

【Title】 The Measures for the Administration of Permit for Operation of Dangerous Wastes[现行有效]

【法规标题】 危险废物经营许可证管理办法 [Effective]

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(No. 408)

The Measures for the Administration of Permit for Operation of Dangerous Wastes, which were adopted at the 50th executive meeting of the State Council on May 19, 2004, are hereby promulgated, and shall come into force as of July 1, 2004.

Premier Wen Jiabao

May 30, 2004

The Measures for the Administration of Permit for Operation of Dangerous Wastes

中华人民共和国国务院令
(第 408 号)

(相关资料: [部门规章 26 篇](#) [地方法规 60 篇](#))

《危险废物经营许可证管理办法》已经 2004 年 5 月 19 日国务院第 50 次常务会议通过, 现予公布, 自 2004 年 7 月 1 日起施行。

总理 温家宝

二 00 四年五月三十日

危险废物经营许可证管理办法

Chapter I General Provisions

Article 1 The present Measures are hereby formulated in accordance with [the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes](#) for the purpose of strengthening supervision over and administration on the business activities of collection, storage and disposal of dangerous wastes and preventing the dangerous wastes from polluting the environment.

Article 2 Any entity undertaking the business activities of collection, storage and disposal of dangerous wastes within the territory of the People's Republic of China shall obtain the permit for operation of dangerous wastes in accordance with the provisions of the present Measures.

Article 3 The permit for operation of dangerous wastes shall be divided into the permit for comprehensive operation of the collection, storage and disposal of dangerous wastes and the permit for operation of the collection of dangerous wastes in light of the ways of business operation. Any entity that has obtained the permit for comprehensive operation of

第一章 总则

第一条 为了加强对危险废物收集、贮存和处置经营活动的监督管理, 防治危险废物污染环境, 根据《[中华人民共和国固体废物污染环境防治法](#)》, 制定本办法。

第二条 在中华人民共和国境内从事危险废物收集、贮存、处置经营活动的单位, 应当依照本办法的规定, 领取危险废物经营许可证。

(相关资料: [部门规章 1 篇](#) [地方法规 3 篇](#))

第三条 危险废物经营许可证按照经营方式, 分为危险废物收集、贮存、处置综合经营许可证和危险废物收集经营许可证。

领取危险废物综合经营许可证的单位,

dangerous wastes may undertake the business activities of collection, storage and disposal of various dangerous wastes. Any entity that has obtained the permit for operation of the collection of dangerous wastes may only undertake the business activities of collection of such dangerous wastes as the waste mineral oil produced in the activity of motor vehicle maintenance, and the waste cadmium and nickel batteries produced from the daily life of residents.

Article 4 The competent department of environmental protection of the people's government at or above the county level shall be responsible for the work of examination and approval and issuance of as well as supervision over and administration on the permit for operation of dangerous wastes in accordance with the provisions of the present Measures.

Chapter II Requirements on the Application for Obtaining Permit for Operation of Dangerous Wastes

Article 5 The following requirements shall be met when applying for the permit for comprehensive operation of collection, storage and disposal of dangerous wastes:

1. Having more than 3 technicians, who have the intermediate title of a technical post or above in the major of environmental engineering or the relevant majors, and have experiences of solid waste pollution treatment for more than 3 years;
2. Having conveyances meeting the relevant safety requirements of the competent department of traffic control of the State Council for the dangerous goods transportation;
3. Having packing facilities, facilities and equipment for transfer and temporary keeping, and qualified storage facilities and equipment that have been checked and meet the national or local standards for environmental protection and safety requirements;
4. Having disposal facilities, equipment and matching facilities for pollution prevention and treatment, which conform to the plans of the state or the provinces, autonomous regions, and municipalities directly under the Central Government for the construction of facilities for disposal of dangerous wastes and the national or local standards for environmental protection and safety requirements. Among them, the facilities for centralized disposal of medical wastes shall also correspond with the relevant national health standards and requirements for disposal of medical wastes;
5. Having disposal technology and technics conforming to the class of dangerous wastes they manage;
6. Having regulations and systems that ensure the safety of management of dangerous wastes, pollution prevention and treatment measures and emergency rescue measures for accidents; and

可以从事各类别危险废物的收集、贮存、处置经营活动；领取危险废物收集经营许可证的单位，只能从事机动车维修活动中产生的废矿物油和居民日常生活中产生的废镉镍电池的危险废物收集经营活动。

（相关资料: [地方法规 1 篇](#)）

第四条 县级以上人民政府环境保护主管部门依照本办法的规定，负责危险废物经营许可证的审批颁发与监督管理工作。

（相关资料: [地方法规 5 篇](#)）

第二章 申请领取危险废物经营许可证的条件

第五条 申请领取危险废物收集、贮存、处置综合经营许可证，应当具备下列条件：

（一）有 3 名以上环境工程专业或者相关专业中级以上职称，并有 3 年以上固体废物污染治理经历的技术人员；

（二）有符合国务院交通主管部门有关危险货物运输安全要求的运输工具；

（三）有符合国家或者地方环境保护标准和安全要求的包装工具，中转和临时存放设施、设备以及经验收合格的贮存设施、设备；

（四）有符合国家或者省、自治区、直辖市危险废物处置设施建设规划，符合国家或者地方环境保护标准和安全要求的处置设施、设备和配套的污染防治设施；其中，医疗废物集中处置设施，还应当符合国家有关医疗废物处置的卫生标准和要求；

（五）有与所经营的危险废物类别相适应的处置技术和工艺；

（六）有保证危险废物经营安全的规章制度、污染防治措施和事故应急救援措施；

（七）以填埋方式处置危险废物的，应当依法取得填埋场所的土地使用权。

（相关资料: [地方法规 1 篇](#)）

7. In case of disposing dangerous wastes by way of filling and burying, the land use right of the place of filling and burying shall also be obtained according to law.

Article 6 The following requirements shall be met when applying for the permit for operation of dangerous wastes collection:

1. Having rain-proofing or seepage-proofing conveyances;
2. Having packing facilities, and facilities and equipment for transfer and temporary keeping, which conform to the national or local standards for environmental protection and safety requirements; and
3. Having regulations and systems that can ensure the safety of the business operation of dangerous wastes, pollution prevention and treatment measures and emergency rescue measures for accidents.

Chapter III Procedures of Application for Obtaining the Permit for Operation of Dangerous Wastes

Article 7 The state shall make examination and approval for and issuance of the permit for operation of dangerous wastes through classification.

The permit for operation of dangerous wastes of the following entities shall be examined and approved and issued by the competent department of environmental protection of the State Council:

1. Burning dangerous wastes for more than 10 thousand tons annually;
2. Disposing of such dangerous wastes containing polychlorinated biphenyl and mercury that are of great hazard to the environment and the body health; or
3. Disposing dangerous wastes by making use of the comprehensive centralized disposal facilities that have been listed in the state plan for the construction of dangerous waste disposal facilities.

The permit for operation of an entity undertaking the disposal of medical wastes in a centralized way shall be examined and approved and issued by the competent department of environmental protection of the people's government at the level of cities divided into districts where the facilities for disposal of medical wastes in a centralized way are located.

The permit for operation of dangerous wastes collection shall be examined and approved and issued by the competent department of environmental protection of the people's government at the county level.

The permit for operation of dangerous wastes other than those as prescribed in paragraphs 2, 3, and 4 of this Article shall be examined and approved and issued by the competent departments of environmental protection of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

Article 8 An entity applying for obtaining the permit for operation of dangerous wastes shall file an application to the permit issuing organ

第六条 申请领取危险废物收集经营许可证，应当具备下列条件：

- （一）有防雨、防渗的运输工具；
- （二）有符合国家或者地方环境保护标准和安全要求的包装工具，中转和临时存放设施、设备；
- （三）有保证危险废物经营安全的规章制度、污染防治措施和事故应急救援措施。

（相关资料: [地方法规 1 篇](#)）

第三章 申请领取危险废物经营许可证的程序

第七条 国家对危险废物经营许可证实行分级审批颁发。

下列单位的危险废物经营许可证，由国务院环境保护主管部门审批颁发：

- （一）年焚烧 1 万吨以上危险废物的；
- （二）处置含多氯联苯、汞等对环境和人体健康威胁极大的危险废物的；
- （三）利用列入国家危险废物处置设施规划建设规划的综合性集中处置设施处置危险废物的。

医疗废物集中处置单位的危险废物经营许可证，由医疗废物集中处置设施所在地设区的市级人民政府环境保护主管部门审批颁发。

危险废物收集经营许可证，由县级人民政府环境保护主管部门审批颁发。

本条第二款、第三款、第四款规定之外的危险废物经营许可证，由省、自治区、直辖市人民政府环境保护主管部门审批颁发。

（相关资料: [地方法规 6 篇](#)）

第八条 申请领取危险废物经营许可证的单位，应当在从事危险废物经营活动前

before undertaking the business activities of dangerous wastes, and shall attach the certificate documents meeting the requirements as prescribed in Article 5 or 6 of the present Measures.

Article 9 The permit issuing organ shall, within 20 working days from the date of accepting the application, make examination on the certificate documents submitted by an entity making the application, and make on-site verification on the business facilities of the entity. If the requirements are met, the permit for operation of dangerous wastes shall be issued and announced publicly. If the requirements are not met, the entity making the application shall be notified in writing and the reason shall be explained. The permit issuing organ may, before issuing the permit for operation of dangerous wastes, solicit for the opinions of the relevant departments in charge of public health and urban and rural planning and experts upon the actual need. Any entity making an application shall go through registration formalities at the administrative department for industry and commerce upon the strength of the permit for operation of dangerous wastes.

Article 10 The following contents shall be included in the permit for operation of dangerous wastes:

1. Name of the legal person, legal representative, and residence;
2. Ways of management of dangerous wastes;
3. Class of dangerous wastes;
4. Annual business scale;
5. Period of validity; and
6. Date of issuance of the permit and the number of the permit.

The contents of the permit for comprehensive operation of dangerous wastes shall also include the addresses of the storage and disposal facilities.

Article 11 Where a dangerous waste management entity alters its name of legal person, legal representative or residence, it shall apply to the original permit issuing organ for going through the formalities for alteration of permit for operation of dangerous wastes within 15 working days as of the date of alteration of industry and commerce registration.

Article 12 Under any of the following circumstances, a dangerous waste management entity shall reapply for obtaining the permit for operation of dangerous wastes in light of the former application procedures:

1. Changing ways of management of dangerous wastes;
2. Adding new classes of dangerous wastes;
3. Newly establishing or rebuilding or expanding the construction of the former management facilities of dangerous wastes; or
4. Managing dangerous wastes exceeding 20% of the annual business scale originally approved.

向发证机关提出申请，并附具本办法第五条或者第六条规定条件的证明材料。

第九条 发证机关应当自受理申请之日起 20 个工作日内，对申请单位提交的证明材料进行审查，并对申请单位的经营设施进行现场核查。符合条件的，颁发危险废物经营许可证，并予以公告；不符合条件的，书面通知申请单位并说明理由。

发证机关在颁发危险废物经营许可证前，可以根据实际需要征求卫生、城乡规划等有关主管部门和专家的意见。申请单位凭危险废物经营许可证向工商管理部门办理登记注册手续。

（相关资料: [地方法规 3 篇](#)）

第十条 危险废物经营许可证包括下列主要内容：

- （一）法人名称、法定代表人、住所；
- （二）危险废物经营方式；
- （三）危险废物类别；
- （四）年经营规模；
- （五）有效期限；
- （六）发证日期和证书编号。

危险废物综合经营许可证的内容，还应当包括贮存、处置设施的地址。

第十一条 危险废物经营单位变更法人名称、法定代表人和住所的，应当自工商变更登记之日起 15 个工作日内，向原发证机关申请办理危险废物经营许可证变更手续。

第十二条 有下列情形之一的，危险废物经营单位应当按照原申请程序，重新申请领取危险废物经营许可证：

- （一）改变危险废物经营方式的；
- （二）增加危险废物类别的；
- （三）新建或者改建、扩建原有危险废物经营设施的；
- （四）经营危险废物超过原批准年经营规模 20 % 以上的。

Article 13 The period of validity of the permit for comprehensive operation of dangerous wastes shall be 5 years. The period of validity of the permit for operation of dangerous wastes collection shall be 3 years.

Where, at the expiry of the period of validity of the permit for operation of dangerous wastes, any dangerous waste management entity continues to undertake the business activities of dangerous wastes, it shall apply for changing the permit for operation of dangerous wastes to the former permit issuing organ 30 working days before the expiry of the period of validity of the permit. The former permit issuing organ shall make examination within 20 working days from the date of accepting the application for changing the permit. If the application corresponds with the requirements, it shall change the permit. If the application does not correspond with the requirements, it shall notify the application entity in writing and explain the reason.

Article 14 In case any dangerous waste management entity terminates the undertaking of such business activities of collection, storage and disposal of dangerous wastes, it shall take measures for pollution prevention and treatment on business facilities and places, and make proper handling on the dangerous wastes failing to be disposed. Any dangerous waste management entity shall file an application for cancellation registration within 20 working days from the date of taking the measures as prescribed in the preceding paragraph to the former permit issuing organ. The former permit issuing organ shall make on-site verification and cancel the registration of the permit for operation of dangerous wastes if the entity passes the verification.

Article 15 No entity without permit for operation may undertake any business activity of collection, storage, and disposal of dangerous wastes or undertake such activities not in accordance with the provisions of the permit for operation.

No one may import electronic dangerous wastes from outside the territory of the People's Republic of China or transfer them by passing through the territory of the People's Republic of China.

No one may provide or entrust the dangerous wastes to the entity without permit for operation to undertake the business activities of collection, storage and disposal.

No one may forge, alter or transfer the permit for operation of dangerous wastes.

Chapter IV Supervision and Administration

Article 16 The competent department of environmental protection of the local people's government at or above the county level shall, before March 31 each year, report the situations of the issuance of permit for operation of dangerous wastes in the previous year to and put on records

第十三条 危险废物综合经营许可证有效期为 5 年；危险废物收集经营许可证有效期为 3 年。

危险废物经营许可证有效期届满，危险废物经营单位继续从事危险废物经营活动的，应当于危险废物经营许可证有效期届满 30 个工作日内向原发证机关提出换证申请。原发证机关应当自受理换证申请之日起 20 个工作日内进行审查，符合条件的，予以换证；不符合条件的，书面通知申请单位并说明理由。

（相关资料: [地方法规 1 篇](#)）

第十四条 危险废物经营单位终止从事收集、贮存、处置危险废物经营活动的，应当对经营设施、场所采取污染防治措施，并对未处置的危险废物作出妥善处理。

危险废物经营单位应当在采取前款规定措施之日起 20 个工作日内向原发证机关提出注销申请，由原发证机关进行现场核查合格后注销危险废物经营许可证。

第十五条 禁止无经营许可证或者不按照经营许可证规定从事危险废物收集、贮存、处置经营活动。

禁止从中华人民共和国境外进口或者经中华人民共和国过境转移电子类危险废物。

禁止将危险废物提供或者委托给无经营许可证的单位从事收集、贮存、处置经营活动。

禁止伪造、变造、转让危险废物经营许可证。

第四章 监督管理

第十六条 县级以上地方人民政府环境保护主管部门应当于每年 3 月 31 日前将上一年度危险废物经营许可证颁发情况报上一级人民政府环境保护主管部门备

at the competent department of environmental protection of the next upper level people's government.

The competent department of environmental protection at the upper level shall strengthen supervision over and inspection on the situations of examination and approval and issuance of permit for operation of dangerous wastes by the competent department of environmental protection at the lower level, and correct the illegal acts of the competent department of environmental protection at the lower level in the process of examination and approval and issuance of permit for operation.

Article 17 The competent department of environmental protection of the people's government at or above the county level shall strengthen supervision over and inspection on the dangerous waste management entities by ways of written verification and on-site inspection, and record the situations of supervision and inspection and the handling results and put them on archives with the signature of the supervisors and inspectors. The general public shall have the right to consult the supervision and inspection records of the competent department of environmental protection of the people's government at or above the county level. In case the competent department of environmental protection of the people's government at or above the county level finds that any dangerous waste management entity has any circumstance not corresponding with the original requirements for permit issuing in the business activities, they shall order it to rectify and correct within a prescribed time limit.

Article 18 The competent department of environmental protection of the people's government at or above the county level shall have the right to require the dangerous waste management entities to report their business activities of dangerous wastes periodically. A dangerous waste management entity shall set up register for the management of dangerous wastes, which shall specify such matters according to the facts as the classes and sources of the dangerous wastes having been collected, stored or disposed, the direction the dangerous wastes have gone to, and whether there is any accident, etc..

A dangerous waste management entity shall keep the register for the management situations of the dangerous wastes for over 10 years, and shall keep the register for the management situations of dangerous wastes that have been disposed by way of filling and burying permanently. In case it terminates business activities, it shall transfer the register for the dangerous waste management to and put on records at the competent department of environmental protection of the people's government at or above the county level for management.

Article 19 The competent department of environmental protection of the people's government at or above the county level shall establish and

案。

上级环境保护主管部门应当加强对下级环境保护主管部门审批颁发危险废物经营许可证情况的监督检查，及时纠正下级环境保护主管部门审批颁发危险废物经营许可证过程中的违法行为。

第十七条 县级以上人民政府环境保护主管部门应当通过书面核查和实地检查等方式，加强对危险废物经营单位的监督检查，并将监督检查情况和处理结果予以记录，由监督检查人员签字后归档。

公众有权查阅县级以上人民政府环境保护主管部门的监督检查记录。

县级以上人民政府环境保护主管部门发现危险废物经营单位在经营活动中有不符合原发证条件的情形的，应当责令其限期整改。

（相关资料: [部门规章 1 篇](#)）

第十八条 县级以上人民政府环境保护主管部门有权要求危险废物经营单位定期报告危险废物经营活动情况。危险废物经营单位应当建立危险废物经营情况记录簿，如实记载收集、贮存、处置危险废物的类别、来源、去向和有无事故等事项。

危险废物经营单位应当将危险废物经营情况记录簿保存 10 年以上，以填埋方式处置危险废物的经营情况记录簿应当永久保存。终止经营活动的，应当将危险废物经营情况记录簿移交所在地县级以上地方人民政府环境保护主管部门存档管理。

（相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#)）

第十九条 县级以上人民政府环境保护主管部门应当建立、健全危险废物经营许

improve the system of archival management of the permit for operation of dangerous wastes and publicize the situations for the examination and approval and issuance of the permit for operation of dangerous wastes to the society periodically.

Article 20 Any entity that has obtained the permit for operation of dangerous wastes shall sign acceptance contract with the disposal entity and provide to or entrust the disposal entity to dispose the collected waste mineral oil and waste cadmium and nickel batteries within 90 working days.

Article 21 Bio-safety disposal shall be made on business facilities of dangerous wastes before they are discarded or altered for other purpose. After the expiry of the service term for filling and burying the business facilities of dangerous wastes, a dangerous waste management entity shall take measures to close down the land in which the dangerous wastes have been filled or buried according to the relevant provisions, and set up permanent marks at the designated closure areas.

Chapter V Legal Liabilities

Article 22 In case any person or entity violates the provisions of Article 11 of the present Measures, the competent department of environmental protection of the people's government at or above the county level shall order him/it to correct within a prescribed time limit and give him/it warnings. If he/it fails to correct within a prescribed time limit, the original permit issuing organ shall suspend the permit for operation of dangerous wastes.

Article 23 In case any person or entity violates the provisions of Article 12 and paragraph 2 of Article 13 of the present Measures, the competent department of environmental protection of the people's government at or above the county level shall order him/it to stop the illegal act, confiscate the illegal gains if any. In case the illegal gains exceed RMB 100 thousand Yuan, he/it shall be imposed upon a fine of one time up to 2 times of the illegal gains concurrently. If there are no illegal gains or the illegal gains are less than RMB 100 thousand Yuan, he/it shall be imposed upon a fine of 50 thousand Yuan up to 100 thousand Yuan.

Article 24 In case any person or entity violates the provisions of paragraph 1 of Article 14, and Article 21 of the present Measures, the competent department of environmental protection of the people's government at or above the county level shall order him/it to correct within a prescribed time limit. If he/it fails to correct within a prescribed time limit, he/it shall be imposed upon a fine of RMB 50 thousand Yuan up to RMB 100 thousand

可证的档案管理制度，并定期向社会公布审批颁发危险废物经营许可证的情况。

第二十条 领取危险废物收集经营许可证的单位，应当与处置单位签订接收合同，并将收集的废矿物油和废镉镍电池在 90 个工作日内提供或者委托给处置单位进行处置。

第二十一条 危险废物的经营设施在废弃或者改作其他用途前，应当进行无害化处理。

填埋危险废物的经营设施服役期届满后，危险废物经营单位应当按照有关规定对填埋过危险废物的土地采取封闭措施，并在划定的封闭区域设置永久性标记。

第五章 法律责任

第二十二条 违反本办法第十一条规定的，由县级以上地方人民政府环境保护主管部门责令限期改正，给予警告；逾期不改正的，由原发证机关暂扣危险废物经营许可证。

（相关资料: [地方法规 1 篇](#)）

第二十三条 违反本办法第十二条、第十三条第二款规定的，由县级以上地方人民政府环境保护主管部门责令停止违法行为；有违法所得的，没收违法所得；违法所得超过 10 万元的，并处违法所得 1 倍以上 2 倍以下的罚款；没有违法所得或者违法所得不足 10 万元的，处 5 万元以上 10 万元以下的罚款。

（相关资料: [地方法规 1 篇](#)）

第二十四条 违反本办法第十四条第一款、第二十一条规定的，由县级以上地方人民政府环境保护主管部门责令限期改正；逾期不改正的，处 5 万元以上 10 万元以下的罚款；造成污染事故，构成犯罪的，依法追究刑事责任。

Yuan. If it results in a pollution accident, and constitutes a crime, he/it shall be prosecuted for criminal liabilities according to law.

Article 25 In case any person or entity violates the provisions of paragraphs 1, 2, and 3 of Article 15 of the present Measures, he/it shall be punished in accordance with [the Law of the People's Republic of China on the Prevention and Control of Environmental Pollution by Solid Wastes](#).

In case any person or entity violates the provisions of paragraph 4 of Article 15 of the present Measures, the competent department of environmental protection of the people's government at or above the county level shall take over the permit for operation of dangerous wastes, or the original permit issuing organ shall revoke the permit for operation of dangerous wastes, and he/it shall be imposed upon a fine of RMB 50 thousand Yuan up to RMB 100 thousand Yuan. If a crime is constituted, he/it shall be prosecuted for criminal liabilities according to law.

Article 26 In case any person or entity violates the provisions of Article 18 of the present Measures, the competent department of environmental protection of the people's government at or above the county level shall order him/it to correct within a prescribed time limit, and give him/it warnings. If he/it fails to correct within the time limit, the original permit issuing organ shall suspend or revoke the permit for operation of dangerous wastes.

Article 27 In case any person or entity violates the provisions of Article 20 of the present Measures, the competent department of environmental protection of the people's government at or above the county level shall order him/it to correct within a prescribed time limit and give him/it warnings. If he/it fails to correct within the prescribed time limit, he/it shall be imposed upon a fine of RMB 10 thousand Yuan up to RMB 50 thousand Yuan. And the permit for operation of dangerous wastes shall be suspended or revoked.

Article 28 In case any dangerous waste management entity that is ordered to correct within a prescribed time limit fails to rectify and correct within the prescribed time limit or still does not correspond with the original permit issuing requirements after the rectification and correction, the original permit issuing organ shall suspend or revoke its permit for operation of dangerous wastes.

Article 29 The competent environmental protection department shall, when revoking or taking over the permit for operation of dangerous wastes according to the provisions of the present Measures, notify the administrative department for industry and commerce, who shall then revoke the business license according to law. The entity, whose permit for

(相关资料: [地方法规 1 篇](#))

第二十五条 违反本办法第十五条第一款、第二款、第三款规定的,依照《[中华人民共和国固体废物污染环境防治法](#)》的规定予以处罚。

违反本办法第十五条第四款规定的,由县级以上地方人民政府环境保护主管部门收缴危险废物经营许可证或者由原发证机关吊销危险废物经营许可证,并处5万元以上10万元以下的罚款;构成犯罪的,依法追究刑事责任。

(相关资料: [地方法规 1 篇](#))

第二十六条 违反本办法第十八条规定的,由县级以上地方人民政府环境保护主管部门责令限期改正,给予警告;逾期不改正的,由原发证机关暂扣或者吊销危险废物经营许可证。

(相关资料: [地方法规 2 篇](#))

第二十七条 违反本办法第二十条规定的,由县级以上地方人民政府环境保护主管部门责令限期改正,给予警告;逾期不改正的,处1万元以上5万元以下的罚款,并可以由原发证机关暂扣或者吊销危险废物经营许可证。

(相关资料: [地方法规 1 篇](#))

第二十八条 危险废物经营单位被责令限期整改,逾期不整改或者经整改仍不符合原发证条件的,由原发证机关暂扣或者吊销危险废物经营许可证。

(相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#))

第二十九条 环境保护主管部门依照本办法规定作出吊销或者收缴危险废物经营许可证的同时,应当通知工商管理部门,由工商管理部门依法吊销营业执照。被依法吊销或者收缴危险废物经营

operation of dangerous wastes has been revoked or taken over according to law, may not reapply for obtaining the permit for operation of dangerous wastes within 5 years.

Article 30 In case any staff member of the competent department of environmental protection of the people's government at or above the county level has any of the following acts, he/she shall be given an administrative punishment according to law. If a crime is constituted, he/she shall be prosecuted for criminal liabilities according to law:

1. Issuing permit for operation of dangerous wastes to the entity not meeting the requirements of the present Measures;
2. Failing to make investigation and impose punishment on or after receiving the report, failing to handle the business activities of dangerous wastes undertaken by the entity or individual that fails to obtain the permit for operation of dangerous wastes according to law;
3. Failing to perform the duty of supervision over and administration on the entity that has obtained the permit for operation of dangerous wastes according to law or failing to make investigation into or impose punishment on acts in violation of the provisions of present Measures; or
4. Having other acts of dereliction of duty in the work for the administration of permit for operation of dangerous wastes.

Chapter VI Supplementary Provisions

Article 31 The following words in the present Measures shall have the following meanings:

1. The "Dangerous Wastes" shall refer to the wastes of fatality that are listed into [the state check-list of dangerous wastes](#) or that are determined according to the identification standards and methods for dangerous wastes as prescribed by the state.
2. The "Collection" shall refer to the activities of centralizing the scattered dangerous wastes carried out by a dangerous wastes business entity.
3. The "Storage" shall refer to activities of any dangerous wastes business entity who, before disposing of the dangerous wastes, puts them to the places or facilities conforming to the standards for environmental protection, or who, for the purpose of centralizing the scattered dangerous wastes, place a batch of dangerous wastes exceeding the weight of 5,000 kilograms in the self-prepared temporary facilities or places or the time of placing exceeds 90 working days. And
4. The "Disposal" shall refer to the activities of any dangerous wastes business entity, who burns, calcines, melts, sinters, splits and dissolves, neutralizes, sterilizes, distills, extracts, deposits, filtrates or dismantles the dangerous wastes, or uses other methods to alter the physical, chemical or biological characters of dangerous wastes to reduce the amount of dangerous wastes, lessen the cubage of dangerous wastes and reduce or eliminate the dangerous ingredients thereof, or places the dangerous

permit unit, 5 years within which it may not reapply for obtaining the dangerous waste operation permit.

(相关资料: [地方法规 1 篇](#))

第三十条 县级以上人民政府环境保护主管部门的工作人员,有下列行为之一的,依法给予行政处分;构成犯罪的,依法追究刑事责任:

- (一) 向不符合本办法规定条件的单位颁发危险废物经营许可证的;
- (二) 发现未依法取得危险废物经营许可证的单位和个人擅自从事危险废物经营活动不予查处或者接到举报后不依法处理的;
- (三) 对依法取得危险废物经营许可证的单位不履行监督管理职责或者发现违反本办法规定的行为不予查处的;
- (四) 在危险废物经营许可证管理工作中有其他渎职行为的。

第六章 附则

第三十一条 本办法下列用语的含义:

- (一) 危险废物,是指列入[国家危险废物名录](#)或者根据国家规定的危险废物鉴别标准和鉴别方法认定的具有危险性的废物。
- (二) 收集,是指危险废物经营单位将分散的危险废物进行集中的活动。
- (三) 贮存,是指危险废物经营单位在危险废物处置前,将其放置在符合环境保护标准的场所或者设施中,以及为了将分散的危险废物进行集中,在自备的临时设施或者场所每批置放重量超过 5 0 0 0 千克或者置放时间超过 9 0 个工作日的活动。
- (四) 处置,是指危险废物经营单位将危险废物焚烧、煅烧、熔融、烧结、裂解、中和、消毒、蒸馏、萃取、沉淀、过滤、拆解以及用其他改变危险废物物理、化学、生物特性的方法,达到减少危险废物数量、缩小危险废物体积、减少或者消除其危险成分的活动,或者将危险废物最终置于符合环境保护规定要

wastes finally in the places or facilities meeting the requirements for the protection of environmental protection and does not take them back any longer.

Article 32 Any entity that has obtained the permit for operation of dangerous wastes in accordance with the provisions of local laws and regulations, rules or other documents before the implementation of the present Measures shall, 30 days before the expiry of the period of validity of the original permit for operation of dangerous wastes, reapply for obtaining the permit for operation of dangerous wastes in accordance with the provisions of the present Measures. If it fails to handle it within the time limit, it will be prohibited from undertaking the business activities of dangerous wastes.

Article 33 The present Measures shall come into force as of July 1, 2004.

求的场所或者设施并不再回取的活动。

第三十二条 本办法施行前，依照地方性法规、规章或者其他文件的规定已经取得危险废物经营许可证的单位，应当在原危险废物经营许可证有效期届满30个工作日前，依照本办法的规定重新申请领取危险废物经营许可证。逾期不办理的，不得继续从事危险废物经营活动。

第三十三条 本办法自2004年7月1日起施行。

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database@chinalawinfo.com
