料；

（二）根据枯水期的水环境最大容量，商四省人民政府环境保护行政主管部门规定各省枯水期污染源限排总量，由四省人民政府环境保护行政主管部门逐级分解到排污单位，使其按照枯水期污染源限排方案限量排污；

（三）根据水闸防污调控方案，调度水闸。

with the program for the control of pollutants discharged from pollution sources during the dry season; and
(3) Managing sluices as described in the adjustment and control program for preventing pollution.

Article 27 Water pollution accidents occurring in the Huaihe River Valley shall promptly be reported to the competent administrative department of environmental protection. The competent administrative department of environmental protection shall, within 24 hours of receiving the reports, report them to the people's government at the corresponding level, the competent administrative department of environmental protection at a higher level and the Office of the Leading Group, and shall also notify the competent administrative department of environmental protection and the competent administrative department of water within the neighboring areas of the upper or lower reaches of the river. The local people's governments shall take emergency measures to remove or alleviate the pollution hazards.

Article 28 Inter - provincial water pollution disputes in the Huaihe River Valley shall be investigated and monitored by the Office of the Leading Group which shall put forward measures for the resolution and report to the Leading Group for coordination and settlement.

Article 29 The Office of the Leading Group may, in accordance with the authorization of the Leading Group, organize the competent administrative departments of environmental protection and the competent administrative departments of water or other departments of the people's governments of the four provinces to inspect the work of prevention or control of water pollution in the Huaihe River Valley. The units inspected shall truthfully report their situations and provide necessary information.

Article 30 Any pollutant discharging unit shall be ordered to close down or suspend its operations by the relevant people's government at or above the county level under any one of the following circumstances:
(1) Causing severe pollution and being unworthy of the cost of elimination and control; or
(2) Discharge of pollutants exceeding the limits by an industrial enterprise after January 1, 1998.

Article 31 Any unit that has failed to complete elimination and control by the required deadline shall be ordered by the competent administrative department of environmental protection of the local people's governments at or above the county level to discharge pollutants in a limited amount, and may be imposed a fine of not more than 100, 000 yuan; and shall be ordered by the relevant people's governments at or above the county

第二十七条 淮河流域发生水污染事故时，必须及时向环境保护行政主管部门报告。环境保护行政主管部门应当在接到事故报告时起 24 小时内，向本级人民政府、上级环境保护行政主管部门和领导小组办公室报告，并向相邻上游和下游的环境保护行政主管部门、水行政主管部门通报。当地人民政府应当采取应急措施，消除或者减轻污染危害。

第二十八条 淮河流域省际水污染纠纷，由领导小组办公室进行调查、监测，提出解决方案，报领导小组协调处理。

第二十九条 领导小组办公室根据领导小组的授权，可以组织四省人民政府环境保护行政主管部门、水行政主管部门等检查淮河流域水污染防治工作。被检查单位必须如实反映情况，提供必要的资料。

第三十条 排污单位有下列情形之一的，由有关县级以上人民政府责令关闭或者停业：

（一）造成严重污染，又没有治理价值的；

（二）自 1998 年 1 月 1 日起，工业企业仍然超标排污的。

第三十一条 在限期治理期限内，未完成治理任务的，由县级以上地方人民政府环境保护行政主管部门责令限量排污，可以处 10 万元以下的罚款；情节严重的，由有关县级以上人民政府责令关闭或者停业。

level to close down or suspend its operations if the circumstances are serious.

Article 32 Any unit which establishes or enlarges a sewage outfall without authorization within the administrative areas of rivers, lakes, reservoirs or canals shall be ordered to make corrections by the competent administrative department of environmental protection or the competent administrative department of water of the local people's government at or above the county level, and shall be imposed a fine of not more than 50, 000 yuan.

Article 33 Any new construction of enterprises making chemical pulp paper and of small enterprises engaged in hide processing, chemical industry, printing and dyeing, electroplating or brewing which may cause severe pollution, or any construction of strictly - limited projects without approval as of the date of implementation of these Regulations, shall be ordered by the relevant people's government at or above the county level to suspend or close down, and a fine of not more than 200, 000 yuan may be imposed by the competent administrative department of environmental protection.

Article 34 Where the competent administrative department of environmental protection exceeds the control index of the total amount of discharged pollutants of its own administrative area in approving an environmental impact statement for a construction project, administrative sanctions shall be imposed according to law on the persons in charge who are directly responsible and other persons who are directly responsible; if a crime is constituted, criminal responsibility shall be investigated according to law.

Article 35 Any unit that discharges pollutants excessively in violation of the program for controlling the discharge of pollutants from pollution sources in the dry season shall be ordered to make corrections, and may be imposed a fine of not more than 100, 000 yuan by the competent administrative department of environmental protection of the people's government at or above the county level; if the circumstances are serious, it shall be ordered to suspend its operations or close down and administrative sanctions shall be imposed according to law on the persons in charge who are directly responsible and other persons who are directly responsible by the relevant people's government at or above the county level.

Article 36 The order for the suspension of construction or operation or the close-down of an enterprise or institution prescribed in these Regulations, shall be made by the people's government which set the deadline for the elimination and control of pollution. The order for the suspension of

第三十二条 擅自在河流、湖泊、水库、渠道管理范围内设置或者扩大排污口的，由有关县级以上地方人民政府环境保护行政主管部门或者水行政主管部门责令纠正，可以处 5 万元以下的罚款。

第三十三条 自本条例施行之日起，新建化学制浆造纸企业和制革、化工、印染、电镀、酿造等污染严重的小型工业企业或者未经批准建设属于严格限制的项目的，由有关县级人民政府责令停止建设或者关闭，环境保护行政主管部门可以处 2 0 万元以下的罚款。

第三十四条 环境保护行政主管部门超过本行政区域的排污总量控制指标，批准建设项目环境影响报告书的，对负有直接责任的主管人员和其他直接责任人员依法给予行政处分；构成犯罪的，依法追究刑事责任。

第三十五条 违反枯水期污染源限排方案超量排污的，由有关县级以上地方人民政府环境保护行政主管部门责令纠正，可以处 1 0 万元以下的罚款；情节严重的，由有关县级以上人民政府责令关闭或者停业；对负有直接责任的主管人员和其他直接责任人员，依法给予行政处分。

第三十六条 本条例规定的责令企业事业单位停止建设或者停业、关闭，由作出限期治理决定的人民政府决定；责令中央管辖的企业事业单位停止建设

construction or operation or the close - down of an enterprise or institution directly under the jurisdiction of the Central Government shall be submitted to and approved by the State Council.

Article 37 The amount of a fine which may be imposed by the competent administrative department of environmental protection or the competent administrative department of water of the people's government at the county level shall not exceed 10, 000 yuan; the imposition of a fine of more than 10, 000 yuan shall be reported to and approved by the competent administrative department of environmental protection or the competent administrative department of water at the next higher level. The amount of a fine which may be imposed by the competent administrative department of environmental protection of the people's government of a city divided into districts shall not exceed 50, 000 yuan; the imposition of a fine of more than 50, 000 yuan shall be reported to and approved by the competent administrative department of environmental protection at the next higher level.

Article 38 Anyone who manages a sluice in violation of the adjustment and control program for preventing pollution shall be ordered to make corrections by the competent administrative department of water of the people's government at or above the county level; administrative sanctions shall be imposed according to law on the persons in charge who are directly responsible and other persons who are directly responsible.

Article 39 Where a water pollution accident occurs and thus causes heavy economic losses or personal injuries or deaths, the persons in charge who are directly responsible and other persons who are directly responsible shall be investigated for criminal responsibility according to law if a crime is constituted.

Article 40 Anyone who, in violation of the public order, refuses or obstructs the State functionaries bearing the responsibilities prescribed in these Regulations from performing their duties shall be punished according to the provisions of [Regulations of the People's Republic of China on Administrative Penalties for Public Security](#); or shall be investigated for criminal responsibility according to law if a crime is constituted.

Article 41 Any State functionary bearing the responsibilities prescribed in these Regulation who abuses his powers, commits illegalities for personal interests or by fraudulent means, neglects his duties or who refuses to perform his duties, shall be investigated for criminal responsibility according to law if a crime is constituted and shall be imposed administrative sanctions if a crime is not constituted.

或者停业、关闭，须报国务院批准。

第三十七条 县级人民政府环境保护行政主管部门或者水行政主管部门决定的罚款额，以不超过 1 万元为限；超过 1 万元的，应当报上一级环境保护行政主管部门或者水行政主管部门批准。

设区的市人民政府环境保护行政主管部门决定的罚款额，以不超过 5 万元为限；超过 5 万元的，应当报上一级环境保护行政主管部门批准。

第三十八条 违反水闸防污调控方案调度水闸的，由县级以上人民政府水行政主管部门责令纠正；对负有直接责任的主管人员和其他直接责任人员，依法给予行政处分。

第三十九条 因发生水污染事故，造成重大经济损失或者人员伤亡，负有直接责任的主管人员和其他直接责任人员构成犯罪的，依法追究刑事责任。

第四十条 拒绝、阻碍承担本条例规定职责的国家工作人员依法执行职务，违反治安管理的，依照《[中华人民共和国治安管理处罚条例](#)》的规定处罚；构成犯罪的，依法追究刑事责任。

第四十一条 承担本条例规定职责的国家工作人员滥用职权、徇私舞弊、玩忽职守，或者拒不履行义务，构成犯罪的，依法追究刑事责任；尚不构成犯罪的，依法给予行政处分。

Article 42 The people's governments of the four provinces may respectively formulate implementation measures in accordance with these Regulations.

第四十二条 四省人民政府可以根据本条例分别制定实施办法。

Article 43 These Regulations shall come into force as of August 8, 1995.

第四十三条 本条例自1995年8月8日起施行。

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