

**【Title】 Water Pollution Prevention and Control Law of the People's Republic of China  
(2008 Revision)[现行有效]**

**【法规标题】 中华人民共和国水污染防治法(2008 修订) [Effective]**

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**【本法变迁史】**

[中华人民共和国水污染防治法  
\[19840511\]](#)  
[全国人大常委会关于修改《中  
华人民共和国水污染防治法》的决定  
\(1996\)\[19960515\]](#)  
[中华人民共和国水污染防治法  
\(1996 修正\)\[19960515\]](#)  
[中华人民共和国水污染防治法  
\(2008 修订\)\[20080228\]](#)

中华人民共和国主席令  
(第八十七号)

Order of the President of the People's Republic of China  
(No.87)

The revision of the Water Pollution Prevention and Control Law of the People's Republic of China was adopted at the 32nd session of the Standing Committee of the 10th National People's Congress of the People's Republic of China on February 28th, 2008. We hereby promulgate the revised Water Pollution Prevention and Control Law of the People's Republic of China, which shall come into force as of June 1st, 2008.

President of the People's Republic of China: Hu Jintao  
February 28th, 2008

Water Pollution Prevention and Control Law of the People's Republic of China

(adopted at the fifth session of the Standing Committee of the sixth National People's Congress on May 11th, 1984, revised according to the Decision on Revising the Water Pollution Prevention and Control Law of the People's Republic of China which was adopted at the 19th session of the Standing Committee of the eighth National People's Congress on May 15th, 1996, and revised at the 32nd session of the Standing Committee of the 10th National People's Congress on February 28th, 2008)

(相关资料: [法律 2 篇](#) [行政法规 5 篇](#) [部门规章 36 篇](#) [其他规范性文件 1 篇](#) [地方法规 384 篇](#) [裁判文书 3 篇](#) [修订沿革](#) [条文释义](#) [相关论文 73 篇](#))

《[中华人民共和国水污染防治法](#)》已由中华人民共和国第十届全国人民代表大会常务委员会第三十二次会议于 2008 年 2 月 28 日修订通过, 现将修订后的《[中华人民共和国水污染防治法](#)》公布, 自 2008 年 6 月 1 日起施行。

中华人民共和国主席 胡锦涛  
2008 年 2 月 28 日 靛靛靛

**[中华人民共和国水污染防治法](#)**

(1984 年 5 月 11 日第六届全国人民代表大会常务委员会第五次会议通过 根据 1996 年 5 月 15 日第八届全国人民代

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## Chapter I General Provisions

Article 1 This Law is formulated for the purpose of preventing and controlling water pollution, protecting and improving the environment, safeguarding the drinking water safety and enhancing the comprehensive, harmonious and sustainable development of economy and society.

Article 2 This Law applies to the prevention and control of pollution of rivers, lakes, canals, irrigation channels, reservoirs and other surface waters and ground waters within the territory of the People's Republic of China.

The prevention and control of marine pollution shall be governed by the Marine Environmental Protection Law of the People's Republic of China.

Article 3 In the prevention and control of water pollution, we shall follow the principles of giving priority to prevention, combining prevention with control and preventing and controlling in an all-round way, protect drinking water sources first, rigorously control industrial pollution and urban domestic pollution, prevent and control agricultural non-point pollution, vigorously promote the construction of ecological management projects, and prevent, control and reduce water pollution and ecological damage.

## 第一章 总则

第一条 为了防治水污染，保护和改善环境，保障饮用水安全，促进经济社会全面协调可持续发展，制定本法。

(相关资料: [修订沿革](#) [条文释义](#) [相关论文 1 篇](#))

第二条 本法适用于中华人民共和国领域内的江河、湖泊、运河、渠道、水库等地表水体以及地下水体的污染防治。

海洋污染防治适用《[中华人民共和国海洋环境保护法](#)》。

(相关资料: [修订沿革](#) [条文释义](#))

第三条 水污染防治应当坚持预防为主、防治结合、综合治理的原则，优先保护饮用水水源，严格控制工业污染、城镇生活污染，防治农业面源污染，积极推进生态治理工程建设，预防、控制和减少水环境污染和生态破坏。

Article 4 The people's governments at or above the county level shall bring the protection of water environment into the national economic and social development planning.

The local people's governments at or above the county level shall take countermeasures and actions to prevent water pollution, and be responsible for the quality of water environment of their respective region of administration.

Article 5 The state practices the objective responsibility system and the evaluation system for the protection of water environment, and takes the accomplishment of the protection objectives of water environment as a content for evaluating and assessing the local people's governments and persons in charge of them.

Article 6 The state encourages and supports the scientific and technological research on the prevention and control of water pollution, the application and promotion of advanced technologies as well as the publicity and education of water environment protection.

Article 7 The state shall, in the mode of financial transfer payment or other, establish a compensation mechanism for the ecological protection of the water environment in drinking water source reserve areas and upper reaches of rivers, lakes and reservoirs.

Article 8 The administrative departments of environmental protection under the people's governments at or above the county level shall exercise unified supervision and administration over the prevention and control of water pollution.

The maritime administrative body under the administrative department of traffic shall exercise supervision and administration over the prevention and control of water pollution from vessels.

The departments in charge of water administration, state land and resources, health, construction, agriculture and fishery under the people's governments at or above the county level as well as institutions in charge of protecting water resources in important rivers and lakes shall, within their respective scope of duties and functions, exercise supervision and administration over the prevention and control of water pollution.

Article 9 Discharge of water pollutants shall be within the state or local standards for the discharge of water pollutants and indicators for the total discharge control of major water pollutants.

(相关资料: [条文释义](#))

第四条 县级以上人民政府应当将水环境保护工作纳入国民经济和社会发展规划。

县级以上地方人民政府应当采取防治水污染的对策和措施,对本行政区域的水环境质量负责。

(相关资料: [修订沿革](#) [条文释义](#) [相关论文 2 篇](#))

第五条 国家实行水环境保护目标责任制和考核评价制度,将水环境保护目标完成情况作为对地方人民政府及其负责人考核评价的内容。

(相关资料: [条文释义](#) [相关论文 4 篇](#))

第六条 国家鼓励、支持水污染防治的科学研究和先进适用技术的推广应用,加强水环境保护的宣传教育。

(相关资料: [条文释义](#) [相关论文 1 篇](#))

第七条 国家通过财政转移支付方式,建立健全对位于饮用水水源保护区区域和江河、湖泊、水库上游地区的水环境生态保护补偿机制。

(相关资料: [条文释义](#) [相关论文 2 篇](#))

第八条 县级以上人民政府环境保护主管部门对水污染防治实施统一监督管理。

交通主管部门的海事管理机构对船舶污染水域的防治实施监督管理。

县级以上人民政府水行政、国土资源、卫生、建设、农业、渔业等部门以及重要江河、湖泊的流域水资源保护机构,在各自的职责范围内,对有关水污染防治实施监督管理。

(相关资料: [地方法规 1 篇](#) [修订沿革](#) [条文释义](#) [相关论文 1 篇](#))

第九条 排放水污染物,不得超过国家或者地方规定的水污染物排放标准和重点水污染物排放总量控制指标。

(相关资料: [部门规章 1 篇](#) [条文释义](#))

Article 10 All entities and individuals have the obligation to protect water environment, and have the right to report to authorities acts polluting or damaging water environment.

The people's governments at or above the county level and the relevant administrative departments thereunder shall honor and reward entities and individuals that have made great contributions to the prevention and control of water pollution.

## Chapter II Standards and Planning for the Prevention and Control of Water Pollution

Article 11 The power to formulate the state quality standards of water environment shall remain with the administrative department of environmental protection under the State Council.

The people's government of any province, autonomous region or municipality directly under the Central Government may, for issues not provided in the state quality standards of water environment, work out local standards and file such standards with the administrative department of environmental protection under the State Council for archival purpose.

Article 12 The administrative department of environmental protection under the State Council may, together with the competent department of water administration under the State Council and the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government, in accordance with the use functions of the waters of important rivers and lakes as determined by the state as well as the relevant local conditions on economy and technology, determine the quality standards of water environment applicable to the waters of these important rivers and lakes at provincial boundary areas, and implement such standards after filing them with the State Council and obtaining the approval thereof.

Article 13 The administrative department of environmental protection under the State Council shall formulate the state standards for the discharge of water pollutants in accordance with the state quality standards of water environment and the national economic and technological conditions.

For issues not provided in the state standards for the discharge of water pollutants, the people's government of any province, autonomous region or municipality directly under the Central Government may work out local standards for the discharge of water pollutants; for issues provided in the state standards for the discharge of water pollutants, it may also work out local standards stricter than the state standards. Such local standards must be filed with the administrative department of environmental protection under the State Council for archival purpose.

第十条 任何单位和个人都有义务保护水环境，并有权对污染损害水环境的行为进行检举。

县级以上人民政府及其有关主管部门对在水污染防治工作中做出显著成绩的单位和个人给予表彰和奖励。

（相关资料: [修订沿革](#) [条文释义](#) [相关论文 3 篇](#)）

## 第二章 水污染防治的标准和规划

第十一条 国务院环境保护主管部门制定国家水环境质量标准。

省、自治区、直辖市人民政府可以对国家水环境质量标准中未作规定的项目，制定地方标准，并报国务院环境保护主管部门备案。

（相关资料: [修订沿革](#) [条文释义](#)）

第十二条 国务院环境保护主管部门会同国务院水行政主管部门和有关省、自治区、直辖市人民政府，可以根据国家确定的重要江河、湖泊流域水体的使用功能以及有关地区的经济、技术条件，确定该重要江河、湖泊流域的省界水体适用的水环境质量标准，报国务院批准后施行。

（相关资料: [修订沿革](#) [条文释义](#)）

第十三条 国务院环境保护主管部门根据国家水环境质量标准和国家经济、技术条件，制定国家水污染物排放标准。

省、自治区、直辖市人民政府对国家水污染物排放标准中未作规定的项目，可以制定地方水污染物排放标准；对国家水污染物排放标准中已作规定的项目，可以制定严于国家水污染物排放标准的地方水污染物排放标准。地方水污染物排放标准须报国务院环境保护主管部门备案。

向已有地方水污染物排放标准的水

Discharge of pollutants to waters under the governance of certain local standards for the discharge of water pollutants must strictly abide by the said local standards.

Article 14 The administrative department of environmental protection under the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in light of the requirements of water pollution prevention and control as well as the state or local economic and technological conditions, amend the quality standards of water environment and the standards for the discharge of water pollutants at time appropriate.

Article 15 The prevention and control of water pollution must be under unified planning by drainage area or region. The planning for the prevention and control of water pollution of an important river or lake determined by the state must be prepared by the administrative department of environmental protection and departments of macroeconomic control and water administration under the State Council together with the people's government of the related province, autonomous region or municipality directly under the Central Government, and be submitted to the State Council for approval.

The planning for the prevention and control of water pollution of a river or lake across more than one province, autonomous region or municipality directly under the Central Government, other than one prescribed in the preceding paragraph, shall be prepared by the administrative departments of environmental protection under the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government together with the competent departments of water administration at the same level and the related municipal or county people's governments in accordance with the planning for the prevention and control of water pollution of important rivers and lakes determined by the state and in light of the local situation, and be submitted to the State Council for approval after it is examined and approved by the people's governments of the related provinces, autonomous regions or municipalities directly under the Central Government.

The planning for the prevention and control of water pollution of a river or lake across more than one county in a province, autonomous region or municipality directly under the Central Government shall be prepared by the administrative department of environmental protection under the people's government of the province, autonomous region or municipality directly under the Central Government together with the competent department of water administration at the same level in accordance with the planning for the prevention and control of water pollution of important rivers and lakes determined by the state and in light of the local situation,

体排放污染物的，应当执行地方水污染物排放标准。

(相关资料: [地方法规 1 篇](#) [修订沿革 条文释义](#) [相关论文 1 篇](#))

第十四条 国务院环境保护主管部门和省、自治区、直辖市人民政府，应当根据水污染防治的要求和国家或者地方的经济、技术条件，适时修订水环境质量标准和水污染物排放标准。

(相关资料: [地方法规 4 篇](#) [修订沿革 条文释义](#))

第十五条 防治水污染应当按流域或者按区域进行统一规划。国家确定的重要江河、湖泊的流域水污染防治规划，由国务院环境保护主管部门会同国务院经济综合宏观调控、水行政等部门和有关省、自治区、直辖市人民政府编制，报国务院批准。

前款规定外的其他跨省、自治区、直辖市江河、湖泊的流域水污染防治规划，根据国家确定的重要江河、湖泊的流域水污染防治规划和本地实际情况，由有关省、自治区、直辖市人民政府环境保护主管部门会同同级水行政等部门和有关市、县人民政府编制，经有关省、自治区、直辖市人民政府审核，报国务院批准。

省、自治区、直辖市内跨县江河、湖泊的流域水污染防治规划，根据国家确定的重要江河、湖泊的流域水污染防治规划和本地实际情况，由省、自治区、直辖市人民政府环境保护主管部门会同同级水行政等部门编制，报省、自治区、直辖市人民政府批准，并报国务院备案。

经批准的水污染防治规划是防治水污染的基本依据，规划的修订须经原批准机关批准。

县级以上地方人民政府应当根据依法批准的江河、湖泊的流域水污染防治规划，组织制定本行政区域的水污染防治规划。

(相关资料: [地方法规 3 篇](#) [修订沿革 条文释义](#))



be submitted to the people's government of the province, autonomous region or municipality directly under the Central Government for approval and be filed with the State Council for archival purpose.

The approved planning for the prevention and control of water pollution is the fundamental basis for the prevention and control of water pollution, and the amendments to such planning must be under the approval of the organ approving the planning.

The local people's government at or above the county level shall organize the preparation of the planning for the prevention and control of water pollution in this administrative region in accordance with the legally approved planning for the prevention and control of water pollution of rivers and lakes.

Article 16 When developing, utilizing, adjusting or transferring water resources, the relevant departments under the State Council and the local people's governments at or above the county level shall make overall plans and take all factors into consideration, maintain the water flow of rivers and the water level of lakes, reservoirs and groundwater at a reasonable place, and protect the ecological functions of waters.

### Chapter III Supervision and Administration of the Prevention and Control of Water Pollution

Article 17 The building, renovation and enlargement of construction projects directly or indirectly discharging pollutants to waters and other water establishments shall be subject to environmental impact assessment.

Before building, renovating or enlarging the outfall to a river or lake, the construction entity shall obtain the consent of the competent department of water administration or the governing authority of the drainage area concerned; where it involves water area for navigation or fishery, the administrative department of environmental protection shall, when examining and approving the environmental impact assessment document, ask for the opinion of the competent department of traffic and that of fishery.

Installations for the prevention and control of water pollution as concerned in a construction project shall be designed, constructed and put into use simultaneously with the principal part of the project. Such installations shall be subject to the acceptance check of the administrative department of environmental protection, and, if they fail to pass the check, the construction project may not be put into production or use.

Article 18 The state practices the system of control over the total discharge of important water pollutants.

The people's government of each province, autonomous region, or municipality directly under the Central Government shall, in accordance

[文释义](#) [相关论文 2 篇](#)

第十六条 国务院有关部门和县级以上地方人民政府开发、利用和调节、调度水资源时，应当统筹兼顾，维持江河的合理流量和湖泊、水库以及地下水体的合理水位，维护水体的生态功能。

（相关资料: [修订沿革](#) [条文释义](#)）

### 第三章 水污染防治的监督管理

第十七条 新建、改建、扩建直接或者间接向水体排放污染物的建设项目和其他水上设施，应当依法进行环境影响评价。

建设单位在江河、湖泊新建、改建、扩建排污口的，应当取得水行政主管部门或者流域管理机构同意；涉及通航、渔业水域的，环境保护主管部门在审批环境影响评价文件时，应当征求交通、渔业主管部门的意见。

建设项目的水污染防治设施，应当与主体工程同时设计、同时施工、同时投入使用。水污染防治设施应当经过环境保护主管部门验收，验收不合格的，该建设项目不得投入生产或者使用。

（相关资料: [修订沿革](#) [条文释义](#) [相关论文 1 篇](#)）

第十八条 国家对重点水污染物排放实施总量控制制度。

省、自治区、直辖市人民政府应当按照国务院的规定削减和控制本行政区

with the provisions of the State Council, reduce and control the total discharge of important water pollutants in its administrative region, and have the people's government of each city or county bear corresponding responsibility and task for the reduction and control of the total discharge of important water pollutants. The people's government of each city or county shall, in accordance with the requirements of its task on the reduction and control of the total discharge of important water pollutants, decompose the indicators of its task and assign them to all entities discharging pollutants. The specific measures and implementation steps shall be formulated by the State Council.

The people's government of a province, autonomous region, or municipality directly under the Central Government may, in light of the water quality of its administrative region and the requirements of the water pollution prevention and control work, determine the important water pollutants whose total discharge is subject to reduction and control. For areas where the total discharge of important water pollutants is over the prescribed level, the administrative department of environmental protection of the related people's government shall suspend the examination and approval of the environmental impact assessment documents of construction projects which increase the total discharge of important water pollutants.

Article 19 The administrative department of environmental protection under the State Council shall publish the provinces, autonomous regions and municipalities directly under the Central Government that fail to reach their indicators on reduction and control of total discharge of important water pollutants. The administrative department of environmental protection of the people's government of each province, autonomous region, or municipality directly under the Central Government shall publish each city or county that fails to reach its indicators on reduction and control of total discharge of important water pollutants.

The administrative department of environmental protection under the people's government at or above the county level shall publish the enterprises which violate the provisions of this Law and seriously pollute water environment.

Article 20 The state practices the licensing system for pollutant discharge. Enterprises and public institutions which directly or indirectly discharge industrial waste water or medical sewage to waters or which are required to obtain the pollutant discharge license before discharging waste water and sewage water must obtain the pollutant discharge license; and entities operating facilities and establishments for the concentrated treatment of urban sewage must also obtain the pollutant discharge license. The power to provide for the specific measures and implementation steps for licensing pollutant discharge shall remain with the State Council.

域的重点水污染物排放总量，并将重点水污染物排放总量控制指标分解落实到市、县人民政府。市、县人民政府根据本行政区域重点水污染物排放总量控制指标的要求，将重点水污染物排放总量控制指标分解落实到排污单位。具体办法和实施步骤由国务院规定。

省、自治区、直辖市人民政府可以根据本行政区域水环境质量状况和水污染防治工作的需要，确定本行政区域实施总量削减和控制的重点水污染物。

对超过重点水污染物排放总量控制指标的地区，有关人民政府环境保护主管部门应当暂停审批新增重点水污染物排放总量的建设项目的环境影响评价文件。

（相关资料: [地方法规 1 篇 修订沿革 条文释义](#)）

第十九条 国务院环境保护主管部门对未按照要求完成重点水污染物排放总量控制指标的省、自治区、直辖市予以公布。省、自治区、直辖市人民政府环境保护主管部门对未按照要求完成重点水污染物排放总量控制指标的市、县予以公布。

县级以上人民政府环境保护主管部门对违反本法规定、严重污染水环境的企业予以公布。

（相关资料: [条文释义](#)）

第二十条 国家实行排污许可制度。

直接或者间接向水体排放工业废水和医疗污水以及其他按照规定应当取得排污许可证方可排放的废水、污水的企业事业单位，应当取得排污许可证；城镇污水集中处理设施的运营单位，也应当取得排污许可证。排污许可的具体办法和实施步骤由国务院规定。

禁止企业事业单位无排污许可证或

All enterprises and public institutions are prohibited from discharging the above-mentioned waste water and sewage to waters without the pollutant discharge license or in violation of the terms of the pollutant discharge license.

Article 21 Any enterprise, public institution or individual industrial and commercial household which directly or indirectly discharges industrial waste water or medical sewage to waters shall, in accordance with the provisions of the administrative department of environmental protection under the State Council, declare for registration to the administrative department of environmental protection of the local people's government at or above the county level its facilities for discharging and treating water pollutants as well as the category, quantity and concentration of water pollutants discharged under normal operating conditions, and provide the relevant technical data about the prevention and control of water pollution. Where there is any great change in the category, quantity and concentration of water pollutants discharged by an enterprise, a public institution or an individual industrial and commercial household, the entity shall declare such change for registration in a timely manner, in this case, it shall maintain the normal use of its facilities for treating water pollutants, and, if it intends to demolish such facilities or leave them unused, it shall obtain the approval of the administrative department of environmental protection of the local people's government at or above the county level beforehand.

Article 22 Enterprises, public institutions and individual industrial and commercial households which discharge water pollutants to waters shall set up outfalls in accordance with laws, administrative regulations and the provisions of the administrative department of environmental protection under the State Council; if such outlets are to rivers or lakes, they shall also abide by the provisions of the competent department of water administration under the State Council. It is prohibited to discharge water pollutants by illegally setting up underground pipes or avoiding supervision and administration in other ways.

Article 23 Major pollutant-discharging entities shall install automatic monitoring equipment for the discharge of water pollutants, have such equipment networked with the monitoring equipment of the administrative department of environmental protection, and guarantee the normal operation of such equipment. Enterprises discharging industrial waste water shall have the industrial waste water discharged by them under monitoring, and keep the original monitoring record. The specific measures shall be worked out by the administrative department of environmental protection under the State Council. The list of major pollutant-discharging entities required to install automatic

者违反排污许可证的规定向水体排放前款规定的废水、污水。

(相关资料: [部门规章 1 篇](#) [地方法规 3 篇](#) [条文释义](#) [相关论文 1 篇](#))

第二十一条 直接或者间接向水体排放污染物的企业事业单位和个体工商户, 应当按照国务院环境保护主管部门的规定, 向县级以上地方人民政府环境保护主管部门申报登记拥有的水污染物排放设施、处理设施和正常作业条件下排水污染物的种类、数量和浓度, 并提供防治水污染方面的有关技术资料。

企业事业单位和个体工商户排放水污染物的种类、数量和浓度有重大改变的, 应当及时申报登记; 其水污染物处理设施应当保持正常使用; 拆除或者闲置水污染物处理设施的, 应当事先报县级以上地方人民政府环境保护主管部门批准。

(相关资料: [部门规章 1 篇](#) [修订沿革 条文释义](#))

第二十二条 向水体排放污染物的企业事业单位和个体工商户, 应当按照法律、行政法规和国务院环境保护主管部门的规定设置排污口; 在江河、湖泊设置排污口的, 还应当遵守国务院水行政主管部门的规定。

禁止私设暗管或者采取其他规避监管的方式排放水污染物。

(相关资料: [部门规章 3 篇](#) [条文释义](#) [相关论文 2 篇](#))

第二十三条 重点排污单位应当安装水污染物排放自动监测设备, 与环境保护主管部门的监控设备联网, 并保证监测设备正常运行。排放工业废水的企业, 应当对其所排放的工业废水进行监测, 并保存原始监测记录。具体办法由国务院环境保护主管部门规定。

应当安装水污染物排放自动监测设备的重点排污单位名录, 由设区的市级以上地方人民政府环境保护主管部门根



monitoring equipment on the discharge of water pollutants shall be determined by the administrative department of environmental protection of the local people's government at the level of municipality divided into districts or above by consulting with the related departments at the same level in light of the environmental capacity of the administrative region, the requirements of the indicators on total discharge control of important water pollutants as well as the category, quantity and concentration of water pollutants discharged by pollutant-discharging entities.

Article 24 Enterprises, public institutions and individual industrial and commercial households that directly discharge pollutants to waters shall pay pollutant discharge fee according to the category and quantity of the discharged water pollutants as well as the charging rates of such fee. Income from pollutant discharge fee shall be used to prevent and control pollution only.

Article 25 The state shall set up a water environment quality and water pollutant discharge monitoring system. The administrative department of environmental protection under the State Council shall be in charge of working out water environment monitoring norms, releasing information about the state's water environment in a unified way and organize monitoring network with the competent department of water administration under the State Council.

Article 26 The work institutions of protection of water resources of important rivers and lakes determined by the state shall be in charge of monitoring the water environment quality of provincial boundary waters where they are located, report the monitoring results to the administrative department of environmental protection and the competent department of water administration under the State Council; and report the monitoring results to the leading institution of protection of water resources of drainage areas established upon the approval of the State Council, if any.

Article 27 The administrative department of environmental protection and other departments exercising the right of supervision and administration according to this Law have the right to make spot inspection on pollutant discharging entities within their jurisdiction, and the said entities shall truthfully report the relevant information and provide necessary material. The inspecting authority has the obligation to keep the trade secrets of the said entities known in the process of inspection.

据本行政区域的环境容量、重点水污染物排放总量控制指标的要求以及排污单位排放水污染物的种类、数量和浓度等因素，商同级有关部门确定。

（相关资料: [条文释义](#)）

第二十四条 直接向水体排放污染物的企业事业单位和个体工商户，应当按照排放水污染物的种类、数量和排污费征收标准缴纳排污费。

排污费应当用于污染的防治，不得挪作他用。

（相关资料: [部门规章 1 篇](#) [修订沿革 条文释义](#)）

第二十五条 国家建立水环境质量监测和水污染物排放监测制度。国务院环境保护主管部门负责制定水环境监测规范，统一发布国家水环境状况信息，会同国务院水行政等部门组织监测网络。

（相关资料: [条文释义](#) [相关论文 1 篇](#)）

第二十六条 国家确定的重要江河、湖泊流域的水资源保护工作机构负责监测其所在流域的省界水体的水环境质量状况，并将监测结果及时报国务院环境保护主管部门和国务院水行政主管部门；有经国务院批准成立的流域水资源保护领导机构的，应当将监测结果及时报告流域水资源保护领导机构。

（相关资料: [修订沿革](#) [条文释义](#) [相关论文 1 篇](#)）

第二十七条 环境保护主管部门和其他依照本法规定行使监督管理权的部门，有权对管辖范围内的排污单位进行现场检查，被检查的单位应当如实反映情况，提供必要的资料。检查机关有义务为被检查的单位保守在检查中获取的商业秘密。

（相关资料: [部门规章 1 篇](#) [修订沿革 条文释义](#)）

Article 28 Any dispute over water pollution which involves more than one administrative region shall be settled upon the negotiations of the related local people's governments, or upon the coordination of their common higher people's government.

## Chapter IV Measures for the Prevention and Control of Water Pollution

### Section 1 General Rules

Article 29 It is prohibited to discharge oil, acid, alkaline or highly toxic waste liquids to waters.

It is prohibited to clean in waters the vehicles and containers which have carried or stored oil or pathogenic pollutants.

Article 30 It is prohibited to discharge or dump radioactive solid waste or waste water containing highly and medium radioactive substances to waters.

Waste water containing low radioactive substances may only be discharged to waters in accordance with the state provisions on and standards for the prevention and control of radioactive pollution.

Article 31 For discharging heated waste water to waters, corresponding measures shall be taken to guarantee that the temperature of waters is in line with the water environment quality standards.

Article 32 Waste water containing pathogen may be discharged only after it is sterilized in accordance with the relevant state standards.

Article 33 It is prohibited to discharge or dump industrial solid waste, urban refuse and other castoffs to waters.

It is prohibited to discharge or dump soluble highly toxic waste residues containing mercury, cadmium, arsenic, chromium, lead, cyanide or yellow phosphorus to waters, or directly bury them underground.

For places storing soluble highly toxic waste residues, corresponding waterproof, anti-leakage and anti-loss measures must be taken.

Article 34 It is prohibited to stockpile or store solid wastes and other pollutants at bench land and bank slopes below the highest water level of rivers, lakes, canals, channels and reservoirs.

第二十八条 跨行政区域的水污染纠纷，由有关地方人民政府协商解决，或者由其共同的上级人民政府协调解决。

（相关资料: [地方法规 1 篇](#) [修订沿革 条文释义](#) [相关论文 2 篇](#)）

## 第四章 水污染防治措施

### 第一节 一般规定

第二十九条 禁止向水体排放油类、酸液、碱液或者剧毒废液。

禁止在水体清洗装贮过油类或者有毒污染物的车辆和容器。

（相关资料: [修订沿革 条文释义](#)）

第三十条 禁止向水体排放、倾倒放射性固体废物或者含有高放射性和中放射性物质的废水。

向水体排放含低放射性物质的废水，应当符合国家有关放射性污染防治的规定和标准。

（相关资料: [修订沿革 条文释义](#)）

第三十一条 向水体排放含热废水，应当采取措施，保证水体的水温符合水环境质量标准。

（相关资料: [修订沿革 条文释义](#)）

第三十二条 含病原体的污水应当经过消毒处理；符合国家有关标准后，方可排放。

（相关资料: [修订沿革 条文释义](#)）

第三十三条 禁止向水体排放、倾倒工业废渣、城镇垃圾和其他废弃物。

禁止将含有汞、镉、砷、铬、铅、氰化物、黄磷等的可溶性剧毒废渣向水体排放、倾倒或者直接埋入地下。

存放可溶性剧毒废渣的场所，应当采取防水、防渗漏、防流失的措施。

（相关资料: [修订沿革 条文释义](#)）

第三十四条 禁止在江河、湖泊、运河、渠道、水库最高水位线以下的滩地和岸坡堆放、存贮固体废物和其他

Article 35 It is prohibited to use any seepage well, sink, fissure or dissolved cavern to discharge or dump waste water containing pathogenic pollutants, sewage containing pathogen and other castoffs.

Article 36 It is prohibited to use any ditch, pit or pool which has not been dealt with anti-leakage measures to transmit or store waste water containing pathogenic pollutants, sewage containing pathogen and other castoffs.

Article 37 For multi-layer ground water, layered exploitation shall be resorted to if the water quality differs greatly from one aquifer to another. No combined exploitation of phreatic water and confined water already polluted may be permitted.

Article 38 When constructing underground engineering facilities or conducting underground exploitation or mining activities, preventive measures must be taken to prevent groundwater pollution.

Article 39 Artificial recharge for ground water may not deteriorate the quality of groundwater.

## Section 2 Prevention and Control of Industrial Water Pollution

Article 40 The relevant departments under the State Council and the local people's governments at or above the county level shall reasonably plan the distribution of industry, require enterprises causing water pollution to make technical innovation and take comprehensive prevention and control measures to improve the repeating utilization factor of water and reduce the discharge of waste water and pollutants.

Article 41 The state applies the washing-out system to backward techniques and equipment that seriously pollute water environment. The department of macro economic control under the State Council shall, together with the relevant departments of the State Council, publish the catalogue of techniques which seriously pollute water environment and are to be eliminated within a certain time limit and the catalogue of

pollutants.

(相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#) [修订沿革](#) [条文释义](#))

第三十五条 禁止利用渗井、渗坑、裂隙和溶洞排放、倾倒含有毒污染物的废水、含病原体的污水和其他废弃物。

(相关资料: [修订沿革](#) [条文释义](#))

第三十六条 禁止利用无防渗漏措施的沟渠、坑塘等输送或者存贮含有毒污染物的废水、含病原体的污水和其他废弃物。

(相关资料: [部门规章 1 篇](#) [地方法规 1 篇](#) [修订沿革](#) [条文释义](#))

第三十七条 多层地下水的含水层水质差异大的,应当分层开采;对已受污染的潜水和承压水,不得混合开采。

(相关资料: [修订沿革](#) [条文释义](#) [相关论文 1 篇](#))

第三十八条 兴建地下工程设施或者进行地下勘探、采矿等活动,应当采取防护性措施,防止地下水污染。

(相关资料: [修订沿革](#) [条文释义](#))

第三十九条 人工回灌补给地下水,不得恶化地下水质。

(相关资料: [修订沿革](#) [条文释义](#))

## 第二节 工业水污染防治

第四十条 国务院有关部门和县级以上地方人民政府应当合理规划工业布局,要求造成水污染的企业进行技术改造,采取综合防治措施,提高水的重复利用率,减少废水和污染物排放量。

(相关资料: [修订沿革](#) [条文释义](#))

第四十一条 国家对严重污染水环境的落后工艺和设备实行淘汰制度。

国务院经济综合宏观调控部门会同国务院有关部门,公布限期禁止采用的严重污染水环境的工艺名录和限期禁止生产、销售、进口、使用的严重污染水

equipment which seriously pollutes water environment and is prohibited to be produced, sold, imported and used.

Producers, sellers, importers or users shall, within the prescribed time limit, stop producing, selling, importing or using any equipment listed into the aforesaid catalogue of equipment to be eliminated. Entities and individuals adopting any technique listed into the aforesaid catalogue of technique to be eliminated shall stop using it within the prescribed time limit.

Equipment to be eliminated pursuant to the preceding two paragraphs of this Article may not be transferred to others to use.

Article 42 The state prohibits the building of small-scale production projects of paper making, leather making, printing and dyeing, dyestuff, coking, sulfur refining, arsenic refining, mercury refining, oil refining, electroplating, pesticides, asbestos, cement, glass, steel, thermal power etc. that seriously pollute water environment and do not conform with the state industrial policies.

Article 43 Enterprises shall adopt clean technique that utilizes raw materials at a higher efficiency and discharges fewer pollutants, and strengthen administration to reduce the generation of water pollutants.

### Section 3 Prevention and Control of Water Pollution in Urban Areas

Article 44 Urban sewage shall be treated in a concentrated way.

The local people's government at or above the county level shall raise funds through fiscal budget and other channels, and make unified planning and overall arrangement for the construction of facilities for the concentrated treatment of urban sewage as well as the supporting pipe network so as to improve the collection rate and treatment rate of urban sewage of the administrative region.

The administrative department of construction under the State Council shall, together with the administrative department of macro economic control and the administrative department of environmental protection under the State Council, in accordance with the urban and rural planning and water pollution prevention and control planning, organize the establishment of the national planning for construction of urban sewage treatment facilities. The local people's government at or above the county level shall organize the departments in charge of construction, macro economic control, environmental protection and water administration to establish the planning for construction of urban sewage treatment facilities of the administrative region. The administrative department of

environmental equipment catalogue.

生产者、销售者、进口者或者使用者应当在规定的期限内停止生产、销售、进口或者使用列入前款规定的设备名录中的设备。工艺的采用者应当在规定的期限内停止采用列入前款规定的工艺名录中的工艺。

依照本条第二款、第三款规定被淘汰的设备，不得转让给他人使用。

(相关资料: [修订沿革](#) [条文释义](#) [相关论文 1 篇](#))

第四十二条 国家禁止新建不符合国家产业政策的小型造纸、制革、印染、染料、炼焦、炼硫、炼砷、炼汞、炼油、电镀、农药、石棉、水泥、玻璃、钢铁、火电以及其他严重污染水环境的生产项目。

(相关资料: [修订沿革](#) [条文释义](#))

第四十三条 企业应当采用原材料利用效率高、污染物排放量少的清洁工艺，并加强管理，减少水污染物的产生。

(相关资料: [修订沿革](#) [条文释义](#))

### 第三节 城镇水污染防治

第四十四条 城镇污水应当集中处理。

县级以上地方人民政府应当通过财政预算和其他渠道筹集资金，统筹安排建设城镇污水集中处理设施及配套管网，提高本行政区域城镇污水的收集率 and 处理率。

国务院建设主管部门应当会同国务院经济综合宏观调控、环境保护主管部门，根据城乡规划和水污染防治规划，组织编制全国城镇污水处理设施建设规划。县级以上地方人民政府组织建设、经济综合宏观调控、环境保护、水行政等部门编制本行政区域的城镇污水处理设施建设规划。县级以上地方人民政府建设主管部门应当按照城镇污水处理设施建设规划，组织建设城镇污水集中处理设施及配套管网，并加强对城镇污水

construction under the local people's government at or above the county level shall, in accordance with the planning for construction of urban sewage treatment facilities, organize the construction of facilities for the concentrated treatment of urban sewage as well as the supporting pipe network, and strengthen supervision and administration over the operation of such facilities.

Entities operating such facilities shall provide paid services of sewage treatment for entities discharging pollutants in accordance with the relevant state provisions, charge for sewage treatment and guarantee the normal operation of such facilities. It is not required to pay pollutant discharge fee if the payment for discharging sewage to facilities for the concentrated treatment of urban sewage has been made. Sewage treatment fees collected shall be used for the construction and operation of urban sewage concentrated treatment facilities only.

The specific measures governing the charge for sewage treatment with urban sewage concentrated treatment facilities as well as the administration and use of such facilities shall be determined by the State Council.

Article 45 Discharge of water pollutants to urban sewage concentrated treatment facilities shall be in line with the state or local standards for the discharge of water pollutants.

If the quality of the water discharged from urban sewage concentrated treatment facilities after treatment reaches the state or local standards for the discharge of water pollutants, the pollutant discharge fee may be exempted in accordance with the relevant state provisions.

Entities operating urban sewage concentrated treatment facilities shall be responsible for the quality of the water discharged from such facilities after treatment.

The administrative department of environmental protection shall supervise and inspect the quality and quantity of the water discharged from urban sewage concentrated treatment facilities after treatment.

Article 46 For the construction of domestic waste landfills, anti-leakage measures must be taken to prevent water pollution.

#### Section 4 Prevention and Control of Water Pollution in Agriculture and Rural Areas

Article 47 Use of pesticides must be in line with the state provisions and norms on safe use of pesticides.

Transportation and storage of pesticides as well as disposal of out-of-date

集中处理设施运营的监督管理。

城镇污水集中处理设施的运营单位按照国家规定向排污者提供污水处理的有偿服务,收取污水处理费用,保证污水集中处理设施的正常运行。向城镇污水集中处理设施排放污水、缴纳污水处理费用的,不再缴纳排污费。收取的污水处理费用应当用于城镇污水集中处理设施的建设和运行,不得挪作他用。

城镇污水集中处理设施的污水处理收费、管理以及使用的具体办法,由国务院规定。

(相关资料: [地方法规 1 篇](#) [修订沿革 条文释义](#) [相关论文 1 篇](#))

第四十五条 向城镇污水集中处理设施排放水污染物,应当符合国家或者地方规定的水污染物排放标准。

城镇污水集中处理设施的出水水质达到国家或者地方规定的水污染物排放标准的,可以按照国家有关规定免缴排污费。

城镇污水集中处理设施的运营单位,应当对城镇污水集中处理设施的出水水质负责。

环境保护主管部门应当对城镇污水集中处理设施的出水水质和水量进行监督检查。

(相关资料: [条文释义](#))

第四十六条 建设生活垃圾填埋场,应当采取防渗漏等措施,防止造成水污染。

(相关资料: [部门规章 1 篇](#) [地方法规 2 篇](#) [条文释义](#))

#### 第四节 农业和农村水污染防治

第四十七条 使用农药,应当符合国家有关农药安全使用的规定和标准。

运输、贮存农药和处置过期失效农



pesticides require more efforts in administration to prevent water pollution.

Article 48 The competent department of agriculture and other related departments under the local people's government at or above the county level shall take steps to guide agricultural producers to use fertilizers and pesticides in a scientific and reasonable way and control the overdose of fertilizers and pesticides so as to prevent water pollution.

Article 49 The state supports livestock and poultry breeding plants or communities to construct facilities for the comprehensive utilization or harmless treatment of livestock and poultry stool and waste water. These plants or communities shall guarantee the normal operation of such facilities and make sure that the discharge of sewage reaches corresponding standards so as to prevent water environment from being polluted.

Article 50 Those engaging in aquaculture are required to protect the ecological environment of waters, scientifically determine the breeding density and reasonably cast baits and use drugs so as to prevent water environment from being polluted.

Article 51 To discharge industrial waste water or urban sewage to farmland irrigation canals, it requires to guarantee that the water quality of the nearest place supplying water for irrigation at lower reaches comes up to the water quality standards for irrigation.  
To use industrial waste water or urban sewage to irrigate, it requires preventing soil, groundwater and agriculture products from being polluted.

## Section 5 Prevention and Control of Water Pollution from Vessels

Article 52 Vessels shall discharge oil-polluted water or domestic sewage in accordance with the standards for the discharge of pollutants by vessels. Maritime navigation vessels must abide by the standards of inland rivers for the discharge of pollutants by vessels as long as they enter inland rivers or ports.  
Residual oil and waste oil of vessels shall be recycled, and it is prohibited to discharge them to waters.

药，应当加强管理，防止造成水污染。

（相关资料: [地方法规 2 篇](#) [修订沿革 条文释义](#)）

第四十八条 县级以上地方人民政府农业主管部门和其他有关部门，应当采取措施，指导农业生产者科学、合理地施用化肥和农药，控制化肥和农药的过量使用，防止造成水污染。

（相关资料: [部门规章 1 篇](#) [地方法规 2 篇](#) [修订沿革 条文释义](#) [相关论文 1 篇](#)）

第四十九条 国家支持畜禽养殖场、养殖小区建设畜禽粪便、废水的综合利用或者无害化处理设施。

畜禽养殖场、养殖小区应当保证其畜禽粪便、废水的综合利用或者无害化处理设施正常运转，保证污水达标排放，防止污染水环境。

（相关资料: [地方法规 1 篇](#) [条文释义](#) [相关论文 3 篇](#)）

第五十条 从事水产养殖应当保护水域生态环境，科学确定养殖密度，合理投饵和使用药物，防止污染水环境。

（相关资料: [地方法规 1 篇](#) [条文释义](#)）

第五十一条 向农田灌溉渠道排放工业废水和城镇污水，应当保证其下游最近的灌溉取水点的水质符合农田灌溉水质标准。

利用工业废水和城镇污水进行灌溉，应当防止污染土壤、地下水和农产品。

（相关资料: [修订沿革 条文释义](#) [相关论文 1 篇](#)）

## 第五节 船舶水污染防治

第五十二条 船舶排放含油污水、生活污水，应当符合船舶污染物排放标准。从事海洋航运的船舶进入内河和港口的，应当遵守内河的船舶污染物排放标准。

船舶的残油、废油应当回收，禁止排入水体。

It is prohibited to dump vessel refuse to waters.

Vessels conveying oil or poisonous cargos must take anti-overflow and anti-leakage measures to prevent water pollution resulting from the drop of such cargos into water.

Article 53 Vessels shall equip themselves with corresponding antifouling equipment and apparatus in accordance with the relevant state provisions, and hold the legal and valid certificates and documents on preventing water environment from being polluted.

Any vessel operation involving the discharge of pollutants must be conducted in strict accordance with the operating procedure, and the relevant information shall be truthfully recorded on the corresponding book of records.

Article 54 Ports, docks, loading and unloading stations as well as dockyards must equip themselves with enough facilities for taking over vessel pollutants and castoffs. Entities engaging in taking over vessel pollutants and castoffs or cleaning the cabin of vessels carrying oil or cargos with the hazard of pollution shall have the taking-over and processing capacity suitable for its operation scale.

Article 55 Where a vessel is conducting any of the following activities, it is required to work out an operating scheme, take effective security and antipollution measures and submit them to the maritime authority of the place of operation for approval:

1. taking over residual oil, oil-polluted water or residues of cargos with the hazard of pollution, or cleaning the cabin of vessels carrying oil cargos or cargos with the hazard of pollution;
2. conducting the barging of unpacked pollutant liquid cargos with the hazard of pollution; and
3. dismantling or salvaging vessels on water, or conducting other above-water or underwater vessel construction operations.

Dismantling fishery vessels at waters of fishing harbors shall be subject to the approval of the administrative department of fishery of the place of operation.

## Chapter V Protection of Drinking Water Sources and Other Special Waters

Article 56 The state has established the drinking water source reserve

禁止向水体倾倒船舶垃圾。

船舶装载运输油类或者有毒货物，应当采取防止溢流和渗漏的措施，防止货物落水造成水污染。

（相关资料: [地方法规 4 篇 修订沿革 条文释义](#)）

第五十三条 船舶应当按照国家有关规定配置相应的防污设备和器材，并持有合法有效的防止水域环境污染的证书与文书。

船舶进行涉及污染物排放的作业，应当严格遵守操作规程，并在相应的记录簿上如实记载。

（相关资料: [地方法规 1 篇 条文释义](#)）

第五十四条 港口、码头、装卸站和船舶修造厂应当备有足够的船舶污染物、废弃物的接收设施。从事船舶污染物、废弃物接收作业，或者从事装载油类、污染危害性货物船舶清洗作业的单位，应当具备与其运营规模相适应的接收处理能力。

（相关资料: [条文释义](#)）

第五十五条 船舶进行下列活动，应当编制作业方案，采取有效的安全和防污染措施，并报作业地海事管理机构批准：

（一）进行残油、含油污水、污染危害性货物残留物的接收作业，或者进行装载油类、污染危害性货物船舶的清洗作业；

（二）进行散装液体污染危害性货物的过驳作业；

（三）进行船舶水上拆解、打捞或者其他水上、水下船舶施工作业。

在渔港水域进行渔业船舶水上拆解活动，应当报作业地渔业主管部门批准。

（相关资料: [地方法规 1 篇 条文释义](#)）

## 第五章 饮用水水源和其他特殊水体保护

第五十六条 国家建立饮用水水源

system. Drinking water source reserves are classified into Grade I and Grade II. It is allowed to delimit a certain area at the periphery of a drinking water source reserve as a quasi reserve.

For the determination of a drinking water source reserve, the related municipal or county people's government shall propose a plan and submit the plan to the people's government of the concerned province, autonomous region or municipality directly under the Central Government for approval. For the determination of a reserve involving more than one municipality or county, the people's governments of the related municipalities and counties shall propose a plan upon negotiations and submit the plan to the people's government of the concerned province, autonomous region or municipality directly under the Central Government for approval; in case they can't reach an agreement upon negotiations, the plan shall be proposed by the administrative department of environmental protection under the people's government of the concerned province, autonomous region or municipality directly under the Central Government together with the departments in charge of water administration, state land and resources, health and construction at the same level, and be submitted to the people's government of the concerned province, autonomous region or municipality directly under the Central Government for approval after getting the opinions of the related departments at the same level.

A drinking water source reserve involving more than one province, autonomous region, or municipality directly under the Central Government shall be determined by the people's government of the concerned province, autonomous region or municipality directly under the Central Government with the governing authority of the related drainage area upon negotiations; in case they can't reach an agreement upon negotiations, the plan shall be proposed by the administrative department of environmental protection under the State Council together with the departments in charge of water administration, state land and resources, health and construction at the same level, and be submitted to the State Council for approval after getting the opinions of the related departments of the State Council.

The State Council and the people's government of any province, autonomous region or municipality directly under the Central Government may, in light of the actual needs for protecting drinking water sources, adjust the scope of a drinking water reserve so as to ensure the safety of drinking water. The related local people's governments shall set up clear geographical landmark and warning sign at the boundary of each drinking water source reserve.

Article 57 No outfall may be set up in drinking water source reserves.

保护区制度。饮用水水源保护区分为一级保护区和二级保护区；必要时，可以在饮用水水源保护区外围划定一定的区域作为准保护区。

饮用水水源保护区的划定，由有关市、县人民政府提出划定方案，报省、自治区、直辖市人民政府批准；跨市、县饮用水水源保护区的划定，由有关市、县人民政府协商提出划定方案，报省、自治区、直辖市人民政府批准；协商不成的，由省、自治区、直辖市人民政府环境保护主管部门会同同级水行政、国土资源、卫生、建设等部门提出划定方案，征求同级有关部门的意见后，报省、自治区、直辖市人民政府批准。

跨省、自治区、直辖市的饮用水水源保护区，由有关省、自治区、直辖市人民政府商有关流域管理机构划定；协商不成的，由国务院环境保护主管部门会同同级水行政、国土资源、卫生、建设等部门提出划定方案，征求国务院有关部门的意见后，报国务院批准。

国务院和省、自治区、直辖市人民政府可以根据保护饮用水水源的实际需要，调整饮用水水源保护区的范围，确保饮用水安全。有关地方人民政府应当在饮用水水源保护区的边界设立明确的地理界标和明显的警示标志。

（相关资料: [修订沿革](#) [条文释义](#) [相关论文 1 篇](#)）

第五十七条 在饮用水水源保护区内，禁止设置排污口。

（相关资料: [部门规章 2 篇](#) [地方法规 2](#)

[篇 修订沿革 条文释义](#)

Article 58 It is prohibited to build, renovate or enlarge in a Grade I drinking water source reserve any construction projects irrelevant to water supply facilities and the work of water source protection; for those already accomplished, the people's government at or above the county level shall order their demolition or closure.

It is prohibited to breed in cages, travel, swim, go angling or conduct any other activities that may pollute drinking waters in any Grade I drinking water source reserves.

Article 59 It is prohibited to build, renovate or enlarge in a Grade II drinking water source reserve any construction projects discharging pollutants; for those already accomplished, the people's government at or above the county level shall order their demolition or closure.

When conducting cage breeding, traveling or other activities in a Grade II drinking water source reserve, corresponding measures must be taken in accordance with the relevant provisions to keep drinking waters from being polluted.

Article 60 It is prohibited to build or enlarge in a quasi drinking water source reserve any construction projects seriously polluting waters, but rebuilding is allowed under the premise of not increasing the discharge volume.

Article 61 The people's government at or above the county level shall, in light of the actual needs of the protection of drinking water sources, take engineering measures or such ecological protection measures as building wetland or water conservation forests in quasi reserves to prevent water pollutants from being directly discharged into drinking waters so as to ensure the safety of drinking water.

Article 62 If a drinking water source is polluted which may threaten water safety, the administrative department of environmental protection shall order the related enterprises and public institutions to stop or reduce the discharge of water pollutants.

Article 63 The State Council and the people's government of any province, autonomous region or municipality directly under the Central

第五十八条 禁止在饮用水水源一级保护区内新建、改建、扩建与供水设施和保护水源无关的建设项目；已建成的与供水设施和保护水源无关的建设项目，由县级以上人民政府责令拆除或者关闭。

禁止在饮用水水源一级保护区内从事网箱养殖、旅游、游泳、垂钓或者其他可能污染饮用水水体的活动。

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

第五十九条 禁止在饮用水水源二级保护区内新建、改建、扩建排放污染物的建设项目；已建成的排放污染物的建设项目，由县级以上人民政府责令拆除或者关闭。

在饮用水水源二级保护区内从事网箱养殖、旅游等活动的，应当按照规定采取措施，防止污染饮用水水体。

（相关资料: [地方法规 3 篇](#) [条文释义](#)）

第六十条 禁止在饮用水水源准保护区内新建、扩建对水体污染严重的建设项目；改建建设项目，不得增加排污量。

（相关资料: [地方法规 2 篇](#) [条文释义](#)）

第六十一条 县级以上地方人民政府应当根据保护饮用水水源的实际需要，在准保护区内采取工程措施或者建造湿地、水源涵养林等生态保护措施，防止水污染物直接排入饮用水水体，确保饮用水安全。

（相关资料: [条文释义](#)）

第六十二条 饮用水水源受到污染可能威胁供水安全的，环境保护主管部门应当责令有关企业事业单位采取停止或者减少排放水污染物等措施。

（相关资料: [修订沿革 条文释义](#)）

第六十三条 国务院和省、自治区、直辖市人民政府根据水环境保护的

Government may, in light of the needs for protecting water environment, prohibit or restrict the use of detergent, fertilizer and pesticide containing phosphor or restrict planting or breeding, etc. within a drinking water source reserve.

Article 64 The people's government at or above the county level may delimit reserves for waters at famous scenic sites, important fishery waters and other waters with special economic and cultural values, and take steps to guarantee that the water quality of such reserves conforms to the water environment quality standards for the prescribed purposes.

Article 65 No outfalls may be set up in reserves for waters at famous scenic sites, important fishery waters and other waters with special economic and cultural values, but building outfalls in vicinity of such reserves is allowed only under the premise of not polluting the waters of such reserves.

## Chapter VI Management of Water Pollution Accidents

Article 66 The people's governments at all levels, the related departments thereof as well as enterprises and public institutions with potential risk of occurrence of water pollution accidents shall, pursuant to the provisions of the Law of the People's Republic of China on Response to Emergencies, do a good job in making good preparations for water pollution emergencies, dealing with such emergencies and carrying out the recovery work after the event.

Article 67 Enterprises and public institutions with potential risk of occurrence of water pollution accidents shall work out an emergency plan for dealing with water pollution accidents, make good preparations for emergencies and rehearsal such plan on a regular basis. Enterprises and public institutions manufacturing or storing hazardous chemicals shall take steps to prevent the fire-fighting waste water or waste liquid which is generated in dealing with production accidents and are capable of seriously polluting waters from being directly discharged to waters.

Article 68 Where any accident or other emergency occurs to an enterprise or public institution and such incident has caused or may cause a water pollution accident, the enterprise or public institution shall initiate its emergency plan immediately, take emergency steps and report the incident to the people's government at or above the county level of the place where the incident occurs or the administrative department of

需要, 可以规定在饮用水水源保护区内, 采取禁止或者限制使用含磷洗涤剂、化肥、农药以及限制种植养殖等措施。

(相关资料: [地方法规 1 篇 条文释义](#))

第六十四条 县级以上人民政府可以对风景名胜区水体、重要渔业水体和其他具有特殊经济文化价值的水体划定保护区, 并采取措施, 保证保护区的水质符合规定用途的水环境质量标准。

(相关资料: [修订沿革 条文释义](#))

第六十五条 在风景名胜区水体、重要渔业水体和其他具有特殊经济文化价值的水体的保护区内, 不得新建排污口。在保护区附近新建排污口, 应当保证保护区水体不受污染。

(相关资料: [条文释义](#))

## 第六章 水污染事故处置

第六十六条 各级人民政府及其有关部门, 可能发生水污染事故的企业事业单位, 应当依照《[中华人民共和国突发事件应对法](#)》的规定, 做好突发水污染事故的应急准备、应急处置和事后恢复等工作。

(相关资料: [条文释义](#))

第六十七条 可能发生水污染事故的企业事业单位, 应当制定有关水污染事故的应急预案, 做好应急准备, 并定期进行演练。

生产、储存危险化学品的企业事业单位, 应当采取措施, 防止在处理安全生产事故过程中产生的可能严重污染水体的消防废水、废液直接排入水体。

(相关资料: [部门规章 1 篇 条文释义](#))

第六十八条 企业事业单位发生事故或者其他突发性事件, 造成或者可能造成水污染事故的, 应当立即启动本单位的应急预案, 采取应急措施, 并向事故发生地的县级以上地方人民政府或者环境保护主管部门报告。环境保护主管



environmental protection thereof, and the administrative department of environmental protection shall, immediately, after receiving the report, submit it to the people's government at the same level and send a copy to the related department.

Any entity, after causing a fishery pollution accident or a water pollution accident with fishery vessel, shall submit a report thereon to the administrative department of fishery of the place of occurrence of such accident, and accept corresponding investigation and punishment. For a water pollution accident caused by a vessel other than a fishery vessel, the report shall be submitted to the maritime governing authority of the place of occurrence of such accident, and the party concerned shall accept corresponding investigation and punishment. If any damage has been caused to the fishery industry, the maritime governing authority shall notify the administrative department of fishery to participate in the investigation and punishment process.

## Chapter VII Legal Liability

Article 69 If the administrative department of environmental protection or other department exercising the power of supervision and administration in accordance with this Law fails to legally give administrative license or issue approval document, fails to investigate the illegal acts found out or the tip-off or commits any other act in failure to perform its duties prescribed by this Law, punishments shall be imposed on its directly liable person in-charge and other directly liable persons according to law.

Article 70 Where any entity refuses to accept the supervision or inspection conducted by the administrative department of environmental protection or other department exercising the power of supervision and administration in accordance with this Law or falsifies in the process of supervision or inspection, the administrative department of environmental protection under the people's government at or above the county level or other department exercising the power of supervision and administration in accordance with this Law shall order it to correct and impose upon it a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 71 Where any entity, in violation of this Law, puts into production or uses the principal part of a construction project whose facilities for water pollution prevention and control have not been finished yet, have not been checked for acceptance or fail to pass the acceptance check, the administrative department of environmental protection under the people's government at or above the county level shall order it to stop the production or use until those facilities pass the acceptance check, and impose upon it a fine of not less than 50,000 yuan but not more than

部门接到报告后,应当及时向本级人民政府报告,并抄送有关部门。

造成渔业污染事故或者渔业船舶造成水污染事故的,应当向事故发生地的渔业主管部门报告,接受调查处理。其他船舶造成水污染事故的,应当向事故发生地的海事管理机构报告,接受调查处理;给渔业造成损害的,海事管理机构应当通知渔业主管部门参与调查处理。

(相关资料: [修订沿革](#) [条文释义](#))

## 第七章 法律责任

第六十九条 环境保护主管部门或者其他依照本法规定行使监督管理权的部门,不依法作出行政许可或者办理批准文件的,发现违法行为或者接到对违法行为的举报后不予查处的,或者有其他未依照本法规定履行职责的行为的,对直接负责的主管人员和其他直接责任人员依法给予处分。

(相关资料: [条文释义](#))

第七十条 拒绝环境保护主管部门或者其他依照本法规定行使监督管理权的部门的监督检查,或者在接受监督检查时弄虚作假的,由县级以上人民政府环境保护主管部门或者其他依照本法规定行使监督管理权的部门责令改正,处一万元以上十万元以下的罚款。

(相关资料: [部门规章 2 篇](#) [地方法规 7 篇](#) [修订沿革](#) [条文释义](#))

第七十一条 违反本法规定,建设项目的污染防治设施未建成、未经验收或者验收不合格,主体工程即投入生产或者使用的,由县级以上人民政府环境保护主管部门责令停止生产或者使用,直至验收合格,处五万元以上五十万元以下的罚款。

(相关资料: [部门规章 2 篇](#) [地方法规 5](#)

500,000 yuan.

Article 72 Where any entity commits any of the following acts in violation of this Law, the administrative department of environmental protection under the people's government at or above the county level shall order it to correct within a certain time limit, and, if it fails to do so, shall impose upon it a fine of not less than 10,000 yuan but not more than 100,000 yuan:

1. refusing to give information or giving false information about declaration and registration issues related to the discharge of water pollutants to the administrative department of environmental protection under the State Council;
2. failing to install automatic monitoring equipment on the discharge of water pollutants or have such equipment networked with the monitoring equipment of the administrative department of environmental protection in accordance with the relevant provisions, and failing to keep the normal operation of such equipment; or
3. failing to keep monitoring over the discharged industrial waste water and keep the original monitoring records in accordance with the relevant provisions.

Article 73 Where any entity, in violation of this Law, uses water pollutant treatment facilities abnormally or dismantles or leaves unused such facilities without the approval of the administrative department of environmental protection, the administrative department of environmental protection under the people's government at or above the county level shall order it to correct within a certain time limit and impose upon it a fine of not less than the amount of pollutant discharge fee it should pay but not more than three times the amount.

Article 74 Where any entity, in violation of this Law, discharges water pollutants beyond the state or local standards for the discharge of water pollutants or by exceeding the allowed total discharge volume of major water pollutants, the administrative department of environmental protection under the people's government at or above the county level shall, according to its power, order it to treat the pollution within a certain time limit and impose a fine of not less than twice the amount of pollutant discharge fee it should pay but not more than five times the amount. During that time limit, the administrative department of environmental protection may order it to restrict production or discharge or stop production until it has put itself in good shape. The time limit shall be at most one year. If it fails to accomplish the treatment task within the time limit, upon the approval of the people's government with the power to approve, the administrative department of environmental protection may order its closure.

[篇 修订沿革 条文释义 相关论文 1 篇](#))

第七十二条 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主管部门责令限期改正；逾期不改正的，处一万元以上十万元以下的罚款：

（一）拒报或者谎报国务院环境保护主管部门规定的有关水污染物排放申报登记事项的；

（二）未按照规定安装水污染物排放自动监测设备或者未按照规定与环境保护主管部门的监控设备联网，并保证监测设备正常运行的；

（三）未按照规定对所排放的工业废水进行监测并保存原始监测记录的。

（相关资料: [部门规章 2 篇 地方法规 6 篇 修订沿革 条文释义](#)）

第七十三条 违反本法规定，不正常使用水污染物处理设施，或者未经环境保护主管部门批准拆除、闲置水污染物处理设施的，由县级以上人民政府环境保护主管部门责令限期改正，处应缴纳排污费数额一倍以上三倍以下的罚款。

（相关资料: [部门规章 4 篇 地方法规 3 篇 修订沿革 条文释义](#)）

第七十四条 违反本法规定，排放水污染物超过国家或者地方规定的水污染物排放标准，或者超过重点水污染物排放总量控制指标的，由县级以上人民政府环境保护主管部门按照权限责令限期治理，处应缴纳排污费数额二倍以上五倍以下的罚款。

限期治理期间，由环境保护主管部门责令限制生产、限制排放或者停产整治。限期治理的期限最长不超过一年；逾期未完成治理任务的，报经有批准权的人民政府批准，责令关闭。

（相关资料: [部门规章 2 篇 地方法规 11 篇 修订沿革 条文释义 相关论文 1 篇](#)）

Article 75 Where any entity sets up an outfall in a drinking water source reserve, the local people's government at or above the county level shall order it to dismantle it within a certain time limit and impose upon it a fine of not less than 100,000 yuan but not more than 500,000 yuan; if it fails to dismantle it within the prescribed time limit, the people's government may order a mandatory dismantling with the necessary expenses being paid by the lawbreaker, impose upon it a fine of not less than 500,000 yuan but not more than 1 million yuan, and, when necessary, order it to stop production until it has put itself in good shape.

Where any entity, beyond the provision of the preceding paragraph, illegally sets up any outfall or underground pipe in violation of laws, administrative regulations or the provisions set forth by the administrative department of environmental protection under the State Council, the administrative department of environmental protection under the local people's government at or above the county level shall order it to dismantle such outlet or pipe within a certain time limit and impose upon it a fine of not less than 20,000 yuan but not more than 100,000 yuan; if it fails to dismantle the outlet or pipe within the prescribed time limit, the department may order a mandatory dismantling with the necessary expenses being paid by the lawbreaker, impose upon it a fine of not less than 100,000 yuan but not more than 500,000 yuan, and, in the case of illegally setting up underground pipe or other serious circumstances, the said department may request the local people's government at or above the county level to order it to stop production until it has put itself in good shape.

Where any entity builds, renovates or enlarges an outfall at a river or lake without the consent of the competent department of water administration or the governing authority of the related drainage area, the competent department of water administration under the people's government at or above the county level or the governing authority of the drainage area shall, according to its power, take steps and give punishments in accordance with the provisions of the preceding paragraphs.

Article 76 Where any entity commits any of the following acts, the administrative department of environmental protection under the local people's government at or above the county level shall order it to stop the illegal act and take measures for treatment within a certain time limit to clear up pollution, and impose a fine upon it; if it fails to take measures for treatment within the time limit, the administrative department of environmental protection may appoint an entity capable of such treatment to do so with the necessary expenses being paid by the lawbreaker:

1. discharging oil, acid liquids or lye to waters;
2. discharging highly toxic waste liquid to waters, or discharging or dumping soluble highly toxic waste residues containing mercury, cadmium, arsenic, chrome, lead, cyanide or yellow phosphorus to waters

第七十五条 在饮用水水源保护区内设置排污口的,由县级以上地方人民政府责令限期拆除,处十万元以上五十万元以下的罚款;逾期不拆除的,强制拆除,所需费用由违法者承担,处五十万元以上一百万元以下的罚款,并可以责令停产整顿。

除前款规定外,违反法律、行政法规和国务院环境保护主管部门的规定设置排污口或者私设暗管的,由县级以上地方人民政府环境保护主管部门责令限期拆除,处二万元以上十万元以下的罚款;逾期不拆除的,强制拆除,所需费用由违法者承担,处十万元以上五十万元以下的罚款;私设暗管或者有其他严重情节的,县级以上地方人民政府环境保护主管部门可以提请县级以上地方人民政府责令停产整顿。

未经水行政主管部门或者流域管理机构同意,在江河、湖泊新建、改建、扩建排污口的,由县级以上人民政府水行政主管部门或者流域管理机构依据职权,依照前款规定采取措施、给予处罚。

(相关资料: [部门规章 4 篇](#) [地方法规 5 篇](#) [条文释义](#))

第七十六条 有下列行为之一的,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,限期采取治理措施,消除污染,处以罚款;逾期不采取治理措施的,环境保护主管部门可以指定有治理能力的单位代为治理,所需费用由违法者承担:

(一)向水体排放油类、酸液、碱液的;

(二)向水体排放剧毒废液,或者将含有汞、镉、砷、铬、铅、氰化物、黄磷等的可溶性剧毒废渣向水体排放、

or burying them underground;

3. cleaning at waters the vehicles or containers which have carried or stored oil or poisonous pollutants;

4. discharging or dumping to waters industrial waste residues, urban refuse or other castoffs, or stockpiling or storing solid wastes and other pollutants at bench land and bank slopes below the highest water level of rivers, lakes, canals, channels and reservoirs;

5. discharging or dumping radioactive solid waste or waste water containing highly and medium radioactive substances to waters;

6. discharging waste water or hot waste water containing low radioactive substances or sewage containing pathogen to waters in violation of the relevant state provisions or standards;

7. using any seepage well, sink, fissure or dissolved cavern to discharge or dump waste water containing pathogenic pollutants, sewage containing pathogen and other castoffs; or

8. using any ditch, pit or pool without anti-leakage measures to transmit or store waste water containing pathogenic pollutants, sewage containing pathogen and other castoffs.

If it commits any of the acts prescribed in paragraphs 3 and 6, a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed upon it; if it commits any of the acts prescribed in paragraphs 1, 4 and 8, a fine of not less than 20,000 yuan but not more than 200,000 yuan shall be imposed upon it; and if it commits any of the acts prescribed in paragraphs 2, 5 and 7, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed upon it.

Article 77 Where any entity, in violation of this Law, produces, sells, imports or uses any equipment listed into the catalogue of equipment which seriously pollutes water environment and is prohibited to be produced, sold, imported and used or adopts any technique listed into the catalogue of techniques which seriously pollute water environment and are prohibited to be adopted, the administrative department of macro economic control under the people's government at or above the county level shall order it to correct, impose upon it a fine of not less than 50,000 yuan but not more than 200,000 yuan, and, if the circumstances are serious, propose a suggestion and submit it to the people's government at the same level requesting to order the entity to stop business or close.

Article 78 Where any entity, in violation of this Law, builds any production

倾倒或者直接埋入地下的;

(三) 在水体清洗装贮过油类、有毒污染物的车辆或者容器的;

(四) 向水体排放、倾倒工业废渣、城镇垃圾或者其他废弃物, 或者在江河、湖泊、运河、渠道、水库最高水位线以下的滩地、岸坡堆放、存贮固体废物或者其他污染物的;

(五) 向水体排放、倾倒放射性固体废物或者含有高放射性、中放射性物质的废水的;

(六) 违反国家有关规定或者标准, 向水体排放含低放射性物质的废水、热废水或者含病原体的污水的;

(七) 利用渗井、渗坑、裂隙或者溶洞排放、倾倒含有毒污染物的废水、含病原体的污水或者其他废弃物的;

(八) 利用无防渗漏措施的沟渠、坑塘等输送或者存贮含有毒污染物的废水、含病原体的污水或者其他废弃物的。

有前款第三项、第六项行为之一的, 处一万元以上十万元以下的罚款; 有前款第一项、第四项、第八项行为之一的, 处二万元以上二十万元以下的罚款; 有前款第二项、第五项、第七项行为之一的, 处五万元以上五十万元以下的罚款。

(相关资料: [部门规章 1 篇](#) [地方法规 3 篇](#) [条文释义](#))

第七十七条 违反本法规定, 生产、销售、进口或者使用列入禁止生产、销售、进口、使用的严重污染水环境的设备名录中的设备, 或者采用列入禁止采用的严重污染水环境的工艺名录中的工艺的, 由县级以上人民政府经济综合宏观调控部门责令改正, 处五万元以上二十万元以下的罚款; 情节严重的, 由县级以上人民政府经济综合宏观调控部门提出意见, 报请本级人民政府责令停业、关闭。

(相关资料: [部门规章 1 篇](#) [地方法规 3 篇](#) [修订沿革](#) [条文释义](#))

第七十八条 违反本法规定, 建设



projects of paper making, leather making, printing and dyeing, dyestuff, coking, sulfur refining, arsenic refining, mercury refining, oil refining, electroplating, pesticides, asbestos, cement, glass, steel, thermal power etc. that seriously pollute water environment and do not conform with the state industrial policies, the municipal or county people's government of the place of locality of the entity shall order it to close.

Article 79 Where any vessel fails to equip itself with corresponding antifouling equipment and apparatus in accordance with the relevant state provisions, or fails to hold legal and valid certificates and documents on preventing water environment from being polluted, the maritime governing authority and the administrative department of fishery shall, according to their powers, order it to correct within a certain time limit, impose upon it a fine of not less than 2,000 yuan but not more than 20,000 yuan, and, if it fails to correct within the prescribed time limit, shall order it to suspend voyage temporarily.

Where any vessel, in conducting any operation involving the discharge of pollutants, fails to strictly follow the operating procedure or record the relevant information on the corresponding book of records, the maritime governing authority and the administrative department of fishery shall, according to their powers, order it to correct within a certain time limit and impose upon it a fine of not less than 2,000 yuan but not more than 20,000 yuan.

Article 80 Where any vessel, in violation of this Law, commits any of the following acts, the maritime governing authority or the administrative department of fishery shall, according to the division of functions and duties between them, impose a fine upon it; if the act causes water pollution, shall order it to take measures for treatment within a certain time limit to eliminate pollution; and, if it fails to take measures within the prescribed time limit, shall appoint an entity capable of treatment to do so with the necessary expenses being paid by the vessel:

1. dumping vessel refuse or discharging the residual oil or waste oil of the vessel to waters;
2. without the approval of the maritime governing authority of the place of operation, taking over residual oil, oil-polluted water or residues of cargos with the hazard of pollution, or cleaning the cabin of vessels which have carried oil or cargos with the hazard of pollution, or conducting barging of unpacked liquid cargos with the hazard of pollution;
3. without the approval of the maritime governing authority of the place of operation, dismantling or salvaging vessels on water, or conducting other above water or underwater vessel construction operations; or
4. dismantling fishery vessels at waters of fishing harbors without the approval of the administrative department of fishery of the place of

不符合国家产业政策的小型造纸、制革、印染、染料、炼焦、炼硫、炼砷、炼汞、炼油、电镀、农药、石棉、水泥、玻璃、钢铁、火电以及其他严重污染水环境的生产项目的，由所在地的市、县人民政府责令关闭。

（相关资料: [地方法规 3 篇 修订沿革 条文释义](#)）

第七十九条 船舶未配置相应的防污染设备和器材，或者未持有合法有效的防止水域环境污染的证书与文书的，由海事管理机构、渔业主管部门按照职责分工责令限期改正，处二千元以上二万元以下的罚款；逾期不改正的，责令船舶临时停航。

船舶进行涉及污染物排放的作业，未遵守操作规程或者未在相应的记录簿上如实记载的，由海事管理机构、渔业主管部门按照职责分工责令改正，处二千元以上二万元以下的罚款。

（相关资料: [地方法规 3 篇 条文释义](#)）

第八十条 违反本法规定，有下列行为之一的，由海事管理机构、渔业主管部门按照职责分工责令停止违法行为，处以罚款；造成水污染的，责令限期采取治理措施，消除污染；逾期不采取治理措施的，海事管理机构、渔业主管部门按照职责分工可以指定有治理能力的单位代为治理，所需费用由船舶承担：

（一）向水体倾倒船舶垃圾或者排放船舶的残油、废油的；

（二）未经作业地海事管理机构批准，船舶进行残油、含油污水、污染危害性货物残留物的接收作业，或者进行装载油类、污染危害性货物船舱的清洗作业，或者进行散装液体污染危害性货物的过驳作业的；

（三）未经作业地海事管理机构批准，进行船舶水上拆解、打捞或者其他水上、水下船舶施工作业的；



operation.

If it commits any of the acts prescribed in paragraphs 1, 2 and 4, a fine of not less than 5,000 yuan but not more than 50,000 yuan shall be imposed upon it; and if it commits any of the acts prescribed in paragraph 3, a fine of not less than 10,000 yuan but not more than 100,000 yuan shall be imposed upon it.

Article 81 Where any entity commits any of the following acts, the administrative department of environmental protection under the people's government at or above the county level shall order it to stop the illegal act, impose a fine of not less than 100,000 yuan but not more than 500,000 yuan, and, upon the approval of the people's government with the right to approve, shall order its dismantling or closure:

1. building, renovating or enlarging in a Grade I drinking water source reserve any construction project irrelevant to water supply facilities and the work of water source protection;
2. building, renovating or enlarging in a Grade II drinking water source reserve any construction project discharging pollutants; or
3. building or enlarging in a quasi drinking water source reserve any construction project seriously polluting waters, or rebuilding any construction project increasing the discharge of pollutants.

Where any entity engages in cage breeding or organizes traveling, going angling or any other activities that may pollute drinking waters in a Grade I drinking water source reserve, the administrative department of environmental protection under the local people's government at or above the county level shall order it to stop the illegal act and impose upon it a fine of not less than 20,000 yuan but not more than 100,000 yuan. For any individual doing such illegal act, the administrative department of environmental protection under the local people's government at or above the county level shall order it to stop the illegal act and may impose upon him a fine of not more than 500 yuan.

Article 82 Where any enterprise or public institution commits any of the following acts, the administrative department of environmental protection under the people's government at or above the county level shall order it to correct, and, if the circumstances are serious, shall impose upon it a fine of not less than 20,000 yuan but not more than 100,000 yuan:

1. failing to work out any emergency plan for water pollution accidents as required; or
2. failing to initiate such a plan or take corresponding emergency measures in a timely manner after a water pollution accident occurs.

(四) 未经作业地渔业主管部门批准, 在渔港水域进行渔业船舶水上拆解的。

有前款第一项、第二项、第四项行为之一的, 处五千元以上五万元以下的罚款; 有前款第三项行为的, 处一万元以上十万元以下的罚款。

(相关资料: [地方法规 3 篇 条文释义](#))

第八十一条 有下列行为之一的, 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, 处十万元以上五十万元以下的罚款; 并报经有批准权的人民政府批准, 责令拆除或者关闭:

(一) 在饮用水水源一级保护区内新建、改建、扩建与供水设施和保护水源无关的建设项目;

(二) 在饮用水水源二级保护区内新建、改建、扩建排放污染物的建设项目;

(三) 在饮用水水源准保护区内新建、扩建对水体污染严重的建设项目, 或者改建建设项目增加排污量的。

在饮用水水源一级保护区内从事网箱养殖或者组织进行旅游、垂钓或者其他可能污染饮用水水体的活动的, 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, 处二万元以上十万元以下的罚款。个人在饮用水水源一级保护区内游泳、垂钓或者从事其他可能污染饮用水水体的活动的, 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, 可以处五百元以下的罚款。

(相关资料: [部门规章 2 篇 地方法规 2 篇 修订沿革 条文释义](#))

第八十二条 企业事业单位有下列行为之一的, 由县级以上人民政府环境保护主管部门责令改正; 情节严重的, 处二万元以上十万元以下的罚款:

(一) 不按照规定制定水污染事故的应急方案的;

(二) 水污染事故发生后, 未及时启动水污染事故的应急方案, 采取有关应急措施的。

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

Article 83 Where any enterprise or public institution violates this Law and causes a water pollution accident, the administrative department of environmental protection under the people's government at or above the county level shall, in accordance with the provision of paragraph 2 of this Article, impose a fine upon it and order it to take measures for treatment within a certain time limit to eliminate pollution; if the enterprise or public institution refuses to take measures for treatment as required or is not capable of doing so, the administrative department of environmental protection shall appoint a capable entity to do so on behalf of the enterprise or public institution with the necessary expenses being paid by the latter; if the accident is serious or extraordinarily serious, the administrative department of environmental protection may, upon the approval of the people's government with the right to approve, order it to close, and impose upon each of the directly liable person in charge and other directly liable persons a fine of not more than 50% of the income obtained from the enterprise or public institution in the previous year. If the accident is ordinary or relatively serious, the fine shall be calculated on the basis of 20% of the direct losses caused by the accident; if the accident is serious or extraordinarily serious, the fine shall be calculated on the basis of 30% of the direct losses caused by the accident. If the accident is a fishery one or one caused by a fishery vessel, the power to punish shall remain with the administrative department of fishery; if the accident is caused by a non-fishery vessel, the power to punish shall remain with the maritime governing authority.

Article 84 If any party concerned refuses to accept the decision of administrative penalty, it may apply for administrative reconsideration, or file a lawsuit with the people's court within 15 days after receiving the notice of decision; if it does not apply for administrative reconsideration or file a lawsuit after the prescribed time limit and still refuses to perform the decision of administrative penalty, the organ making the decision may apply to the people's court for compulsory execution.

Article 85 The party whose rights and interests are damaged by a water pollution accident is entitled to ask the party discharging pollutants to eliminate the damage and make compensation for their losses. If the damage is caused by force majeure, the party discharging pollutants bears no liability for compensation, unless it is otherwise prescribed by law. If the damage is caused by the victim on purpose, the party discharging pollutants bears no liability for compensation. If the damage is caused by the gross negligence of the victim, the liability for compensation of the

第八十三条 企业事业单位违反本法规定,造成水污染事故的,由县级以上人民政府环境保护主管部门依照本条第二款的规定处以罚款,责令限期采取治理措施,消除污染;不按要求采取治理措施或者不具备治理能力的,由环境保护主管部门指定有治理能力的单位代为治理,所需费用由违法者承担;对造成重大或者特大水污染事故的,可以报经有批准权的人民政府批准,责令关闭;对直接负责的主管人员和其他直接责任人员可以处上一年度从本单位取得的收入百分之五十以下的罚款。

对造成一般或者较大水污染事故的,按照水污染事故造成的直接损失的百分之二十计算罚款;对造成重大或者特大水污染事故的,按照水污染事故造成的直接损失的百分之三十计算罚款。

造成渔业污染事故或者渔业船舶造成水污染事故的,由渔业主管部门进行处罚;其他船舶造成水污染事故的,由海事管理机构进行处罚。

(相关资料: [部门规章 1 篇](#) [地方法规 3 篇](#) [修订沿革](#) [条文释义](#))

第八十四条 当事人对行政处罚决定不服的,可以申请行政复议,也可以在收到通知之日起十五日内向人民法院起诉;期满不申请行政复议或者起诉,又不履行行政处罚决定的,由作出行政处罚决定的机关申请人民法院强制执行。

(相关资料: [修订沿革](#) [条文释义](#))

第八十五条 因水污染受到损害的当事人,有权要求排污方排除危害和赔偿损失。

由于不可抗力造成水污染损害的,排污方不承担赔偿责任;法律另有规定的除外。

水污染损害是由受害人故意造成的,排污方不承担赔偿责任。水污染损害是由受害人重大过失造成的,可以减

party discharging pollutants may be mitigated.

If the damage is caused by a third party, the party discharging pollutants has the right to, after making compensation according to law, recover the compensation from the third party.

Article 86 For a dispute over liability for damage or amount of compensation in a water pollution accident, the administrative department of environmental protection, the maritime governing authority or the administrative department of fishery may, according to the division of functions and duties among them and in light of the request of the parties concerned, settle it through mediation; if no agreement can be reached upon mediation, the parties concerned may file a lawsuit with the people's court. The parties concerned may also file a lawsuit with the people's court directly without going through the mediation procedure.

Article 87 For an action of damage due to a water pollution accident, the party discharging pollutants shall assume the burden of proof for legally prescribed exemptions and the nonexistence of relation of cause and effect between its act and the harmful consequences thereof.

Article 88 If the number of parties whose legitimate rights and interests are damaged in a water pollution accident is relatively huge, these parties may select a representative to file a joint action.

The administrative department of environmental protection and the related social groups may legally support the parties whose legitimate rights and interests are damaged in a water pollution accident to file a lawsuit with the people's court.

The state encourages law offices and lawyers to provide legal assistance for victims of lawsuits on damage of water pollution accidents.

Article 89 For any dispute over liability for damage or amount of compensation in water pollution, the parties concerned may entrust the environmental monitoring institution to provide the related monitoring data, and the institution shall accept such entrustment and truthfully provide the required monitoring data.

Article 90 Where any entity or individual commits a violation against management of public security, it/he shall be imposed on a punishment in respect to management of public security; if any crime has been constituted, it/he shall be subject to corresponding criminal liability.

轻排污方的赔偿责任。

水污染损害是由第三人造成的，排污方承担赔偿责任后，有权向第三人追偿。

（相关资料: [裁判文书 1 篇](#) [修订沿革 条文释义](#) [相关论文 3 篇](#)）

第八十六条 因水污染引起的损害赔偿责任和赔偿金额的纠纷，可以根据当事人的请求，由环境保护主管部门或者海事管理机构、渔业主管部门按照职责分工调解处理；调解不成的，当事人可以向人民法院提起诉讼。当事人也可以直接向人民法院提起诉讼。

（相关资料: [条文释义](#)）

第八十七条 因水污染引起的损害赔偿诉讼，由排污方就法律规定的免责事由及其行为与损害结果之间不存在因果关系承担举证责任。

（相关资料: [条文释义](#)）

第八十八条 因水污染受到损害的当事人人数众多的，可以依法由当事人推选代表人进行共同诉讼。

环境保护主管部门和有关社会团体可以依法支持因水污染受到损害的当事人向人民法院提起诉讼。

国家鼓励法律服务机构和律师为水污染损害诉讼中的受害人提供法律援助。

（相关资料: [条文释义](#) [相关论文 2 篇](#)）

第八十九条 因水污染引起的损害赔偿责任和赔偿金额的纠纷，当事人可以委托环境监测机构提供监测数据。环境监测机构应当接受委托，如实提供有关监测数据。

（相关资料: [条文释义](#) [相关论文 1 篇](#)）

第九十条 违反本法规定，构成违反治安管理行为的，依法给予治安管理处罚；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](#)

## Chapter VIII Supplementary Provisions

Article 91 The interpretation of terms mentioned in this Law is as follows:

1. water pollution means that, due to the intervention of certain substances, the chemical, physical, biological or radioactive character of waters is changed, which affects the effective utilization of such water, causes harm to people's health or damages the ecological environment and causes the deterioration of water quality.
2. Water pollutants refer to substances which are directly or indirectly discharged to waters and may cause pollution to waters.
3. Pathogenic pollutants refer to pollutants which are capable of, after being directly or indirectly absorbed by organism, causing the organism or its descendants to become sick, act abnormally, vary genetically, physiologically function abnormally, become deformed or die.
4. fishery waters refer to waters designated as places for fish and shrimps to lay eggs, search baits, live in winter and migrate as well the aquatic plants of fish, shrimps, shellfish and alga.

Article 92 This Law shall come into force as of June 1st, 2008.

## 第八章 附则

第九十一条 本法中下列用语的含义:

(一) 水污染,是指水体因某种物质的介入,而导致其化学、物理、生物或者放射性等方面特性的改变,从而影响水的有效利用,危害人体健康或者破坏生态环境,造成水质恶化的现象。

(二) 水污染物,是指直接或者间接向水体排放的,能导致水体污染的物质。

(三) 有毒污染物,是指那些直接或者间接被生物摄入体内后,可能导致该生物或者其后代发病、行为反常、遗传异变、生理机能失常、机体变形或者死亡的污染物。

(四) 渔业水体,是指划定的鱼虾类的产卵场、索饵场、越冬场、洄游通道和鱼虾贝藻类的养殖场的水体。

(相关资料: [修订沿革](#) [条文释义](#))

第九十二条 本法自 2008 年 6 月 1 日起施行。

(相关资料: [修订沿革](#) [条文释义](#))