

【Title】 Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution (2000 Revision)[现行有效]

【法规标题】 中华人民共和国大气污染防治法(2000 修订) [Effective]

Date issued: 04-29-2000
Effective date: unknown
Issuing authority: Standing Committee of the National People's Congress
Area of law: Environmental Protection

发布日期: 2000-04-29
生效日期: 未知
发布部门: 全国人大常委会
类别: 环境保护

【本法变迁史】

[中华人民共和国大气污染防治法](#)

[\[19870905\]](#)

[全国人大常委会关于修改《中华人民共和国大气污染防治法》的决定](#)

[\(1995\)\[19950829\]](#)

[中华人民共和国大气污染防治法\(95 年修正\)\[19950829\]](#)

[中华人民共和国大气污染防治法\(2000 修订\)\[20000429\]](#)

Order of the President of the People's Republic of China No. 32
The [Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution](#), revised and adopted at the 15th Meeting of the Standing Committee of the Ninth National People's Congress of the People's Republic of China on April 29, 2000, is hereby promulgated and shall enter into force as of September 1, 2000.

Jiang Zemin, President of the People's Republic of China

April 29, 2000

(Adopted at the 22nd Meeting of the Standing Committee of the Sixth National People's Congress on September 5, 1987. Revised according to the Decision on Revising the Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution adopted at the 15th Meeting of the Standing Committee of the Eighth National People's Congress on August 29, 1995. Revised at the 15th Meeting of the Standing Committee of the Ninth National People's Congress on April 29, 2000.)

Contents:

Chapter I General Provisions

中华人民共和国主席令
(第三十二号)

#\$(相关资料:法律 5 篇行政法规 19 篇
部门规章 136 篇司法解释 1 篇地方法规
644 篇案例 1 篇裁判文书 14 篇修订沿革
相关论文 66 篇实务指南)

《中华人民共和国大气污染防治法》已由中华人民共和国第九届全国人民代表大会常务委员会第十五次会议于 2000 年 4 月 29 日修订通过,现将修订后的《中华人民共和国大气污染防治法》公布,自 2000 年 9 月 1 日起施行。

中华人民共和国主席 江泽民

2000 年 4 月 29 日

[中华人民共和国大气污染防治法](#)

(2000 年 4 月 29 日第九届全国人民代表大会#\$常务委员会第十五次会议通过)

目录

Chapter II Supervision and Management of the Prevention and Control of Atmospheric Pollution

第一章 总则

Chapter III Prevention and Control of Atmospheric Pollution by the Burning of Coal

第二章 大气污染防治的监督管理

Chapter IV Prevention and Control of Pollution Discharged by Motor-driven Vehicles and Vessels

第三章 防治燃煤产生的大气污染

Chapter V Prevention and Control of Pollution by Waste Gas, Dust and Malodorous Substances

第四章 防治机动车船排放污染

Chapter VI Legal Liability

第五章 防治废气、尘和恶臭污染

Chapter VII Supplementary Provisions

第六章 法律责任

Chapter I: General Provisions

第七章 附则

Article 1 This Law is formulated for the purpose of preventing and controlling atmospheric pollution, protecting and improving people's environment and the ecological environment, safeguarding human health, and promoting the sustainable development of economy and society.

Article 2 The State Council and the local people's governments at various levels must incorporate the protection of the atmospheric environment into their national economic and social development plans, make rational plans for the distribution of industrial layout, strengthen the scientific research on the prevention and control of atmospheric pollution, adopt preventive and curative measures against atmospheric pollution, and protect and improve the atmospheric environment.

第一章 总则

Article 3 The State takes measures to control or gradually reduce, in a planned way, the total amount of the main atmospheric pollutants discharged in local areas.

The local people's governments at various levels shall be responsible for the quality of the atmospheric environment under their own jurisdictions, making plans and taking measures to make the quality of the atmospheric environment under their own jurisdictions meet the prescribed standard.

Article 4 The administrative department of environmental protections under the people's governments at or above the county level shall be the instrument conducting unified supervision and management of the prevention and control of atmospheric pollution.

The administrative departments of public security, transportation, railways and fishery at various levels shall, by performing their respective functions, conduct supervision and management of the atmospheric pollution caused by motor-driven vehicles and vessels.

第一条 为防治大气污染，保护和改善生活环境和生态环境，保障人体健康，促进经济和社会的可持续发展，制定本法。**#\$**（相关资料:[修订沿革条文释义](#)[相关论文](#)2 篇）

The relevant administrative departments under the people's governments at or above the county level shall, within their respective functions, supervise and administer the prevention and control of atmospheric pollution.

Article 5 All units and individuals shall have the obligation to protect the atmospheric environment and shall have the right to report on or file charges against units or individuals that cause pollution to the atmospheric environment.

Article 6 The administrative department of environmental protection under the State Council shall establish national [standards for atmospheric environment quality](#).

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their local standards for items not specified in the national standards for atmospheric environment quality and report the same to the administrative department of environmental protection under the State Council for the record.

Article 7 The administrative department of environmental protection under the State Council shall, in accordance with the national [standards for atmospheric environment quality](#) and the country's economic and technological conditions, establish national standards for the discharge of atmospheric pollutants.

The people's governments of the provinces, autonomous regions and municipalities directly under the Central Government may establish their local discharge standards for those not specified in the national standards for the discharge of atmospheric pollutants. With regard to those already specified in the national standards for the discharge of atmospheric pollutants, they may set local standards which are more stringent than the national standards and report the standards to the administrative department of environmental protection under the State Council for record.

Where the local standards for the discharge of atmospheric pollutants by motor-driven vehicles and vessels established by the people's governments of provinces, autonomous regions and municipalities directly under the Central Government are more stringent than the national discharge standards, they shall be subject to the approval of the State Council.

Units that discharge atmospheric pollutants in areas where the local discharge standards have been established shall observe such local standards.

Article 8 The State adopts economic and technological policies and measures to facilitate the prevention and control of atmospheric pollution

第二条 国务院和地方各级人民政府，必须将大气环境保护工作纳入国民经济和社会发展规划，合理规划工业布局，加强防治大气污染的科学研究，采取防治大气污染的措施，保护和改善大气环境。[#\\$（相关资料:修订沿革条文释义相关论文 1 篇）](#)

第三条 国家采取措施，有计划地控制或者逐步削减各地方主要大气污染

and comprehensive utilization.

The people's governments at various levels shall reward units or individuals that have made outstanding achievements in the prevention and control of atmospheric pollution or in the protection and improvement of the atmospheric environment.

Article 9 The State encourages and supports the scientific and technological research into the prevention and control of atmospheric pollution, disseminates advanced, feasible technologies for the prevention and control of atmospheric pollution; encourages and supports the development and utilization of clean energies such as solar energy, wind energy and water energy.

The State encourages and supports the development of environmental protection industries.

Article 10 The people's governments at various levels shall redouble their efforts in afforestation, grass-planting, urban and rural greening, and take effective measures to do well the work of prevention and control of sand so as to improve the atmospheric environment.

Chapter II: Supervision and Management of the Prevention and Control of Atmospheric Pollution

Article 11 New construction projects, expansion or reconstruction projects which discharge atmospheric pollutants shall be governed by the State regulations concerning environmental protection for such projects.

An environmental impact statement on construction projects shall include an assessment of the atmospheric pollution the project is likely to produce and its impact on the ecosystem, stipulate the preventive and curative measures. The statement shall be submitted, according to the specified procedure, to the administrative department of environmental protection concerned for examination and approval.

When a construction project is to be put into operation or to use, its facilities for the prevention of atmospheric pollution must be checked and accepted by the administrative department of environmental protection. Construction projects that do not fulfill the requirements specified in the State regulations concerning environmental protection for such construction projects shall not be permitted to begin operation or to use.

Article 12 Units that discharge atmospheric pollutants must, pursuant to

物的排放总量。

地方各级人民政府对本辖区的大气环境质量负责，制定规划，采取措施，使本辖区的大气环境质量达到规定的标准。

#\$(相关资料:[地方法规 1 篇条文释义](#))

第四条 县级以上人民政府环境保护行政主管部门对大气污染防治实施统一监督管理。

各级公安、交通、铁道、渔业管理部门根据各自的职责，对机动车船污染大气实施监督管理。

县级以上人民政府其他有关主管部门在各自职责范围内对大气污染防治实施监督管理。#\$(相关资料:[地方法规 9 篇裁判文书 2 篇修订沿革条文释义](#))

第五条 任何单位和个人都有保护大气环境的义务，并有权对污染大气环境的单位和个人进行检举和控告。

#\$(相关资料:[修订沿革条文释义相关论文 1 篇实务指南](#))

the provisions of the administrative department of environmental protection under the State Council, report to the local administrative department of environmental protection its existing discharge and treatment facilities for pollutants and the categories, quantities and concentrations of pollutants discharged under normal operation conditions and submit to the same department relevant technical data concerning the prevention and control of atmospheric pollution.

Units that discharge pollutants as specified in the preceding paragraph shall report in due time about any substantial change in the category, quantity or concentration of the atmospheric pollutants discharged. Their atmospheric pollutant treatment facilities must ensure normal operations. Where the said facilities are to be dismantled or left idle, approval of the local administrative department of environmental protection under the people's government above the county level shall be obtained in advance.

Article 13 Where atmospheric pollutants are discharged, the concentration of the said pollutants may not exceed the standards prescribed by the State and local authorities.

Article 14 The State implements a system of collecting fees for the discharge of pollutants on the basis of the categories and quantities of the atmospheric pollutants discharged, and establishing reasonable standards for the collection of fees according to the needs of strengthening the prevention and control of atmospheric pollution and the economic and technological development situation of the State. The standards provided by the State shall be observed in the collection of fees for the discharge of pollutants, and specific measures and implementing procedures shall be formulated by the State Council. All the fees collected for discharge of pollutants shall be turned over to the State treasury and shall be used exclusively for the prevention and control of atmospheric pollution as prescribed by the State Council and may not be misappropriated, and shall be subject to the lawful auditing and supervision of the auditing authorities according to law.

Article 15 With regard to the regions not meeting the prescribed standards for the quality of atmospheric environment and the acid rain control areas and the sulfur dioxide pollution control areas designated as such with the approval of the State Council, the State Council or the people's government of provinces, autonomous regions and municipalities directly under the Central Government may delimit them as the major areas for the total emission control air pollutants. The concrete measures for the State Council shall prescribe the total emission control of major air

第六条 国务院环境保护行政主管部门制定国家大气环境质量标准。省、自治区、直辖市人民政府对国家大气环境质量标准中未作规定的项目，可以制定地方标准，并报国务院环境保护行政主管部门备案。[#\\$（相关资料:修订沿革条文释义）](#)

第七条 国务院环境保护行政主管部门根据国家大气环境质量标准和国家经济、技术条件制定国家大气污染物排放标准。省、自治区、直辖市人民政府对国家大气污染物排放标准中未作规定的项目，可以制定地方排放标准；对国家大气污染物排放标准中已作规定的项目，可以

pollutants.

The local people's government concerned in the areas for the control of total emission of air pollutants shall check and approve the total emission of major air pollutants by enterprises and institutions and issue them licenses for emission of major air pollutants. It shall do this in accordance with the conditions and procedures provided by the State Council and in line with the principles of openness, fairness and impartiality.

The enterprises and institutions obliged to control their total emission of air pollutants must emit their pollutants according to the checked and approved standards for the total emission of major air pollutants and the conditions of emission provided by the license.

Article 16 No industrial production facilities that cause environmental pollution shall be built within scenic spots or places of historical interest, natural reserves, areas close to historical or cultural sites under protection and other places that need special protection, as designated by the State Council or the people's government of provinces, autonomous regions and municipalities directly under the Central Government. Other facilities to be built in these areas must not emit air pollutants in excess of the prescribed standards for pollutant discharge. Enterprises and institutions which built before the enforcement of this Law, with facilities discharging more pollutants than permitted by the prescribed discharge standards shall be ordered to deal with within a period of time in accordance with the provisions of Article 48 of this Law.

Article 17 The State Council shall, in accordance with the general plan for urban development, the target of the environment protection plan and the quality of the urban atmospheric environment, designate some cities as key cities for the control of air pollution.

Municipalities directly under the Central Government, provincial capitals, coastal open cities and key tourist cities shall be designated as key cities for the control of air pollution.

Where key cities for the control of air pollution do not meet the [standards for the quality of the atmospheric environment](#), they shall endeavor to meet such [standards](#) within the time limit prescribed by the State Council or the administrative department of environmental protection under the State Council. The people's government of such a city shall make plans to meet the standards within the time limit, and may, in line with the authorization or relevant regulations of the State Council, adopt even more stringent measures to realize such plans.

Article 18 The administrative department of environmental protection under the State Council together with relevant departments under the State Council may, in light of the meteorological, topographical, soil and other natural conditions, delimit the areas where acid rain has occurred or will probably occur and areas that are seriously polluted by sulfur dioxide

制定严于国家排放标准的地方排放标准。地方排放标准须报国务院环境保护行政主管部门备案。

省、自治区、直辖市人民政府制定机动车船大气污染物地方排放标准严于国家排放标准的，须报经国务院批准。

凡是向已有地方排放标准的区域排放大气污染物的，应当执行地方排放标准。

#\$(相关资料:[部门规章 2 篇修订沿革条文释义](#))

第八条 国家采取有利于大气污染防治以及相关的综合利用活动的经济、技术政策和措施。

在防治大气污染、保护和改善大气环境方面成绩显著的单位和个人，由各级人民政府给予奖励。#\$(相关资料:[修订沿革条文释义](#))

as acid rain control areas and sulfur dioxide pollution control areas with the approval the State Council.

Article 19 Enterprises shall give priority to the adoption of clean production techniques that are instrumental to high efficient use of energy and to reducing the discharge of pollutants so as to decrease the generation of atmospheric pollutants.

The State shall eliminate backward production techniques and equipment that seriously pollutes the atmospheric environment.

The competent department for comprehensive economic and trade affairs under the State Council, in conjunction with other relevant departments under the State Council, shall publish a catalog of the techniques which seriously pollute the atmospheric environment ones that shall be prohibited from use within a time limit. It shall also catalog the equipment which seriously pollutes the atmospheric environment and which shall be prohibited from production, sale, import and use within a time limit.

Producers, sellers, importers or users shall stop the production, sale, importation or use of the equipment listed in the catalog as mentioned in the preceding paragraph. This must be done within the time limit prescribed by the competent department for comprehensive economic and trade affairs under the State Council in conjunction with the relevant departments under the State Council. People who utilizes the production techniques listed in the catalog as mentioned in the preceding paragraph shall, within the time limit prescribed by the competent department for comprehensive economic affairs under the State Council in conjunction with the relevant departments under the State Council, stop the use of such techniques.

The equipment eliminated in accordance with the provisions of the preceding two paragraphs may not be transferred to another for use.

Article 20 Any unit that, as a result of an accident or any other exigency, discharges or leaks toxic or harmful gases or radioactive substances, thereby causing or threatening to cause an accident of atmospheric pollution and jeopardize human health, must promptly take emergency measures to prevent and control the atmospheric pollution hazards, make the situation known to such units and inhabitants as are likely to be endangered by the atmospheric pollution hazards, report the situation to the local administrative department of environmental protection and accept its investigation and settlement.

Under the emergency of a severe atmospheric pollution that may jeopardize human health and safety, the local people's government shall announce the situation to the local residents without delay and take compulsory emergency measures, including ordering the pollutant discharging units concerned to stop the discharge of pollutants.

Article 21 The administrative department of environmental protection and

第九条 国家鼓励和支持大气污染防治的科学技术研究，推广先进适用的大气污染防治技术；鼓励和支持开发、利用太阳能、风能、水能等清洁能源。国家鼓励和支持环境保护产业的发展。

#\$（相关资料:[条文释义](#)）

第十条 各级人民政府应当加强植

other supervisory and administrative departments shall be empowered to make on-site inspections of units under their jurisdiction that discharge pollutants. The units being inspected must truthfully report the situation to them and provide them with the necessary information. The inspecting authorities shall have the obligation to keep confidential the technological know-how and business secrets of the units inspected.

Article 22 The administrative department of environmental protection under the State Council shall set up a monitoring system for atmospheric pollution, organize a monitoring network and work out unified monitoring measures.

Article 23 The administrative department of environmental protection under the people's governments of large and medium-sized cities shall regularly publish reports on the quality of the atmospheric environment and gradually introduce the system of forecasting the quality of atmospheric environment.

A report on the quality of the atmospheric environment shall include such contents as the characteristics of urban atmospheric pollution, the types of major pollutants and the extent of harm caused by the pollution.

Chapter III: Prevention and Control of Atmospheric Pollution by the Burning of Coal

Article 24 The State promotes the method of dressing coal by washing for the purpose of reducing the sulfur and ash in coal, and restricts the mining of high-sulfur or high-ash coal. If the coal mined from a newly-built coal mine is of high-sulfur or high-ash, supporting facilities for the dressing of coal by washing shall be installed to make the sulfur and ash in coal fall within the prescribed limits.

If the coal mined from an established coal mine is of high-sulfur or high-ash, supporting facilities for the dressing of coal by washing shall be installed within a time limit in accordance with the plan approved by the State Council.

It is prohibited to mine the coal with toxic or harmful substances, such as radioactive and arsenic, that exceed the prescribed limits.

Article 25 The relevant departments under the State Council and the local people's governments at various levels shall adopt measures to improve the urban energy structure and popularize the production and utilization of clean energy.

The people's governments of the key cities for the control of air pollution may, within the regions under their respective jurisdictions, designate

树种草、城乡绿化工作，因地制宜地采取有效措施做好防沙治沙工作，改善大气环境质量。#\$（相关资料:[修订沿革条文释义](#)）

第二章 大气污染防治的监督管理

第十一条 新建、扩建、改建向大气排放污染物的项目，必须遵守国家有关建设项目环境保护管理的规定。

建设项目的环境影响报告书，必须对建设项目可能产生的大气污染和对生态环境的影响作出评价，规定防治措施，并按照规定程序报环境保护行政主管部门审查批准。

建设项目投入生产或者使用之前，其大气污染防治设施必须经过环境保护行政主管部门验收，达不到国家有关建设项目环境保护管理规定的要求的建设项目，不得投入生产或者使用。#\$（相关资料:[部门规章 1 篇地方法规 3 篇修订沿革条文释义实务指南](#)）

areas as those prohibited from producing and consuming seriously polluting fuels prescribed by the administrative department of environmental protection under the State Council. The units and individuals within such areas shall stop consuming such seriously polluting fuels within the time limit prescribed by the local people's government and shall instead consume natural gas, liquefied petroleum gas, electricity or other clean energy.

Article 26 The State adopts economic and technical policies and measures conducive to the clean utilization of coal, encourages and supports the consumption of fine coal of low-sulfur or low-ash, and encourages and supports the development and popularization of the technology of coal cleaning.

Article 27 The competent department concerned under the State Council shall, pursuant to the [standards for boiler discharge of atmospheric pollutants](#) prescribed by the state, stipulate corresponding requirements in the boiler quality standards; boilers that do not meet the prescribed requirements shall not be permitted to be manufactured, sold or imported.

Article 28 Urban construction shall be conducted on the basis of over-all planning. In areas with coal heating, unified provision of heat sources shall be practiced and central heating system shall be developed. In areas covered by central heating pipelines or networks, no new coal heating boilers may be installed.

Article 29 People's governments of large or medium-sized cities shall make plans for catering service enterprises to start the use of clean energy such as natural gas, liquefied petroleum gas and electricity within a prescribed time limit.

Other users of domestic cooking ranges in urban areas of large or medium-sized cities not designated as areas prohibited from the consumption of coal shall use sulfur-fixed briquette of coal as fuel or other clean energy. They shall do so within a prescribed time limit so as to gradually eliminate the direct use of raw coal as fuel.

第十二条 向大气排放污染物的单位，必须按照国务院环境保护行政主管部门的规定向所在地的环境保护行政主管部门申报拥有的污染物排放设施、处理设施和在正常作业条件下排放污染物的种类、数量、浓度，并提供防治大气污染方面的有关技术资料。

前款规定的排污单位排放大气污染物的种类、数量、浓度有重大改变的，应当及时申报；其大气污染物处理设施必须保持正常使用，拆除或者闲置大气污染物处理设施的，必须事先报经所在地的县级以上地方人民政府环境保护行政主管部门批准。#\$（相关资料:[部门规章 2 篇地方法规 12 篇修订沿革条文释义](#)）

第十三条 向大气排放污染物的，其污染物排放浓度不得超过国家和地方规定的排放标准。#\$（相关资料:[部门规章 1 篇裁判文书 2 篇条文释义](#)）

Article 30 Where any newly built or expanded thermal power plants and other large or medium-sized enterprise that discharge sulfur dioxide more than the prescribed standards for pollutants discharge or the quota of total control allow, supporting facilities for desulphurization and dust removal must be installed or other measures for controlling the discharge of sulfur dioxide or for dust removal must be adopted.

In the acid rain control areas or sulfur dioxide pollution control areas, if an existing enterprise discharges atmospheric pollutants more than the standards for pollutants discharge allow, the discharge of atmospheric pollutants of the enterprise shall be controlled within a time limit. This will be in accordance with the provisions of Article 48 of this Law.

The State encourages enterprises to adopt advanced technology for desulphurization and dust removal.

Enterprises shall gradually adopt measures to control the nitrogen oxide generated by the burning of fuel.

Article 31 When coal, gangue, coal cinder, coal ashes, sandstone, lime soil or other materials is stored in densely inhabited areas, fire and dust prevention measures must be taken in order to prevent atmospheric pollution.

Chapter IV: Prevention and Control of Pollutants Discharge by Motor-driven Vehicles and Vessels

Article 32 Motor-driven vehicles and vessels shall not be permitted to discharge atmospheric pollutants in excess of the prescribed discharge standards.

No unit or individual may manufacture, sell or import motor-driven vehicles and vessels that discharge atmospheric pollutants in excess of the prescribed discharge standards.

第十四条 国家实行按照向大气排放污染物的种类和数量征收排污费的制度，根据加强大气污染防治的要求和国家的经济、技术条件合理制定排污费的征收标准。

征收排污费必须遵守国家规定的标准，具体办法和实施步骤由国务院规定。

征收的排污费一律上缴财政，按照国务院的规定用于大气污染防治，不得挪作他用，并由审计机关依法实施审计监督。

#\$（相关资料:[部门规章 1 篇](#)[地方法规 4 篇](#)[条文释义](#)）

第十五条 国务院和省、自治区、直辖市人民政府对尚未达到规定的大气环境质量的区域和国务院批准划定的酸雨控制区、二氧化硫污染控制区，可以划定为主要大气污染物排放总量控制区。主要大气污染物排放总量控制的具体办法由国务院规定。

大气污染物总量控制区内有关地方人民政府依照国务院规定的条件和程序，按照公开、公平、公正的原则，核定企业事业单位的主要大气污染物排放总量，核发主要大气污染物排放许可证。

有大气污染物总量控制任务的企业事业单位，必须按照核定的主要大气污染物排放总量和许可证规定的排放条件排放污染物。#\$（相关资料:[地方法规 18 篇](#)[修订沿革条文释义](#)[相关论文 2 篇](#)）

Article 33 Where motor vehicles currently in use do not meet the standards for pollutants discharge by motor vehicles at the time they are manufactured, they may not be driven on the road.

If the people's governments of provinces, autonomous regions and municipalities directly under the Central Government prescribe new standards for pollutants discharge by active motor vehicles and technically transform them, it shall be subject to the approval by the State Council.

Motor-vehicle repair units shall, in accordance with the requirements for prevention and control of atmospheric pollution and relevant national technical regulations, carry out repairs to make the motor-vehicles meet the prescribed standards for pollutants discharge.

Article 34 The State encourages the production and consumption of motor-driven vehicles and vessels which use clean energy.

The State encourages and supports the production and consumption of superior fuel oil, and takes measures to reduce the pollution of atmospheric environment by harmful substances in the fuel oil. Units and individuals shall, according to the time limit prescribed by the State Council, stop the production, import and marketing of leaded gasoline.

Article 35 The administrative departments of environmental protection under the people's governments of provinces, autonomous regions and municipalities directly under the Central

Government may authorize the annual testing of pollution by motor-vehicle's exhaust fume in accordance with the relevant regulations. The Central Government may authorize the units undertaking annual test of motor-vehicles whose qualifications have been recognized by the public security authorities to conduct these tests.

The departments of communications, fishery and other competent authorities with supervisory and administrative power may authorize the units undertaking annual test of motor-vessels whose qualifications have been recognized by the relevant authorities to conduct annual test of pollution by motor-vessel's exhaust fume in accordance with the relevant regulations.

The administrative departments of environmental protection under the local people's governments at or above the county level may conduct supervisory pick-test of the pollutants discharge by active motor-vehicles at their place of parking.

Chapter V: Prevention and Control of Pollution by Waste Gas, Dust and Fodor

Article 36 Units that discharge dust into the atmosphere must adopt measures to remove such dust.

The discharge of toxic waste gas and dust into the atmosphere shall be

第十六条 在国务院和省、自治区、直辖市人民政府划定的风景名胜地区、自然保护区、文物保护单位附近地区和其他需要特别保护的区域内，不得建设污染环境的工业生产设施；建设其他设施，其污染物排放不得超过规定的排放标准。在本法施行前企业事业单位已经建成的设施，其污染物排放超过规定的排放标准的，依照本法第四十八条的规定限期治理。#\$(相关资料:部门规章 1 篇地方法规 1 篇修订沿革条文释义)

第十七条 国务院按照城市总体规划、环境保护规划目标和城市大气环境质量状况，划定大气污染防治重点城市。

直辖市、省会城市、沿海开放城市和重点旅游城市应当列入大气污染防治重点城市。

未达到[大气环境质量标准](#)的大气污染防治重点城市，应当按照国务院或者国务院环境保护行政主管部门规定的期限，达到[大气环境质量标准](#)。该城市人民政府应当制定限期达标规划，并可以根据国务院的授权或者规定，采取更加严格的措施，按期实现达标规划。#\$(相关资料:部门规章 1 篇条文释义)

第十八条 国务院环境保护行政主管部门会同国务院有关部门，根据气象、地形、土壤等自然条件，可以对已

strictly restricted. When such discharge is really necessary, the discharged gas or dust must undergo purification treatment.

Article 37 Inflammable gas engendered during industrial production shall be recovered for utilization; if such gas is discharged into the atmosphere due to the lack of recovery facilities for utilization, it shall undergo treatment for the prevention and control of pollution.

The discharge into the atmosphere of converter gas, acetylene, yellow phosphoric tail gas engendered by the electric furnace process, and organic hydrocarbon tail gas must be reported to the local administrative department of environmental protection for approval.

When the discharge of inflammable gas is really necessary because of the malfunctioning of the recovery and re-use installations, the inflammable gas discharged shall be fully burnt, or other measures shall be taken, to reduce atmospheric pollution.

Article 38 Units that discharge sulphide-bearing gas in the process of refining petroleum, producing synthetic ammonia or coal gas, cooking fuel coal and smelting non-ferrous metal shall be equipped with desulphurizing installations or shall adopt other measures for desulphurization.

Article 39 The discharge of gases and aerosols containing radioactive substances into the atmosphere must comply with the state provisions on radioactivity protection and must not exceed the prescribed discharge

经产生、可能产生酸雨的地区或者其他二氧化硫污染严重的地区，经国务院批准后，划定为酸雨控制区或者二氧化硫污染控制区。#\$（相关资料:[条文释义相关论文 2 篇](#)）

第十九条 企业应当优先采用能源利用效率高、污染物排放量少的清洁生产工艺，减少大气污染物的产生。

国家对严重污染大气环境的落后生产工艺和严重污染大气环境的落后设备实行淘汰制度。

国务院经济综合主管部门会同国务院有关部门公布限期禁止采用的严重污染大气环境的工艺名录和限期禁止生产、禁止销售、禁止进口、禁止使用的严重污染大气环境的设备名录。

生产者、销售者、进口者或者使用者必须在国务院经济综合主管部门会同国务院有关部门规定的期限内分别停止生产、销售、进口或者使用列入前款规定的名录中的设备。生产工艺的采用者必须在国务院经济综合主管部门会同国务院有关部门规定的期限内停止采用列入前款规定的名录中的工艺。

依照前两款规定被淘汰的设备，不得转让给他人使用。#\$（相关资料:[部门规章 1 篇](#)[地方法规 4 篇](#)[裁判文书 1 篇](#)[修订沿革条文释义](#)）

standards.

Article 40 Units that discharge fetor into the atmosphere must take measures to prevent the pollution of neighboring residential areas.

Article 41 In densely inhabited areas and other areas that need special protection according to law, the burning of asphalt, asphalt felt, rubber, plastics, leather, garbage and other materials that may produce toxic or harmful smoke or dust or fetor shall be prohibited.

In densely inhabited areas, the areas around the airport, the areas in the vicinity of main traffic arteries or the areas designated by the local people's government, it shall be prohibited to burn in the open air stalks, fallen leaves or other materials that will cause smoke or dust pollution.

The municipal people's government may, in light of the actual conditions, adopt measures other than those specified in the preceding two articles to prevent and control the smoke or dust pollution.

Article 42 In the transportation, loading and unloading, and storage of substances that may diffuse toxic or harmful gases or dust, sealing or other protective measures must be taken.

Article 43 The municipal people's government shall take measures such as the responsibility system for afforestation, strengthening administration of construction operation, expanding the area of the paved ground, control of the heaping up of debris and waste and using clean transportation measures to increase the per capita possession of green land, reduce the size of bare land and surface dirt, and prevent and control the dust pollution in the urban areas.

Units that conduct construction operation or other activities that generate dust pollution in the city's urban areas must take measures to prevent and

第二十条 单位因发生事故或者其他突然性事件，排放和泄漏有毒有害气体和放射性物质，造成或者可能造成大气污染事故、危害人体健康的，必须立即采取防治大气污染危害的应急措施，通报可能受到大气污染危害的单位和居民，并报告当地环境保护行政主管部门，接受调查处理。

在大气受到严重污染，危害人体健康和安全的紧急情况下，当地人民政府应当及时向当地居民公告，采取强制性应急措施，包括责令有关排污单位停止排放污染物。#\$（相关资料：[地方法规 3 篇修订沿革条文释义](#)）

第二十一条 环境保护行政主管部门和其他监督管理部门有权对管辖范围内的排污单位进行现场检查，被检查单位必须如实反映情况，提供必要的资料。检查部门有义务为被检查单位保守技术秘密和业务秘密。#\$（相关资料：[修订沿革条文释义](#)）

control the dust pollution in accordance with the local regulations on environmental protection.

The competent administrative authorities under the State Council shall take the control of dust pollution as part of the ground for assessment of a city's comprehensive control of its environment.

Article 44 Business-operators in the catering services industry in urban areas must adopt measures to prevent and control the pollution caused by lampblack to the residential environment in the neighborhood.

Article 45 The State encourages and supports the production and use of substitutes for the ozone-layer-depleting substances, and gradually reduces the output of the ozone layer depleting substances until the termination of their production and use.

Units that produce or import ozone-layer-depleting substances must, within the time limit prescribed by the State, carry out the production and import in accordance with the quotas approved by competent administrative authorities under the State Council.

Chapter VI: Legal Liability

Article 46 Any violator of this Law shall, according to the circumstances of the case, be ordered to stop the illegal act, make rectification within a time limit, be given a warn or be imposed upon a fine of not more than 50,000 yuan by the competent administrative department of environmental protection or any of the supervisory and management departments as mentioned in Paragraph 2 of Article 4 for any of the following acts:

(1) Refusing to report or submitting a false report on items for which registration is required by the administrative department of environmental protection under the State Council for the discharge of pollutants.

(2) Refusing an on-site inspection by the competent administrative department of environmental protection or any of the supervisory and management departments, or resorting to trickery and fraud during inspection;

(3) Failing to normally operate the installations for the treatment of atmospheric pollutants by the units that discharge pollutants or

第二十二條 国务院环境保护行政主管部门建立大气污染监测制度，组织监测网络，制定统一的监测方法。

#\$(相关资料:[修订沿革条文释义](#))

第二十三條 大、中城市人民政府环境保护行政主管部门应当定期发布大气环境质量状况公报，并逐步开展大气环境质量预报工作。

大气环境质量状况公报应当包括城市大气环境污染特征、主要污染物的种类及污染危害程度等内容。#\$(相关资料:[条文释义](#))

第三章 防治燃煤产生的大气污染

第二十四條 国家推行煤炭洗选加工，降低煤的硫份和灰份，限制高硫

dismantling or leaving idle the installations for the treatment of atmospheric pollutants without prior approval by the administrative department of environmental protection; or

(4) Storing coal, coal gangue, coal cinder, coal ash, sandstone, lime soil or other materials in densely inhabited areas without taking any measures for fire and dust prevention.

Article 47 Where the provisions of Article 11 of this Law is violated and a construction project is put into operation or to use in circumstances where its facilities for the prevention and control of atmospheric pollution either have not been completed or have not met the requirements specified in the state provisions concerning environmental protection for such a construction project, the administrative department of environmental protection responsible for the examination and approval of the environmental impact statement on the construction project shall order the suspension of its operations or use and may concurrently impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 48 Whoever, in violation of the provisions of this Law, discharges pollutants to the atmosphere in excess of the national or local discharge standards shall make treatment thereof within a time limit, and shall also be imposed upon a fine of not less than 10,000 yuan but not more than 100,000 yuan by the administrative department of environmental protection under the local people's government at or above the county level. The power to decide on the treatment within a time limit and the administrative penalty for violation of the requirements for treatment within a time limit shall be prescribed by the State Council.

Article 49 Whoever, in violation of the provisions of Article 19 of this Law, produces, sells, imports or uses the equipment that is prohibited to produce, sell, import or use or employs the techniques that are prohibited to employ shall be ordered to make rectification by the competent department for comprehensive economic and trade affairs of the people's government at or above the county level; if the circumstances are serious, the said competent department shall put forward suggestions thereon and submit them to the people's government at the corresponding level, which

份、高灰份煤炭的开采。新建的所采煤炭属于高硫份、高灰份的煤矿，必须建设配套的煤炭洗选设施，使煤炭中的含硫份、含灰份达到规定的标准。

对已建成的所采煤炭属于高硫份、高灰份的煤矿，应当按照国务院批准的规划，限期建成配套的煤炭洗选设施。

禁止开采含放射性和砷等有毒有害物质超过规定标准的煤炭。#\$（相关资料:[地方法规 1 篇修订沿革条文释义](#)）

第二十五条 国务院有关部门和地方各级人民政府应当采取措施，改进城市能源结构，推广清洁能源的生产和使用。

大气污染防治重点城市人民政府可以在本辖区内划定禁止销售、使用国务院环境保护行政主管部门规定的高污染燃料的区域。该区域内的单位和个人应当在当地人民政府规定的期限内停止燃用高污染燃料，改用天然气、液化石油气、电或者其他清洁能源。#\$（相关资料:[部门规章 1 篇地方法规 4 篇条文释义](#)）

第二十六条 国家采取有利于煤炭清洁利用的经济、技术政策和措施，鼓励和支持使用低硫份、低灰份的优质煤炭，鼓励和支持洁净煤技术的开发和推广。#\$（相关资料:[条文释义](#)）

shall, according to the limit of authority prescribed by the State Council, order the offender to suspend operation or close down.

Whoever transfers obsolete equipment to another person for use, the illegal earnings therefrom of the transferor shall be confiscated by the administrative department of environmental protection under the local people's government at or above the county level or any of the competent departments exercising the power of supervision and management. This will be in accordance with the law in the place where the transferor is located, and a fine of not more than twice the illegal earnings shall be imposed concurrently.

Article 50 Whoever, in violation of the provisions of the third paragraph of Article 24 of this Law, mines coal with toxic or harmful substances, such as radioactive and arsenic, that exceed the prescribed limits, shall be ordered to close down by the people's government at or above the county level according to the limits of authority prescribed by the State Council.

Article 51 Whoever, in violation of the provisions of the second paragraph of Article 25 or the first paragraph of Article 29 of this Law, continues consuming seriously polluting fuels at the expiration of the time limit prescribed by the local people's government. These shall be ordered to dismantle the installations for consumption of the seriously polluting fuels. Otherwise such installations shall be confiscated by the administrative department of environmental protection under the local people's government at or above the county level.

Article 52 Whoever, in violation of the provisions of Article 28 of this Law, installs new coal heating boilers in the urban areas covered by central heating pipelines or networks shall be ordered to stop the illegal act or make rectification within a time limit and may be imposed upon a fine of not more than 50,000 yuan by the administrative department of environmental protection under the local people's government at or above the county level.

Article 53 Whoever, in violation of the provisions of Article 32 of this Law, manufactures, sells or imports motor-driven vehicles and vessels that discharge atmospheric pollutants in excess of the prescribed standards shall be ordered by the department exercising the power of supervision and management according to law to stop the illegal act, confiscated of the illegal gains if any, and may concurrently be imposed of a fine of less than one time of the illegal gains; the motor-driven vehicles and vessels that could not meet the prescribed standards for pollutants discharge shall be confiscated and destroyed.

Article 54 Whoever, in violation of the provisions of the second paragraph of Article 34 of this Law, fails to stop the production, import or marketing

第二十七条 国务院有关主管部门应当根据国家规定的锅炉大气污染物排放标准，在锅炉产品质量标准中规定相应的要求；达不到规定要求的锅炉，不得制造、销售或者进口。#\$（相关资料：[修订沿革条文释义](#)）

第二十八条 城市建设应当统筹规划，在燃煤供热地区，统一解决热源，发展集中供热。在集中供热管网覆盖的地区，不得新建燃煤供热锅炉。#\$（相关资料：[修订沿革条文释义](#)）

of the leaded gasoline according to the time limit prescribed by the State Council shall be ordered to stop the illegal act with the produced, imported or marketed leaded gasoline and the illegal gains confiscated by the administrative department of environmental protection under the local people's government at or above the county level or any of the competent departments exercising the power of supervision and management according to law in the place where the violator is located.

Article 55 Whoever, in violation of the provisions of the first paragraph or the second paragraph of Article 35 of this Law, conducts test of pollution by motor-driven vehicle or vessel's exhaust fume without authorization of the administrative departments of environmental protection under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government or the authorization of the departments of communications, fishery or other competent authorities exercising supervisory and administrative power according to law, or practices fraud in the test, he/she shall be ordered to stop the illegal act, make rectification within a time limit and may concurrently be imposed upon a fine of not more than 50,000 yuan by the administrative department of environmental protection under the people's government at or above the county level or the departments of communications, fishery exercising the power of supervision and management according to law; if the circumstances are serious, the violator's qualifications to undertake annual test of motor-driven vehicles and vessels may be revoked by the authorities defining such qualifications.

Article 56 Any violator of this Law shall be ordered to stop his or her illegal act, make rectification within a time limit, and may be fined not more than 50,000 yuan for any of the following acts by the administrative department of environmental protection under the local people's government at or above the county level or any other department exercising the power of supervision and management according to law:

(1) discharge of dust, feter or other gases with toxic substances into the atmosphere without taking any effective measures to prevent and control pollution;

第二十九条 大、中城市人民政府应当制定规划，对饮食服务企业限期使用天然气、液化石油气、电或者其他清洁能源。

对未划定为禁止使用高污染燃料区域的大、中城市市区内的其他民用炉灶，限期改用固硫型煤或者使用其他清洁能源。#\$（相关资料:[部门规章 1 篇地方法规 1 篇修订沿革条文释义](#)）

第三十条 新建、扩建排放二氧化硫的火电厂和其他大中型企业，超过规定的污染物排放标准或者总量控制指标的，必须建设配套脱硫、除尘装置或者采取其他控制二氧化硫排放、除尘的措施。

在酸雨控制区和二氧化硫污染控制区内，属于已建企业超过规定的污染物排放标准排放大气污染物的，依照本法第四十八条的规定限期治理。

国家鼓励企业采用先进的脱硫、除尘技术。

企业应当对燃料燃烧过程中产生的氮氧

化物采取控制措施。#\$（相关资料:[地方法规 1 篇条文释义](#)）

(2) discharge into the atmosphere of converter gas, acetylene, yellow phosphoric tail gas engendered by the electric furnace process, and organic hydrocarbon tail gas without approval by the local administrative department of environmental protection;

(3) transportation, loading and unloading, and storage of substances that may diffuse toxic or harmful gases or dust without adopting sealing or other protective measures;

(4) failure to adopt effective measures to prevent and control pollution by business-operators of the catering services industry in the urban areas, thus causing to pollution by lampblack to the residential environment in the neighborhood.

Article 57 Whoever, in violation of the provisions of the first paragraph of Article 41 of this Law, burns asphalt, asphalt felt, rubber, plastics, leather, garbage or other materials that may produce toxic or harmful smoke or dust or feter in densely inhabited areas or other areas that need special protection according to law shall be ordered to stop the illegal act and imposed upon a fine of not more than 20,000 yuan by the administrative department of environmental protection under the local people's government at or above the county level in the place the violator is located.

Those who violate the provisions of the second paragraph of Article 41 of this Law by burning in the open air stalks, fallen leaves or other materials that cause smoke or dust pollution in densely inhabited areas, the areas around the airport, the areas in the vicinity of main traffic arteries or areas designated by the local people's government shall be ordered to stop the illegal act by the administrative department of environmental protection under the local people's government at or above the county level in the place the violator is located. If the circumstances are serious, the violator may be imposed upon a fine of not more than 200 yuan.

Article 58 Whoever, in violation of the provisions of the second paragraph of Article 43 of this Law, conducts construction operations or other activities that generate dust pollution in the city's urban areas but fails to take effective measures to prevent and control the dust pollution, thus causing pollution to the atmospheric environment shall make rectification within a time limit and be fined not more than 20,000 yuan. Those not meeting the requirements of the local regulations on environmental protection at the expiration of the time limit may be ordered to stop their

第三十一条 在人口集中地区存放煤炭、煤矸石、煤渣、煤灰、砂石、灰土等物料，必须采取防燃、防尘措施，防止污染大气。#\$（相关资料:[部门规章 1 篇地方法规 2 篇修订沿革条文释义](#)）

第四章 防治机动车船排放污染

work to make rectification.

The punishment for dust pollution caused by construction operations as provided in the preceding paragraph shall be decided by the administrative department of construction under the local people's government at or above the county level. The competent departments designated by the local people's government at or above the county level shall decide the punishment for dust pollution caused by other activities.

Article 59 Whoever, in violation of the provisions of the second paragraph of Article 45 of this Law, produces or imports ozone-layer-depleting substances in excess of the quotas approved by the competent administrative department under the State Council within the time limit prescribed by the State shall be fined not less than 20,000 yuan but not more than 200,000 yuan. Fines shall be administered by the competent administrative departments under the people's governments of provinces, autonomous regions and municipalities directly under the Central Government in the place the violator is located. If the circumstances is serious, the production or import quotas may be revoked by the competent administrative department under the State Council.

Article 60 Any violator of this Law shall be ordered to construct supporting facilities within a time limit, and may be fined not less than 20,000 yuan but not more than 200, 000 yuan for any of the following acts by the administrative department of environmental protection under the local people's government at or above the county level:

(1) Failing to install supporting facilities for the dressing of coal by washing in accordance with relevant regulations of the State where the coal mined from a newly opened coal mine is of high-sulfur or high-ash;

(2) Failing to install desulphurizing installations or take other measures for desulphurization in accordance with relevant regulations of the State by enterprise that discharge sulphide-bearing gas in the process of refining petroleum, producing synthetic ammonia or coal gas, cooking fuel coal and smelting non-ferrous metal.

Article 61 An enterprise or institution which causes an atmospheric pollution accident through violation of this Law shall be fined less than fifty

第三十二条 机动车船向大气排放污染物不得超过规定的排放标准。

任何单位和个人不得制造、销售或者进口污染物排放超过规定排放标准的机动车船。#\$（相关资料:[部门规章 1 篇](#)[地方法规 2 篇](#)[裁判文书 1 篇](#)[修订沿革条文释义](#)）

第三十三条 在用机动车不符合制造当时的在用机动车污染物排放标准的，不得上路行驶。

省、自治区、直辖市人民政府规定对在用机动车实行新的污染物排放标准并对其进行改造的，须报经国务院批准。机动车维修单位，应当按照防治大气污染的要求和国家有关技术规范进行维修，使在用机动车达到规定的污染物排放标准。#\$（相关资料:[部门规章 2 篇](#)[地方法规 1 篇](#)[条文释义](#)）

第三十四条 国家鼓励生产和消费使用清洁能源的机动车船。

percent of the direct economic losses thus caused but not more than 500,000 yuan to the maximum level. Fines shall be administered by the competent administrative department of environmental protection under the local people's government at or above the county level on the basis of the damages incurred. In serious circumstances, those in charge who are directly responsible and others who are directly responsible shall be subject to administrative sanctions according to law. Sanctions shall be administered by the unit to which they belong or by a higher competent authority. Should a serious atmospheric pollution accident occur that leads to any grave consequences of heavy public or private property losses or serious personal injuries or deaths, and if the act constitutes a crime, the criminal liability shall be investigated in accordance with the provisions of Article 338 the Criminal Law.

Article 62 Any unit that has caused an atmospheric pollution hazard shall have the responsibility of removing the hazard and of making compensations to the units or individuals that have suffered direct losses. Any dispute over the liability to make compensations or the amount of compensation may, at the request of the parties, be settled by the administrative department of environmental protection; if a party refuses to accept the decision, it may bring a suit before a people's court. The party may also bring a suit before the people's court directly.

Article 63 If atmospheric pollution losses result directly from uncontrollable natural disasters which cannot be averted even after reasonable measures have been promptly taken, the party concerned shall be exempted from any liability.

Article 64 Where an administrative department of environmental protection or any other relevant department, in violation of the provisions of the third paragraph of Article 14 of this Law, misappropriates the fees collected for discharge of pollutants, the auditing or supervisory authorities shall order them to refund the money misappropriated or take other measures to recover the funds. The person(s)-in-charge who are directly responsible and other persons directly responsible shall be subject to administrative sanctions according to law.

国家鼓励和支持生产、使用优质燃料油，采取措施减少燃料油中有害物质对大气环境的污染。单位和个人应当按照国务院规定的期限，停止生产、进口、销售含铅汽油。#\$（相关资料：[部门规章 1 篇条文释义](#)）

第三十五条 省、自治区、直辖市人民政府环境保护行政主管部门可以委托已取得公安机关资质认定的承担机动车年检的单位，按照规范对机动车排气污染进行年度检测。

交通、渔政等有监督管理权的部门可以委托已取得有关主管部门资质认定的承担机动船舶年检的单位，按照规范对机动船舶排气污染进行年度检测。

县级以上地方人民政府环境保护行政主管部门可以在机动车停放地对在用机动车的污染物排放状况进行监督抽测。

#\$（相关资料：[部门规章 3 篇地方法规 5 篇条文释义](#)）

Article 65 Any supervisory and management person for environmental protection who abuses his power or neglects his duty shall be subject to administrative sanction. If his act constitutes a crime, he shall be liable for criminal liability upon investigation according to law.

Chapter VII: Supplementary Provisions

Article 66 This Law shall come into force as of September 1, 2000.

第五章 防治废气、尘和恶臭污染

第三十六条 向大气排放粉尘的排污单位，必须采取除尘措施。严格限制向大气排放含有毒物质的废气和粉尘；确需排放的，必须经过净化处理，不超过规定的排放标准。#\$（相关资料:[部门规章 1 篇](#)[地方法规 2 篇](#)[修订沿革条文释义](#)）

第三十七条 工业生产中产生的可燃性气体应当回收利用，不具备回收利用条件而向大气排放的，应当进行防治污染处理。向大气排放转炉气、电石气、电炉法黄磷尾气、有机烃类尾气的，须报经当地环境保护行政主管部门批准。可燃性气体回收利用装置不能正常作业的，应当及时修复或者更新。在回收利用装置不能正常作业期间确需排放可燃性气体的，应当将排放的可燃性气体充分燃烧或者采取其他减轻大气污染的措施。#\$（相关资料:[部门规章 1 篇](#)[地方法规 17 篇](#)[修订沿革条文释义](#)[相关论文 2 篇](#)）

第三十八条 炼制石油、生产合成氨、煤气和燃煤焦化、有色金属冶炼过程中排放含有硫化物气体的，应当配备脱硫装置或者采取其他脱硫措施。#\$（相关资料:[修订沿革条文释义](#)）

第三十九条 向大气排放含放射性物质的气体和气溶胶，必须符合国家有关放射性防护的规定，不得超过规定的排放标准。#\$（相关资料:[修订沿革条文](#)）

[释义](#))

第四十条 向大气排放恶臭气体的排污单位，必须采取措施防止周围居民区受到污染。[#\\$ \(相关资料:部门规章 1 篇修订沿革条文释义\)](#)

第四十一条 在人口集中地区和其他依法需要特殊保护的区域内，禁止焚烧沥青、油毡、橡胶、塑料、皮革、垃圾以及其他产生有毒有害烟尘和恶臭气体的物质。

禁止在人口集中地区、机场周围、交通干线附近以及当地人民政府划定的区域露天焚烧秸秆、落叶等产生烟尘污染的物质。

除前两款外，城市人民政府还可以根据实际情况，采取防治烟尘污染的其他措施。[#\\$ \(相关资料:部门规章 3 篇地方法规 3 篇条文释义\)](#)

第四十二条 运输、装卸、贮存能够散发有毒有害气体或者粉尘物质的，必须采取密闭措施或者其他防护措施。[#\\$ \(相关资料:部门规章 1 篇地方法规 2 篇修订沿革条文释义实务指南\)](#)

第四十三条 城市人民政府应当采取绿化责任制、加强建设施工管理、扩大地面铺装面积、控制渣土堆放和清洁运输等措施，提高人均占有绿地面积，减少市区裸露地面和地面尘土，防治城市扬尘污染。

在城市市区进行建设施工或者从事其他产生扬尘污染活动的单位，必须按照当地环境保护的规定，采取防治扬尘污染的措施。

国务院有关行政主管部门应当将城市扬尘污染的控制状况作为城市环境综合整

治考核的依据之一。#\$（相关资料:[条文释义](#)[相关论文](#) 2 篇）

第四十四条 城市饮食服务业的经营者，必须采取措施，防治油烟对附近居民的居住环境造成污染。#\$（相关资料:[裁判文书](#) 1 篇[修订沿革](#)[条文释义](#)）

第四十五条 国家鼓励、支持消耗臭氧层物质替代品的生产和使用，逐步减少消耗臭氧层物质的产量，直至停止消耗臭氧层物质的生产和使用。
在国家规定的期限内，生产、进口消耗臭氧层物质的单位必须按照国务院有关行政主管部门核定的配额进行生产、进口。#\$（相关资料:[部门规章](#) 2 篇[条文释义](#)）

第六章 法律责任

第四十六条 违反本法规定，有下列行为之一的，环境保护行政主管部门或者本法第四条第二款规定的监督管理部门可以根据不同情节，责令停止违法行为，限期改正，给予警告或者处以五万元以下罚款：

（一）拒报或者谎报国务院环境保护行政主管部门规定的有关污染物排放申报事项的；

（二）拒绝环境保护行政主管部门或者其他监督管理部门现场检查或者在被检查时弄虚作假的；

（三）排污单位不正常使用大气污染物处理设施，或者未经环境保护行政主管

部门批准，擅自拆除、闲置大气污染物处理设施的；

（四）未采取防燃、防尘措施，在人口集中地区存放煤炭、煤矸石、煤渣、煤灰、砂石、灰土等物料的。#\$（相关资料:部门规章 9 篇地方法规 28 篇修订沿革条文释义相关论文 1 篇）

第四十七条 违反本法第十一条规定，建设项目的大气污染防治设施没有建成或者没有达到国家有关建设项目环境保护管理的规定的要求，投入生产或者使用的，由审批该建设项目的环境影响报告书的环境保护行政主管部门责令停止生产或者使用，可以并处一万元以上十万元以下罚款。#\$（相关资料:部门规章 2 篇地方法规 5 篇修订沿革条文释义）

第四十八条 违反本法规定，向大气排放污染物超过国家和地方规定排放标准的，应当限期治理，并由所在地县级以上地方人民政府环境保护行政主管部门处一万元以上十万元以下罚款。限期治理的决定权限和违反限期治理要求的行政处罚由国务院规定。#\$（相关资料:部门规章 4 篇地方法规 8 篇裁判文书 3 篇修订沿革条文释义）

第四十九条 违反本法第十九条规定，生产、销售、进口或者使用禁止生产、销售、进口、使用的设备，或者采用禁止采用的工艺的，由县级以上人民政府经济综合主管部门责令改正；情节严重的，由县级以上人民政府经济综合主管部门提出意见，报请同级人民政府按照国务院规定的权限责令停业、关闭。

将淘汰的设备转让给他人使用的，由转让者所在地县级以上地方人民政府环境

保护行政主管部门或者其他依法行使监督管理权的部门没收转让者的违法所得，并处违法所得两倍以下罚款。

#\$(相关资料:[部门规章 1 篇](#)[地方法规 7 篇](#)[修订沿革条文释义实务指南](#))

第五十条 违反本法第二十四条第三款规定，开采含放射性和砷等有毒有害物质超过规定标准的煤炭的，由县级以上人民政府按照国务院规定的权限责令关闭。#\$(相关资料:[地方法规 2 篇](#)[条文释义](#))

第五十一条 违反本法第二十五条第二款或者第二十九条第一款的规定，在当地人民政府规定的期限届满后继续燃用高污染燃料的，由所在地县级以上地方人民政府环境保护行政主管部门责令拆除或者没收燃用高污染燃料的设施。#\$(相关资料:[地方法规 7 篇](#)[条文释义](#))

第五十二条 违反本法第二十八条规定，在城市集中供热管网覆盖地区新建燃煤供热锅炉的，由县级以上地方人民政府环境保护行政主管部门责令停止违法行为或者限期改正，可以处五万元以下罚款。#\$(相关资料:[地方法规 3 篇](#)[条文释义](#))

第五十三条 违反本法第三十二条规定，制造、销售或者进口超过污染物排放标准的机动车船的，由依法行使监督管理权的部门责令停止违法行为，没收违法所得，可以并处违法所得一倍以下的罚款；对无法达到规定的污染物排放标准的机动车船，没收销毁。#\$(相关资料:[部门规章 16 篇](#)[地方法规 4 篇](#)[条文释义](#))

第五十四条 违反本法第三十四条第二款规定，未按照国务院规定的期限停止生产、进口或者销售含铅汽油的，由所在地县级以上地方人民政府环境保护行政主管部门或者其他依法行使监督管理权的部门责令停止违法行为，没收所生产、进口、销售的含铅汽油和违法所得。[#\\$（相关资料:部门规章 2 篇地方法规 2 篇条文释义）](#)

第五十五条 违反本法第三十五条第一款或者第二款规定，未取得所在地省、自治区、直辖市人民政府环境保护行政主管部门或者交通、渔政等依法行使监督管理权的部门的委托进行机动车船排气污染检测的，或者在检测中弄虚作假的，由县级以上人民政府环境保护行政主管部门或者交通、渔政等依法行使监督管理权的部门责令停止违法行为，限期改正，可以处五万元以下罚款；情节严重的，由负责资质认定的部门取消承担机动车船年检的资格。[#\\$（相关资料:部门规章 3 篇地方法规 9 篇条文释义）](#)

第五十六条 违反本法规定，有下列行为之一的，由县级以上地方人民政府环境保护行政主管部门或者其他依法行使监督管理权的部门责令停止违法行为，限期改正，可以处五万元以下罚款：

（一）未采取有效污染防治措施，向大气排放粉尘、恶臭气体或者其他含有有毒物质气体的；

（二）未经当地环境保护行政主管部门批准，向大气排放转炉气、电石气、电炉法黄磷尾气、有机烃类尾气的；

（三）未采取密闭措施或者其他防护措

施，运输、装卸或者贮存能够散发有毒有害气体或者粉尘物质的；

（四）城市饮食服务业的经营者未采取有效污染防治措施，致使排放的油烟对附近居民的居住环境造成污染的。

#\$（相关资料:[部门规章 3 篇地方法规 17 篇条文释义](#)）

第五十七条 违反本法第四十一条第一款规定，在人口集中地区和其他依法需要特殊保护的区域内，焚烧沥青、油毡、橡胶、塑料、皮革、垃圾以及其他产生有毒有害烟尘和恶臭气体的物质的，由所在地县级以上地方人民政府环境保护行政主管部门责令停止违法行为，处二万元以下罚款。

违反本法第四十一条第二款规定，在人口集中地区、机场周围、交通干线附近以及当地人民政府划定的区域内露天焚烧秸秆、落叶等产生烟尘污染的物质，由所在地县级以上地方人民政府环境保护行政主管部门责令停止违法行为；情节严重的，可以处二百元以下罚款。#\$（相关资料:[部门规章 1 篇地方法规 11 篇条文释义](#)）

第五十八条 违反本法第四十三条第二款规定，在城市市区进行建设施工或者从事其他产生扬尘污染的活动，未采取有效扬尘防治措施，致使大气环境受到污染的，限期改正，处二万元以下罚款；对逾期仍未达到当地环境保护规定要求的，可以责令其停工整顿。前款规定的对因建设施工造成扬尘污染的处罚，由县级以上地方人民政府建设行政主管部门决定；对其他造成扬尘污染的处罚，由县级以上地方人民政府指定的有关主管部门决定。#\$（相关资料:[地方法规 9 篇条文释义](#)）

第五十九条 违反本法第四十五条第二款规定，在国家规定的期限内，生产或者进口消耗臭氧层物质超过国务院有关行政主管部门核定配额的，由所在地省、自治区、直辖市人民政府有关行政主管部门处二万元以上二十万元以下罚款；情节严重的，由国务院有关行政主管部门取消生产、进口配额。#\$(相关资料:[部门规章 1 篇条文释义](#))

第六十条 违反本法规定，有下列行为之一的，由县级以上人民政府环境保护行政主管部门责令限期建设配套设施，可以处二万元以上二十万元以下罚款：

（一）新建的所采煤炭属于高硫份、高灰份的煤矿，不按照国家有关规定建设配套的煤炭洗选设施的；

（二）排放含有硫化物气体的石油炼制、合成氨生产、煤气和燃煤焦化以及有色金属冶炼的企业，不按照国家有关规定建设配套脱硫装置或者未采取其他脱硫措施的。#\$(相关资料:[地方法规 3 篇条文释义](#))

第六十一条 对违反本法规定，造成大气污染事故的企业事业单位，由所在地县级以上地方人民政府环境保护行政主管部门根据所造成的危害后果处直接经济损失百分之五十以下罚款，但最高不超过五十万元；情节较重的，对直接负责的主管人员和其他直接责任人员，由所在单位或者上级主管机关依法给予行政处分或者纪律处分；造成重大大气污染事故，导致公私财产重大损失或者人身伤亡的严重后果，构成犯罪的，依法追究刑事责任。#\$(相关资料:[部门规章 1 篇地方法规 6 篇修订沿革条文释义实务指南](#))

第六十二条 造成大气污染危害的单位，有责任排除危害，并对直接遭受损失的单位或者个人赔偿损失。赔偿责任和赔偿金额的纠纷，可以根据当事人的请求，由环境保护行政主管部门调解处理；调解不成的，当事人可以向人民法院起诉。当事人也可以直接向人民法院起诉。#\$（相关资料:[地方法规 3 篇修订沿革条文释义](#)[相关论文 5 篇实务指南](#)）

第六十三条 完全由于不可抗拒的自然灾害，并经及时采取合理措施，仍然不能避免造成大气污染损失的，免于承担责任。#\$（相关资料:[修订沿革条文释义](#)[相关论文 1 篇实务指南](#)）

第六十四条 环境保护行政主管部门或者其他有关部门违反本法第十四条第三款的规定，将征收的排污费挪作他用的，由审计机关或者监察机关责令退回挪用款项或者采取其他措施予以追回，对直接负责的主管人员和其他直接责任人员依法给予行政处分。#\$（相关资料:[部门规章 1 篇条文释义](#)）

第六十五条 环境保护监督管理人员滥用职权、玩忽职守的，给予行政处分；构成犯罪的，依法追究刑事责任。#\$（相关资料:[部门规章 1 篇修订沿革条文释义](#)[实务指南](#)）

第七章 附则

第六十六条 本法自 2 0 0 0 年 9

月 1 日起施行。

#\$（相关资料:[修订沿革条文释义](#)）

© Copyright Chinalawinfo Co., Ltd

database@chinalawinfo.com
