

# WASTES CONTROL ACT

---

Wholly Amended by Act No. 8371, Apr. 11, 2007  
Amended by Act No. 8466, May 17, 2007  
Act No. 8486, May 25, 2007  
Act No. 8613, Aug. 3, 2007  
Act No. 8789, Dec. 21, 2007

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to contribute to environmental conservation and the enhancement of the quality of life for the people by minimizing the production of wastes and properly disposing of wastes generated.

### Article 2 (Definitions)

The terms as used in this Act means the following: *<Amended by Act No. 8466, May 17, 2007>*

1. The term “wastes” means such materials as garbage, burnt refuse, sludge, waste oil, waste acid, waste alkali, and carcasses of animals, which have become no longer useful for human life or business activities;
2. The term “household wastes” means any wastes other than commercial wastes;
3. The term “commercial wastes” means any wastes generated from places of business with discharging facilities installed and managed in accordance with the Clean Air Conservation Act, the Water Quality and Ecosystem Conservation Act, or the Noise and Vibration Control Act or any other place of business specified by Presidential Decree;
4. The term “controlled wastes” means the commercial wastes specifically enumerated by Presidential Decree as harmful substances such as waste oil and waste acid, which may contaminate environs, or medical refuse, which may cause harm to human bodies;
5. The term “medical refuse” means the wastes specifically enumerated by Presidential Decree among the wastes discharged from public health and medical institutions, veterinary clinics, testing and inspection institutions and other similar institutions, which may cause harm to human bodies by infection or otherwise and for which it is deemed necessary to be put under special control for public health and environmental conservation such as parts and extracts of human bodies and carcasses of laboratory animals;
6. The term “disposal” means both interim disposal, such as incineration, neutralization, fragmentation, and solidification (including recycling under subparagraph 7; the same shall apply hereinafter) and terminal disposal, such as landfill and discharging into the sea;
7. The term “recycling” means activities of reusing or recycling wastes or making wastes reusable or renewable or recovering energy under subparagraph 1 of Article 2 of the Framework Act on Energy in accordance with the standards established by Ordinance of the Ministry of Environment;
8. The term “waste disposal facilities” means both interim and terminal waste disposal facilities as specified by Presidential Decree; and
9. The term “waste minimization facilities” means facilities that serve to minimize production of wastes by reducing the quantity of wastes generated in a manufacturing process and by recycling wastes within a place of business, as specified by Presidential Decree.

### Article 3 (Scope of Application)

- (1) This Act shall not apply to any of the following substances: *<Amended by Act No. 8466, May 17, 2007; Act No. 8789, Dec. 21, 2007>*

1. A radioactive substance under the Atomic Energy Act or a material contaminated by such a substance;
2. A gaseous substance not contained in a container;
3. Wastewater flowing into, or being discharged into public waters from, a facility established for the prevention of water contamination under the Water Quality and Ecosystem Conservation Act;
4. Wastewater or excreta under the Sewerage Act or livestock excreta under the Act on the Management and Use of Livestock Excreta;
5. Sewage under the Sewerage Act;
6. A livestock carcass, a polluted article, an article subject to ban on importation, or an article rejected in a quarantine inspection under Article 22 (2), 23, 33 or 44 of the Act on the Prevention of Contagious Animal Diseases; or
7. Carcass of an aquatic animal, a polluted facility or article, an article subject to ban on importation, and an article rejected in a quarantine inspection, to which the provisions of Articles 17 (2), 18 and 34 (1) and subparagraphs of Article 25 (1) of the Aquatic Animal Disease Control Act apply.

(2) Discharging wastes into the sea under this Act shall be governed by the provisions of the Marine Environment Management Act.

Article 4 (Accountabilities of State and Local Governments)

(1) The *Do* governor of a Special Self-Governing Province or the head of *Si/Gun/Gu* (the head of *Gu* refers to the head of an autonomous *Gu*; hereinafter the same shall also apply) shall ascertain the current state of wastes discharged and disposed of within his/her jurisdiction, install and operate waste disposal facilities so that wastes can be properly disposed of, implement affairs relating to waste management efficiently by improving the methods for collecting, transporting and disposing of wastes and raising the skills and quality of the persons in charge, and shall also make efforts to remind residents and business operators of the importance of protecting environment and to restrain the production of wastes. <Amended by Act No. 8613, Aug. 3, 2007>

(2) The Special Metropolitan City Mayor and each Metropolitan City Mayor or *Do* governor shall provide the heads of *Sis/Guns/Gus* with technical and financial assistance to help them fulfill their accountabilities under paragraph (1) and shall also coordinate waste management services within their jurisdiction. <Amended by Act No. 8613, Aug. 3, 2007>

(3) The State shall ascertain the current status of controlled wastes discharged and disposed of and take such measures as may be necessary for properly disposing of such wastes.

(4) The State shall support the research and development of technology for waste disposal, provide the Special Metropolitan City Mayor and each Metropolitan City Mayor, *Do* governor or the *Do* governor of a Special Self-Governing Province (hereinafter referred to as a "Mayor/*Do* governor") and the heads of *Sis/Guns/Gus* with such technical and financial assistance as may be necessary in helping them fulfill their accountabilities under paragraphs (1) and (2), and shall also coordinate waste management services with the Special Metropolitan City, Metropolitan Cities, *Dos* or Special Self-Governing Provinces. (hereinafter referred to as the "City/*Do*"). <Amended by Act No. 8613, Aug. 3, 2007>

Article 5 (Multi-regional Waste Management)

(1) If the Minister of Environment, the Mayor/*Do* governor or the head of *Si/Gun/Gu* deems it necessary to dispose of wastes generated from two or more Cities/*Dos* or *Sis/Guns/Gus* with an integrated system for a multiple number of regions, he/she may solely or jointly install and operate multi-regional waste disposal facilities (including public disposal facilities for controlled wastes).

(2) The Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* may commission a person designated by Ordinance of the Ministry of Environment to install or manage the multi-regional waste disposal facilities under paragraph (1).

Article 6 (Charges for Waste Disposal in Waste Disposal Facilities)

(1) An institution that has installed and operates a waste disposal facility under Article 4 (1) or 5 (1) may charge expenses for disposal of wastes brought into the facility (hereinafter referred to as the “waste disposal charge”) on the persons who bring wastes into such facility.

(2) In cases where a waste disposal facility has been installed and is operated jointly by two or more local governments, the waste disposal charge shall be determined by agreement between the local governments.

(3) The amount of waste disposal charge shall be prescribed by Ordinance of the Ministry of Environment if the State is responsible for collecting it, while it shall be prescribed by Municipal Ordinance if a local government is responsible for collecting it.

Article 7 (Citizens’ Duties)

(1) Every citizen shall keep natural and living environments clean and make efforts to reduce and recycle wastes.

(2) Every owner, occupant, and manager of a parcel of land or a building shall make efforts to keep the parcel of land or building owned, occupied, or managed by him/her clean, and shall implement general clean-up in accordance with the plan prepared by the *Do* governor of a Special Self-Governing Province or the head of *Si/Gun/Gu*. <Amended by Act No. 8613, Aug. 3, 2007>

Article 8 (Prohibition on Dumping Wastes)

(1) No one may dump wastes in any area other than the places and facilities provided for collection of wastes by the *Do* governor of a Special Self-Governing Province the head of *Si/Gun/Gu* or the manager of a facility such as a public park or road. <Amended by Act No. 8613, Aug. 3, 2007>

(2) No one may bury or incinerate wastes in any area other than the landfill sites licensed or approved under this Act: *Provided*, That this may not apply to incineration at places under the proviso to Article 14 (1) in accordance with Municipal Ordinance of the relevant Special Self-Governing Province or *Si/Gun/Gu*. <Amended by Act No. 8613, Aug. 3, 2007>

(3) The *Do* governor of a Special Self-Governing Province or the head of *Si/Gun/Gu* may order the owner, occupant, or manager of a parcel of land or building to take necessary measures in compliance with the relevant Municipal Ordinance of the competent local government, if the owner, occupant, or manager fails to keep clean the property under his/her control pursuant to Article 7 (2). <Amended by Act No. 8613, Aug. 3, 2007>

Article 9 (Basic Plans for Waste Management)

(1) The Mayor/*Do* governor shall prepare a basic plan for proper management of wastes generated from his/her jurisdiction once every ten years in compliance with the guidelines prescribed by the Minister of Environment, subject to the approval of the Minister of Environment. The foregoing shall also apply to a revision to any matter approved of. In this case, the Minister of Environment shall, whenever he/she approves a basic plan or a revision thereto, consult with the heads of central administrative agencies concerned.

(2) The head of *Si/Gun/Gu* shall prepare a basic plan for management of wastes generated from his/her jurisdiction once every ten years and submit it to the Mayor/*Do* governor.

(3) The basic plan under paragraphs (1) and (2) shall contain the following details;

1. Overview of the population, residential patterns, industrial structure and distribution, geographical environment, etc. within his/her jurisdiction;

2. The quantity of wastes generated by categories and the estimated quantity of wastes in the future;
3. Current status of and future plan for waste management;
4. Matters concerning reduction, recycling, and conversion of wastes into resources;
5. Current status of and future plan for installation of waste disposal facilities;
6. Matters concerning collection, transportation, and storage of wastes and improvement of equipment and containers for wastes; and
7. Plan for securing financial sources.

Article 10 (Master Plans for Waste Management)

- (1) The Minister of Environment shall prepare a master plan for nationwide waste management based on the basic plans for waste management under Article 9 (1) and the results of statistical researches on wastes under Article 11 (hereinafter referred to as a “master plan”) once every ten years for proper management of wastes generated throughout the country.
- (2) The Minister of Environment may review the feasibility of the master plan for revision once every five years after the date on which the master plan is finalized.
- (3) If the master plan is revised under paragraph (2), the Mayor/*Do* governor shall also revise the basic plan for waste management under Article 9 (1), reflecting the revised details of the master plan in the basic plan, and submit it to the Minister of Environment for approval.
- (4) The master plan shall contain the following details:
  1. Evaluation of the previous master plan;
  2. Circumstances and prospects for waste management;
  3. Basic principles of the master plan;
  4. Policy on waste management by sectors; and
  5. Plan for securing financial sources.

Article 11 (Statistical Research on Wastes)

The Minister of Environment, the Mayor/*Do* governor, and the head of *Si/Gun/Gu* shall conduct researches on the current status of wastes generated and disposed of, the distribution of wastes generated by kinds and by areas, and trends of changes in wastes, as prescribed by Ordinance of the Ministry of Environment, in order to secure basic data and information necessary for establishing policies on wastes.

Article 12 (Official Waste Testing Method)

The Minister of Environment shall determine and publicly notify the official testing method for wastes in order to ensure accuracy and uniformity in the analyses of the nature and state of wastes, the leaching of contaminants therefrom, etc. for basic data required for examining the seriousness of hazards caused by wastes and determining waste disposal methods.

《Under the provisions of Article 3 of the addenda of Act. No. 8371, April 11, 2007, the amended provisions of the Article is valid until October 4, 2007》

## CHAPTER II DISCHARGE AND MANAGEMENT OF WASTES

Article 13 (Standards of Waste Management)

Any one who intends to collect, transport, keep in storage, or dispose of wastes shall comply with the standards and methods prescribed by Presidential Decree.

Article 14 (Disposal of Household Wastes)

(1) The *Do* governor of a Special Self-Governing Province or the head of *Si/Gun/Gu* shall be responsible for the collection, transportation, and disposal of household wastes discharged within his/her jurisdiction: *Provided*, That a specific area designated by the *Do* governor of a Special Self-Governing Province or the head of *Si/Gun/Gu*, as prescribed by Ordinance of the Ministry of Environment, shall be excluded from the area under his/her jurisdiction for the purposes of this paragraph. *<Amended by Act No. 8613, Aug. 3, 2007>*

(2) The *Do* governor of a Special Self-Governing Province or the head of *Si/Gun/Gu* may commission a person specified by Presidential Decree to vicariously implement the collection, transportation, or disposal of under paragraph (1) as prescribed by Municipal Ordinance of the competent local government. *<Amended by Act No. 8613, Aug. 3, 2007>*

(3) The *Do* governor of a Special Self-Governing Province or the head of *Si/Gun/Gu* may collect service charges for collection, transportation, and disposal of household wastes as prescribed by Municipal Ordinance of the competent local government. *<Amended by Act No. 8613, Aug. 3, 2007>*

(4) The Minister of Environment may recommend a local government that intends to determine the service charge rate under paragraph (3) to apply a differential rate to the wastes discharged in proportion to the quantity of wastes in collecting such charge.

Article 15 (Cooperation in Disposal of Household Wastes Discharged)

(1) Owners, occupants, and managers of a parcel of land or a building from which household wastes are discharged (hereinafter referred to as "household waste producers") shall either dispose of such wastes themselves in a manner that can avoid any harm to conservation of the living environment or reduce the quantity of wastes, as prescribed by Municipal Ordinance of the competent Special Self-Governing Province or *Si/Gun/Gu*. *<Amended by Act No. 8613, Aug. 3, 2007>*

(2) Household waste producers shall separate the household wastes which they are unable to dispose of themselves, under paragraph (1), from other wastes and shall store them separately according to the types, nature and state as prescribed by Municipal Ordinance of the competent Special Self-Governing Province or *Si/Gun/Gu*. *<Amended by Act No. 8613, Aug. 3, 2007>*

(3) A household waste producer who discharges the food wastes specified by Ordinance of the Ministry of Environment (including wastes of agricultural, marine, and livestock products; hereinafter the same shall also apply) shall submit a plan for reducing the production of such food wastes and a report on the results of disposal of such wastes to the *Do* governor of a Special Self-Governing Province or the head of *Si/Gun/Gu*, make and keep records of the quantity of wastes generated, the results of disposal, etc., and comply with the rules prescribed by Municipal Ordinance of the competent Special Self-Governing Province or *Si/Gun/Gu* to reduce the production of food wastes. *<Amended by Act No. 8613, Aug. 3, 2007>*

Article 16 (Implementation of Agreements)

(1) The Mayor/*Do* governor or the head of *Si/Gun/Gu* may enter into agreements with the persons who discharge wastes within his/her jurisdiction or an organization of such persons in order to restrain the production of wastes and properly dispose of such wastes.

(2) Necessary matters concerning the objectives of the agreement under paragraph (1) and the method of and procedure for performance of such agreements shall be prescribed by Municipal Ordinance of the competent local government.

(3) The Mayor/*Do* governor or the head of *Si/Gun/Gu* may provide a person who enters

into agreements with the competent local government under paragraph (1) with such support as may be necessary for performing such agreements.

Article 17 (Duties of Commercial Waste Producers)

(1) Businesses that discharge wastes from places of business (hereinafter referred to as “commercial waste producers”) shall comply with the following provisions:

1. All wastes generated from each place of business shall be properly disposed of;
2. The production of commercial wastes shall be minimized by installing waste minimization in a manufacturing process, developing technology, recycling wastes, and in any other way; and
3. A commercial waste producer who intends to commission someone to provide him/her with the services of collection, transportation, and disposal of wastes under Article 18 (1) shall ascertain as to whether the commissioned person has the capability to provide the services of collection, transportation, and disposal of such wastes in compliance with the standards under Article 13 before such commissioning: *Provided*, That the foregoing shall not apply in cases where a person who has installed and operates waste disposal facilities under Article 4 or 5 is commissioned to provide such services.

(2) The commercial waste producers specified by Ordinance of the Ministry of Environment shall submit to the *Do* governor of a Special Self-Governing Province or the head of *Si/Gun/Gu* a report on the types and quantity of commercial wastes generated as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to a change in any reported matter specified by Ordinance of the Ministry of Environment. *<Amended by Act No. 8613, Aug. 3, 2007>*

(3) A business that discharges controlled wastes prescribed by Ordinance of the Ministry of Environment shall submit each of the following documents to the Minister of Environment and attain his/her verification before processing such wastes under Article 18 (1): *Provided*, That in cases where persons prescribed by Ordinance of the Ministry of Environment, such as mechanics under subparagraph of Article 2 of the Automobile Management Act, collect and transport controlled wastes together with other persons, their representative shall submit such documents to the Minister of Environment and obtain his/her verification: *<Newly Inserted by Act No. 8613, Aug. 3, 2007>*

1. Waste disposal plans;
2. Waste analysis reports made by a waste analysis agency prescribed by Ordinance of the Ministry of Environment; and
3. If the disposal of controlled wastes is commissioned, documents attesting the acceptance of commission from a person who is commissioned with such affairs.

(4) If persons who have attained verification under paragraph (3) wishes to change such matters, they shall submit documents concerning changed matters from among the documents pursuant to subparagraphs of paragraph (3) to the Minister of Environment and attain his/her verification on changes. *<Newly Inserted by Act No. 8613, Aug. 3, 2007>*

(5) The commercial waste producers whose type and size of business meets or exceeds those prescribed by Presidential Decree shall comply with the guidelines publicly notified by the Minister of Environment and the heads of central administrative agencies concerned jointly in accordance with the basic policy and procedure prescribed by Ordinance of the Ministry of Environment in order to restrain the production of commercial wastes under paragraph (1) 2.

(6) If a commercial waste producer transfers his/her business to another person or dies, or a corporation discharging commercial wastes is merged into another corporation, the transferee or successor, or the corporation surviving the merger or the corporation newly

established as a consequence of the merger shall succeed to the rights and obligations relating to such commercial wastes. *<Amended by Act No. 8613, Aug. 3, 2007>*

(7) A person who has acquired the whole or a part of the place of business of business that discharges commercial wastes, by a compulsory sale under the Civil Execution Act, the realization of properties under the Debtor Rehabilitation and Bankruptcy Act, the sale of seized properties under the National Tax Collection Act, the Customs Act or the Local Tax Act or other procedures corresponding thereto, shall appropriately dispose of wastes left at the place of business. *<Newly Inserted by Act No. 8613, Aug. 3, 2007>*

Article 18 (Disposal of Commercial Wastes)

(1) Every commercial waste producer shall either dispose of wastes generated from his/her place of business by him/herself or commission the disposal of such wastes to a person who has a license for a waste management business under Article 25 (3), a person who engages in recycling of wastes discharged by other people under Article 46, a person who has installed and operates a waste disposal facility under Article 4 or 5, or a person who has completed the registration of a business of discharging wastes into the sea under Article 70 (1) 1 of the Marine Environment Management Act.

(2) No commercial waste producer who intends to commission a business operator under Article 25 to dispose of commercial wastes may attempt to commission him/her to perform such disposal at any price lower than the minimum price publicly notified by the Minister of Environment for waste disposal pursuant to Article 24.

(3) A person who discharges, transports or disposes of any commercial wastes specified by Ordinance of the Ministry of Environment shall transmit matters concerning the delivery and receipt of wastes into the electronic information processing program under Article 45 (2), as prescribed by the Ordinance of the Ministry of Environment, whenever he/she has discharged, transported or disposed of wastes: *Provided*, That in cases of medical wastes, such matters shall be transmitted into the electronic information processing program under Article 45 (2), as prescribed by the Ordinance of the Ministry of Environment, by means of radio frequency. *<Amended by Act No. 8613, Aug. 3, 2007>*

(4) The head of an electronic information processing center under Article 45 shall make information on delivery and receipt of wastes transmitted under paragraph (3) available to, and printable by a person who has discharged, collected and transported, or disposed of such wastes, and the procedures of discharging, transporting and processing of such waste searchable and verifiable by the competent head of *Si/Gun/Gu*, Mayor/*Do* governor of the district, where a person who has discharged, collected and transported, or disposed of such wastes belong, or by the Minister of Environment. *<Amended by Act No. 8613, Aug. 3, 2007>*

(5) Two or more commercial waste producers as specified by Ordinance of the Ministry of Environment may collectively collect, transport or dispose of wastes generated from their places of business, as prescribed by Ordinance of the Ministry of Environment. In this case, such commercial waste producers may establish a joint operating organization, appoint one of them as the representative of such joint operating organization, and jointly install and operate waste disposal facilities.

(6) Deleted. *<by Act No. 8613, Aug. 3, 2007>*

### CHAPTER III Deleted. *<by Act No. 8613, Aug. 3, 2007>*

Article 19 (Obligations of Commercial Waste Disposal Business)

(1) A person who transports commercial wastes specified by Ordinance of the Ministry

of Environment shall always carry each of the following documents with him/her while transporting, and show them to the competent public officials upon request:

1. One copy of each document specified by Ordinance of the Ministry of Environment among the documents under Article 17 (3) and (4); and
2. Print out of matters concerning the delivery and receipt of wastes transmitted under Article 18 (3) (in cases of medical wastes, a radio frequency sensor prescribed by Ordinance of the Ministry of Environment).

(2) If a person who is commissioned to dispose of wastes is unable to dispose of commercial wastes specified by Ordinance of the Ministry of Environment due to suspension, temporary shutdown, permanent closure of his/her business, prohibition from use of waste disposal facilities, etc., he/she shall inform the waste producers who have commissioned him/her to dispose of such wastes of the fact, without delay, as prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8613, Aug. 3, 2007]*

Articles 20 through 23 Deleted. *<by Act No. 8613, Aug. 3, 2007>*

Article 24 (Pricing for Disposal of Commercial Wastes)

The Minister of Environment may, if deemed necessary for properly disposing of wastes, determine and publicly notify the minimum and maximum prices for disposal of such wastes as specified by Ordinance of the Ministry of Environment, considering the cost for such disposal.

Article 24-2 (Report on Waste Import or Export)

(1) A person who intends to import or export waste specified and publicly announced by the Minister of Environment shall, as prescribed by Ordinance of the Ministry of Environment, report it to the Minister of Environment along with documents stating matters prescribed by Ordinance of the Ministry of Environment, such as the types and quantity of wastes, plans for disposal, etc.

(2) In order to change major matters prescribed by Ordinance of the Ministry of Environment, among matters reported under paragraph (1), a report of change shall be filed.

*[This Article Newly Inserted by Act No. 8613, Aug. 3, 2007]*

Article 24-3 (Disposal of Imported Waste)

(1) A person who have filed an import report under Article 24-2 (1), or a person who has obtained permission for import under the Act on the Control of Transboundary Movement of Hazardous Wastes and Their Disposal shall dispose of such imported wastes (hereafter referred to as "imported wastes") by himself/herself or commission the disposal of such waste to a person falling any of the following subparagraphs:

1. A person who has set up and operates facilities under Article 4 or 5;
2. A person who has obtained a license for waste management business under Article 25 (3); and
3. A person who has reported on waste recycling under Article 46 (1).

(2) A person who has filed an import report under Article 24-2 (1), or who transports and disposes of such imported wastes shall transmit matters concerning the delivery and receipt of wastes into the electronic information processing program under Article 45 (2), as prescribed by the Ordinance of the Ministry of Environment, whenever he/she has imported, discharged, transported or disposed of such wastes.

(3) A person who transports wastes imported under Article 24-2 (1) shall always carry documents of import report under Article 24-2 (1) and prints-out of matters concerning the delivery and receipt of wastes under paragraph (2) with him/her whenever he/she transports such wastes, and show them to the competent public officials upon request.



(4) A person who transports, stores, or disposes of imported wastes shall transport, store, or dispose of them in accordance with standards and methods of commercial wastes among those standards and methods of waste disposal pursuant to Article 13.

(5) No imported wastes may be exported as the same state or condition as they were imported.

*[This Article Newly Inserted by Act No. 8613, Aug. 3, 2007]*

## CHAPTER IV WASTE MANAGEMENT BUSINESSES

### Article 25 (Waste Management Businesses)

(1) Any person who intends to engage in the collection, transportation, or disposal of wastes (hereinafter referred to as “waste management business”) and wishes to treat controlled wastes shall submit a waste management plan to the Minister of Environment, while such person who wishes to handle any wastes other than controlled wastes shall submit such plan to the Mayor/*Do* governor, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to any amendment to any important matter specified by Ordinance of the Ministry of Environment.

(2) The Minister of Environment or the relevant Mayor/*Do* governor shall examine a waste management plan submitted under paragraph (1) pursuant to each of the following matters, and notify a person who has submitted such plan the acceptability thereof: *<Amended by Act No. 8613, Aug. 3, 2007>*

1. Whether a person who has submitted such plan (including an officer, in cases of a corporation) falls under reasons for disqualification under Article 26;
2. Whether the location of waste disposal facilities violates other Acts;
3. Whether facilities, equipment or technical capability according to a waste management plan meets criteria for permission under paragraph (3); and
4. Impact on environment around neighborhood, such as reservoirs, resulting from the building and operation of waste disposal facilities.

(3) A person who has received a notice of acceptability pursuant to paragraph (2) shall, within two years (six months, in cases of waste collecting or transporting business; three years, in cases of a waste disposal business that requires incinerators and landfill facilities) from the date of receipt of such notification, prepare such facilities, equipment, and technical capability in conformity with the standards prescribed by Ordinance of the Ministry of Environment and shall thereby obtain a license for each business type from the Mayor/*Do* governor: *Provided*, That a person who intends to engage in a waste management business for handling controlled wastes shall obtain a license from the Minister of Environment. *<Amended by Act No. 8613, Aug. 3, 2007>*

(4) The Minister of Environment or the relevant Mayor/*Do* governor may extend a period of application for permission within the extent of one year, depending on applications, for persons who have failed to file application forms within the period referred to in paragraph (3) due to a natural disaster or other unavoidable circumstances. *<Newly Inserted by Act No. 8613, Aug. 3, 2007>*

(5) The types and scope of waste management business shall be classified as follows: *<Amended by Act No. 8613, Aug. 3, 2007>*

1. Waste collection and transportation business: A business collecting wastes and transporting it to a disposal facility;
2. Interim waste disposal business: a business specializing in interim disposal such as incineration, physical, chemical or biological treatments, or other methods approved and publicly announced by the Minister of Environment as safe ways of interim treatment

- of waste (excluding the recycling of household wastes) with facilities for interim treatment of wastes;
3. Terminal waste disposal business: a business specializing in final disposal of wastes such as landfills (excluding discharging into the sea) with facilities for final disposal of wastes; and
4. General waste management business: a business performing interim disposal and terminal disposal of wastes with facilities for waste disposal.
- (6) Any person who has a license for a waste management business under any provision of paragraph (5) 2 through 4 may directly collect and transport wastes for disposal without a license for a waste collection and transportation business under subparagraph 1 of the said paragraph. *<Amended by Act No. 8613, Aug. 3, 2007>*
- (7) The Minister of Environment or Mayor/*Do* governor may, when he/she grants a license under paragraph (3), add such necessary conditions as prescribed by Presidential Decree: *Provided*, That he/she may add a condition that restricts the business territory to a license for a business collecting and transporting household wastes.
- (8) Any person to whom a license for a waste management business under paragraph (3) has been granted (hereinafter referred to as a “licensed waste management business operator”) shall neither allow another person to collect, transport or dispose of wastes under his/her name or trade name nor lend the license to another person.
- (9) No waste management business operator shall accept commissioned waste management at a price higher or lower than the maximum or minimum price fixed under Article 24 for waste disposal, nor store wastes in excess of the quantity and period of time prescribed by Ordinance of the Ministry of Environment, but shall comply with the rules prescribed by Ordinance of the Ministry of Environment.
- (10) Any person who intends to engage in a business collecting, transporting, or disposing of medical refuse shall install and operate such facilities, equipment, and place of business as required for collecting, transporting, or disposing of such wastes separately from other wastes.
- (11) Whenever a person holding a license under paragraph (3) wishes to amend any important matter of the license as specified by Ordinance of the Ministry of Environment, he/she shall obtain permission for such amendment. Such person shall also file a report on amendment if the amendment involves any matter other than an important matter specified by Ordinance of the Ministry of Environment.
- (12) If a person who wishes to dispose of both controlled wastes and any wastes other than controlled wastes together in the same disposal facility falls under any of the following subparagraphs in relation to the controlled wastes, such person shall be deemed to have obtained a notice of acceptability, a licence, or an amended license from the Mayor/*Do* governor or have completed a report on amendment to the Mayor/*Do* governor in relation to such non-controlled wastes: *<Amended by Act No. 8613, Aug. 3, 2007>*
1. Where he/she has been notified by the Minister of Environment that his/her waste management plan is acceptable under paragraph (2);
  2. Where he/she holds a license for waste management business granted by the Minister of Environment pursuant to paragraph (3); or
  3. Where he/she holds an amended license for waste management business granted by the Minister of Environment or has completed a report on amendment to the Minister of Environment pursuant to paragraph (11).
- (13) Any person who seeks entitlement to the legal fiction of a notice of acceptability, a

license, an amended license, or a report on amendment from or to the Mayor/*Do* governor under paragraph (12) in connection with any wastes other than controlled wastes, shall submit relevant documents prescribed by Ordinance of the Ministry of Environment simultaneously at the time when he/she submits a waste management plan or files an application for a license, an amended license, or a report on amendment to or with the Minister of Environment. *<Amended by Act No. 8613, Aug. 3, 2007>*

(14) The Minister of Environment shall, upon receiving the relevant documents under paragraph (13), hear the opinion of the competent Mayor/*Do* governor, while he/she shall, upon dispatching a notice of acceptability, granting a license or an amended license, or receiving a report on amendment, inform the competent Mayor/*Do* governor of the contents thereof. *<Amended by Act No. 8613, Aug. 3, 2007>*

Article 26 (Reasons for Disqualification)

A person shall not be granted a licence for a waste management business, if such person falls under any of the following subparagraphs:

1. A minor, or an incompetent, or quasi-incompetent person;
2. A person who has been declared bankrupt, but not yet reinstated;
3. A person in whose case two years have not yet passed since an execution of imprisonment was completely fulfilled, or finally and conclusively exempted;
4. A person who was sentenced to a suspended sentence of imprisonment or heavier punishment and is still under the period of suspension;
5. A person in whose case two years have not yet elapsed since his/her license for a waste management business was revoked; or
6. A corporation where an officer who falls under any provision of subparagraphs 1 through 4 is employed.

Article 27 (Revocation of License)

(1) If a waste management business operator falls under any of the following subparagraphs, the Minister of Environment or the relevant Mayor/*Do* governor shall revoke his/her license:

1. His/her license has been obtained by false or other fraudulent means;
2. He/she falls under any reason for disqualification pursuant to subparagraphs 1 through 4 or 6 of Article 26: *Provided*, That this may not apply to cases where an officer of a corporation falling under subparagraph 6 of Article 26 is replaced by another person within two months;
3. He/she has failed to take measures under Article 40 (1);
4. He/she has failed to conform to a renewal order under Article 40 (8); and
5. He/she has operated business while the business is suspended.

(2) If a waste management business operator falls under any of the following subparagraphs, the Minister of Environment or the relevant Mayor/*Do* governor may revoke its license or order suspension of the whole or a part of business, specifying a period within six months:

1. He/she has disposed of, buried or incinerated commercial wastes in violation of Article 8 (1) or (2);
2. He/she has failed to conform to standards or methods of collection, transport, storage, or processing in violation of Article 13;
3. He/she has failed to transmit matters concerning the delivery and receipt of waste into the electronic information processing program, in violation of Article 18 (3);
4. He/she has failed to carry the relevant documents with him/her while transporting wastes or show them to the competent public officials upon request, in violation of Article 19 (1);

5. He/she has conducted business that exceeds the extent of types or details of business under Article 25 (5);
6. He/she has violated conditions under Article 25 (7);
7. He/she has allowed other persons to use his/her name or title of business and collect, transport, or dispose of wastes, or borrowed his/her license to other persons, in violation of Article 25 (8);
8. He/she has stored waste or violated rules, in violation of Article 25 (9);
9. He/she has failed to set up and operate separate facilities, equipment or the place of business to collect, transport, or dispose of waste, in violation of Article 25 (10);
10. He/she has changed matters that require permission or report without obtaining permission for changes or filing a report on changes under Article 25 (11);
11. He/she has failed to undergo inspection in violation of Article 30 (1) or (2), or has operated waste disposal facilities without obtaining the decision of acceptability in violation of paragraph (3) of Article (30);
12. He/she has operated waste disposal facilities, not meeting standards for its maintenance under Article 31 (1);
13. He/she has failed to conform to orders of correction or suspension of use under Article 31 (4);
14. He/she has failed to conform to orders of closedown under Article 31 (5);
15. He/she has failed to conform to orders of measure or inspection under Article 31 (6);
16. He/she has failed to report on the succession of rights or obligations under Article 33 (2);
17. He/she failed to record and keep books, in violation of Article 36 (1);
18. He/she has failed to conform to orders of measures for waste disposal under Article 48;
19. He/she has failed to reserve in advance performance guarantee bond for follow-up management under Article 52 (1); and
20. He/she has failed to open business within one year from the date of permission obtained, or has such business closed for one year or more consecutively without justifiable grounds.

*[This Article Wholly Amended by Act No. 8613, Aug. 3, 2007]*

Article 28 (Disposition of Penalty Surcharge)

(1) If the Minister of Environment or the relevant Mayor/*Do* governor intends to suspend a waste management business under Article 27, but he/she finds that the suspension of business falls under any of the following subparagraphs, he/she may impose a penalty surcharge not exceeding one hundred million won in lieu of the suspension of business, as prescribed by Presidential Decree: *<Amended by Act No. 8613, Aug. 3, 2007>*

1. Where the suspension of business prevents a customer of the business from commissioning waste disposal to the business, resulting in wastes left stored in the customer's place of business, so that the customer's business is anticipated to suffer enormous impediment;
2. Where hazards occurs, or anticipated to occur, to the health of residents due to environmental pollution resulting from wastes stored by the relevant waste management business, or wastes left stored by a customer of the business; and
3. Where the business is deemed necessary to be sustained due to natural disasters or other inevitable circumstances.

(2) The amount of penalty surcharge that shall be imposed under paragraph (1) according to types and degree of offense and other necessary matters shall be prescribed by Presidential Decree.

(3) If an offender fails to pay the penalty surcharge under paragraph (1), the Minister of Environment shall collect such penalty surcharge in accordance with the practices of disposition on default of national taxes, while the Mayor/*Do* governor shall collect such penalty surcharge in accordance with the practices of disposition on default of local taxes.

(4) The penalty surcharges collected pursuant to paragraphs (1) and (3) shall be spent by each collecting authority, but shall be used for such purposes as prescribed by Presidential Decree, including extension of multi-regional waste disposal facilities.

Article 29 (Installation of Waste Disposal Facilities)

(1) Waste disposal facilities shall be installed in conformity with the standards prescribed by Ordinance of the Ministry of Environment, but any waste incineration facility shall not be installed or operated, unless it conforms to the size prescribed by Ordinance of the Ministry of Environment.

(2) If any person other than those who hold, or have applied for, a licence for a waste management business under Article 25 (3), wishes to install any waste disposal facility, he/she shall obtain approval from the Minister of Environment: *Provided*, That the foregoing shall not apply in cases where it is intended to install a waste disposal facility under subparagraph 1, while a person who intends to install a waste disposal facility under subparagraph 2 shall file a report thereon with the Minister of Environment:

1. A waste disposal facility installed and operated by a school, a research institution, or other person specified by Ordinance of the Ministry of Environment for the purposes of testing and research as prescribed by Ordinance of the Ministry of Environment; or

2. A waste disposal facility in a size prescribed by Ordinance of the Ministry of Environment.

(3) A person who intends to amend any of such important matters as specified by Ordinance of the Ministry of Environment among the matters approved or reported under paragraph (2) shall obtain approval for such amendment or submit a report on such amendment, as the case may be.

(4) A person who installs a waste disposal facility shall, when he/she intends to start operating the facility after the completion of the installation works, submit a report thereon to the head of the competent administrative agency depending upon which of the following facilities is involved:

1. For a waste disposal facility installed by a waste management business operator: The administrative agency responsible for licensing under Article 25 (3); or

2. For any waste disposal facility other than those under subparagraph 1: The administrative agency responsible for approval or reporting under Article 29 (2).

Article 30 (Inspection of Waste Disposal Facilities)

(1) A person who has completed the installation of a waste disposal facility specified by Ordinance of the Ministry of Environment shall have it inspected by an inspection agency designated by Ordinance of the Ministry of Environment. The foregoing shall also apply in cases where an approval for, or a report on, amendment has been obtained or filed pursuant to Article 29 (3) and the inspection is required by Ordinance of the Ministry of Environment.

(2) A person who has installed and operates a waste disposal facility under paragraph (1) shall have it inspected by an inspection agency under paragraph (1) at a regular interval prescribed by Ordinance of the Ministry of Environment. In this case, a waste disposal facility shall be deemed to have successfully passed a periodic inspection if it has undergone a technical examination under Article 13 of the Development of and Support for Environmental

Technology Act within the period of time set for such inspection.

(3) No one may use any waste disposal facility that has failed to pass an inspection under paragraph (1) or (2): *Provided*, That the foregoing shall not apply in cases where such a facility is operated for the purposes of inspection.

(4) The procedures and standards for the inspection under paragraphs (1) and (2), the guidelines for the management of inspection institutions, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 31 (Management of Waste Disposal Facilities)

(1) Any one who has installed and operates a waste disposal facility shall maintain and manage such facility in compliance with the guidelines for the management as prescribed by Ordinance of the Ministry of Environment.

(2) Any one who has installed and operates a waste disposal facility specified by Presidential Decree shall take measurements of pollutants discharged from the waste disposal facility or arrange for a measuring institution specified by Ordinance of the Ministry of Environment to take such measurements, and shall submit a report on the results thereof to the Minister of Environment.

(3) Any one who has installed and operate a waste disposal facility specified by Presidential Decree shall examine the impact that the installation and operation of such waste disposal facility has on its surroundings every three years, and shall submit a report on the results thereof to the Minister of Environment.

(4) If a waste disposal facility fails to meet the standards for installation under Article 29 (1) or the standards for management under paragraph (1) of this Article in its installation, maintenance or management, the Minister of Environment may order the person who has installed and operates the facility to take measures for improving the facility within a period of time prescribed by Ordinance of the Ministry of Environment or suspend the operation of such facility.

(5) If a person to whom an order to improve or suspend the operation has been issued pursuant to paragraph (4) fails to perform as ordered or if it is found that such person is unable to perform as ordered, the Minister of Environment may order him/her to close down the facility permanently. *<Amended by Act No. 8613, Aug. 3, 2007>*

(6) If a person who has installed and operates a waste disposal facility fails to perform his/her duty to measure pollutants in accordance with paragraph (2) or fails to examine its impact on surroundings in accordance with paragraph (3), the Minister of Environment may order the person to take such measurement of pollutants or to examine such impact within a period of time prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 8613, Aug. 3, 2007>*

(7) The pollutants that shall be measured in accordance with paragraph (2), the cycle of such measurements, the reporting on the results thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(8) The method and scope of assessments made under paragraph (3), the report on the results thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(9) The Minister of Environment shall disclose the results of measurements taken under paragraph (2) and the results of assessments made under paragraph (3) to the public as prescribed by the Act on Disclosure of Information by Public Agencies.

Article 32 (Legal Fiction of License and Reporting under Other Statutes)

(1) In cases where a person who intends to install a waste disposal facility has obtained approval under Article 29 (2) or has filed a report thereunder, where he/she installs a waste disposal facility under subparagraph 1 of the said paragraph, or where he/she has obtained a license for a waste management business under Article 25 (3), he/she shall be deemed to have obtained permission or have completed the report set forth in the following subparagraphs in connection with the waste disposal facility involved: *<Amended by Act No. 8466, May 17, 2007>*

1. Permission for or reporting on the installation of discharging facilities under Article 10 (1) and (2) of the Clean Air Conservation Act;
2. Permission for or reporting on the installation of discharging facilities under Article 33 (1) and (2) of the Water Quality and Ecosystem Conservation Act; and
3. Permission for or reporting on the installation of discharging facilities under Article 8 (1) and (2) of the Noise and Vibration Control Act.

(2) In cases where a person who installs a waste disposal facility has filed the report under Article 29 (4), he/she shall be deemed to have completed the following reports: *<Amended by Act No. 8466, May 17, 2007>*

1. A report on the commencement of the operation of discharging facilities under Article 14 of the Clean Air Conservation Act;
2. A report on the commencement of the operation of discharging facilities under Article 37 of the Water Quality and Ecosystem Conservation Act; and
3. A report on the commencement of the operation of discharging facilities under Article 13 of the Noise and Vibration Control Act.

(3) The Minister of Environment or the Mayor/Do governor shall, whenever he/she intends to grant approval for the installation of a waste disposal facility or a license for a waste disposal business, consult with the heads of the administrative agencies concerned, if such facility or business involves any of the matters set forth in paragraph (1) or (2).

(4) The Minister of Environment shall determine standards for processing fictitious licenses or reports under paragraph (1) or (2) and publicly announce them. *<Newly Inserted by Act No. 8613, Aug. 3, 2007>*

Article 33 (Succession to Rights and Obligations)

(1) In cases where a person who holds a license for a waste management business under Article 25 or who has obtained approval for the installation of a waste disposal facility or has filed a report thereon under Article 29 transfers the waste management business or the waste disposal facility to another person, where such person dies, or where the corporation has been merged with another corporation if such person is a corporation, the transferee, successor, or the corporation surviving the merger or newly established as a consequence of the merger shall succeed to the rights and obligations under such licence, approval, or report.

(2) A person who has succeeded to the rights and obligations under paragraph (1) shall report the fact to the Minister of Environment or the Mayor/Do governor as prescribed by Ordinance of the Ministry of Environment.

## CHAPTER V GUIDANCE FOR AND SUPERVISION OVER WASTE MANAGEMENT BUSINESS OPERATORS

Article 34 (Technical Manager)

(1) A person who has installed and manages a waste disposal facility specified by Presidential Decree shall employ a technical manager who shall take charge of technical affairs relating to the maintenance and management of such facility (including cases where the person him/herself holds a qualification as technical manager and takes charge of such technical management) or shall make a contract on technical management services with a person specified by Presidential Decree as capable of taking charge of technical management.

(2) Necessary matters concerning the qualifications as technical managers, contracts on technical management services, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 35 (Training Courses for Persons in Charge of Waste Disposal)

(1) Technical personnel who engage in a waste management business, technical managers of a waste disposal facility, and other persons in charge of waste management specified by Presidential Decree shall take training courses provided by an educational institution designated by Ordinance of the Ministry of Environment.

(2) An employer of a person who is obligated to take the training courses under paragraph (1) shall provide the person with an opportunity to take the courses.

(3) Every employer of a person who is obligated to take the training courses under paragraph (1) shall bear the expenses for such training courses under the provisions of the said paragraph.

Article 36 (Keeping and Retention of Account Books)

(1) Any one who falls under any of the following subparagraphs shall keep account books prescribed by Presidential Decree to keep records of the details of collected, transported, and disposed wastes (which refer to the quantity of wastes generated, the status of recycled wastes, the performance of disposal, etc., in cases where the person falls under subparagraphs 1 and 3, or refer to the quantity of products, containers, or such generated, imported, and sold and the quantity retrieved and disposed of in cases where the person falls under subparagraph 7), and shall retain the records for three years from the date of the last entry: *Provided*, That this may not apply to cases where the electronic information processing program under Article 45 (2) is used. *<Amended by Act No. 8613, Aug. 3, 2007>*

1. A person who is obligated to file a report under Article 17 (2);

1-2. A person who is obliged to attain verification under Article 17 (3);

2. The representative of a joint operating organization responsible for jointly collecting, transporting, and disposing of commercial wastes under Article 18 (5);

3. A person who has filed an import report under Article 24-2 (1);

4. A waste management business operator;

5. A person who has installed and operates a waste disposal facility;

6. A person who has completed a report under Article 46 (1); or

7. A manufacturer or an importer under Article 47 (2).

(2) Deleted. *<by Act No. 8613, Aug. 3, 2007>*

Article 37 (Reporting on Shutdown or Closure of Business)

A waste management business operator or a person who has completed a report under Article 46 (1) shall, when he/she temporarily shuts down, permanently closes down, or resumes his/her business, file a report on such fact with the competent administrative agency for the related licensing or reporting as prescribed by Ordinance of the Ministry of Environment.

Article 38 (Submission of Reports)

(1) A person who falls under any of the following subparagraphs shall submit an annual



report on the wastes generated, disposed of, and recycled to the head of the competent administrative agency for the related licensing, approval, reporting, or verification by no later than the end of February of the following year, as prescribed by Ordinance of the Ministry of Environment: *<Amended by Act No. 8613, Aug. 3, 2007>*

1. A person who has installed and operates a waste disposal facility under Article 4 or 5;
2. A person who has filed a report as a commercial waste producer under Article 17 (2);
3. A person who has obtained the verification under Article 17 (3);
- 3-2. A person who has filed an import or export report under Article 24-2 (1);
4. A waste management business operator; or
5. A person who has filed a report on recycling of wastes under Article 46 (1).

(2) The Minister of Environment may order a person who is obligated to submit a report under paragraph (1) 3 to submit it within a given period of time, if the person fails to submit it within a prescribed period of time.

(3) A person who is obligated to submit a report under paragraph (1) 3 may demand, by no later than January 15 of each year in writing, the person to whom he/she has commissioned to collect, transport or dispose of commercial wastes to furnish him/her with such data and information as may be necessary for preparing the report under paragraph (1), and the person so commissioned shall, upon receiving such demand, furnish him/her with such data and information in writing by no later than January 31 of the year.

Article 39 (Reporting and Inspection)

(1) The Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* may require the persons concerned to submit such report or data as prescribed by Ordinance of the Ministry of Environment within the extent necessary for the enforcement of this Act, and may also assign public officials in charge to enter an office or a place of business of such persons to inspect the documents, facilities, equipment, or such therein.

(2) Public officials who enter an office or a place of business for the purpose of the inspection under paragraph (1) shall carry with them an identification card indicating their authority and generate it to the persons concerned.

Article 40 (Disposal of Abandoned Wastes by Waste Management Business Operators)

(1) Waste management business operators specializing in commercial wastes and the persons who have filed a report on recycling of wastes shall take any of the following actions after each of them obtains a license under Article 25 (3) or completes a report under Article 46 (1) but before the commencement of the business to prevent wastes from being abandoned:

1. To pay a certain amount of contribution to the mutual aid association for waste management business under Article 43;
2. To carry an insurance policy covering the waste management business; or
3. Deleted. *<by Act No. 8613, Aug. 3, 2007>*

(2) If a waste management business operator or a person who has filed a report on recycling of wastes under paragraph (1) suspends the operation of his/her business (excluding cases where the business is temporarily shut down or becomes subject to a disposition of business suspension) for longer than the period of time prescribed by Presidential Decree, the Minister of Environment or the Mayor/*Do* governor may order the waste management business operator or the person who has filed a report on recycling of wastes to dispose of the wastes in his/her possession within a given period of time.

(3) If a person fails to comply with an order issued to him/her pursuant to paragraph (2) or Article 48 (2), the Minister of Environment or Mayor/*Do* governor may take any

of the following countermeasures in connection with the disposal of the wastes in his/her possession (hereinafter referred to as “abandoned wastes”): *<Amended by Act No. 8613, Aug. 3, 2007>*

1. If he/she has paid a certain amount of contribution under paragraph (1) 1: To issue the mutual aid association for waste management business under Article 41 to dispose of the abandoned wastes;
2. If he/she carries an insurance policy under paragraph (1) 2: To dispose of the abandoned wastes and then demand the insurer to pay the insurance proceeds; or
3. Deleted. *<Amended by Act No. 8613, Aug. 3, 2007>*
- (4) The effective term of the insurance policy, the time of purchasing such insurance policy, the guidelines for computation of insured amounts under paragraph (1) 2, and other necessary matters shall be prescribed by Presidential Decree. *<Amended by Act No. 8613, Aug. 3, 2007>*
- (5) and (6) Deleted. *<by Act No. 8613, Aug. 3, 2007>*
- (7) A person who has taken an action under paragraph (1) 2 shall, if he/she falls under any of the following subparagraphs, renew the insurance policy under subparagraph 2 of the said paragraph (hereinafter referred to as the “performance guarantee insurance”), as prescribed by Presidential Decree: *<Amended by Act No. 8613, Aug. 3, 2007>*
  1. When the effective term of the performance guarantee insurance expires; or
  2. When it is necessary to change insured amount of coverage of the performance guarantee insurance because the type of wastes subject to waste management as licensed under Article 25 (3) or the unit price for such waste management is changed or the quantity of wastes in his/her possession exceeds that under paragraph (8) of the said Article.
- (8) If any person who is obligated to renew the performance guarantee insurance policy under paragraph (7) fails to perform his/her obligation, the Minister of Environment or the Mayor/*Do* governor may order the person to renew the performance guarantee insurance policy. *<Amended by Act No. 8613, Aug. 3, 2007>*
- (9) Any person who has purchased the performance guarantee insurance policy or has renewed it in accordance with paragraph (7) or (8) shall submit the original set of the insurance policy certifying the insurance to the Minister of Environment or the Mayor/*Do* governor, as prescribed by Presidential Decree.
- (10) Any person who intends to substitute any of the actions under subparagraphs of paragraph (1) for any other action under any of the said subparagraphs shall notify the Minister of Environment or the Mayor/ *Do* governor of his/her substituting action immediately after he/she takes such action.
- (11) The Minister of Environment or the Mayor/*Do* governor shall, when he/she orders the mutual aid association for waste management business to dispose of abandoned wastes pursuant to paragraph (3)1, gives such an order to perform it to the extent prescribed by Presidential Decree in regard to the quantity of wastes subject to such disposal and the period of time for such disposal.

Article 41 (Establishment of Mutual Aid Association for Waste Management Business)

- (1) Waste management business operators specializing in disposal of commercial wastes and the persons who has filed a report on recycling of wastes may establish a mutual aid association for the waste management business (hereinafter referred to the “Association”) in order to guarantee the performance of disposal of abandoned wastes.
- (2) The Association shall be a legal entity.
- (3) The Association shall be duly formed upon the completion of the registration of its establishment with the registry office having jurisdiction over its principal place of business.

Article 42 (Business of Association)

The Association shall carry on the mutual aid business for disposing of wastes abandoned by its members.

Article 43 (Contributions)

(1) Each member of the Association shall pay such contribution as is required for the mutual aid business under Article 42 to the Association.

(2) The guidelines for computing the contribution under paragraph (1), the procedure for the payment of such contribution, and other necessary matters shall be stipulated by the Association's articles of association.

Article 44 (Application *Mutatis Mutandis* of Civil Act)

Except as provided for otherwise in this Act, the provisions governing incorporated associations under the Civil Act shall apply *mutatis mutandis* to the Association.

## CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 45 (Electronic Processing of Waste Delivery and Receipt)

(1) The Minister of Environment shall establish and administer an agency (hereafter referred to as the "electronic information processing center") to manage the details of waste delivery and receipt transmitted under Article 18 (3) and (4) or Article 24-3 (2), and information transmitted under paragraph (3) (hereinafter referred to as "electronic information").  
<Amended by Act No. 8613, Aug. 3, 2007>

(2) The head of electronic information processing center shall establish and operate an electronic information processing program (hereinafter referred to as the "electronic information processing program") to efficiently process electronic information. In this case, the whole or part of costs necessary for electronic information processing may be collected from users of such program. <Amended by Act No. 8613, Aug. 3, 2007>

(3) When a commercial waste producer has transmitted the detail of duties prescribed by Presidential Decree using the electronic information processing program as prescribed by Ordinance of the Ministry of Environment, such duties are deemed performed. <Amended by Act No. 8613, Aug. 3, 2007>

(4) The head of the electronic data processing center shall retain processed records for three years from the date of transmission. <Newly Inserted by Act No. 8613, Aug. 3, 2007>

(5) The Minister of Environment, the Mayor/Do governor, or the person who has transmitted an electronically processed record relating to affairs under paragraph (3) may demand the head of the electronic data processing center in writing to furnish him/her with the data relevant to the electronically processed records concerned, and the head of the electronic data processing center shall, in turn upon receiving such demand, furnish such data within the period of time prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8613, Aug. 3, 2007>

Article 46 (Reporting on Waste Recycling)

(1) Any person, who engages in recycling of commercial wastes discharged by others and falls under any of the following subparagraphs, shall file a report with the Mayor/Do governor, as prescribed by Ordinance of the Ministry of Environment: <Amended by Act No. 8486, May 25, 2007; Act No. 8613, Aug. 3, 2007>

1. A manufacturer of a product approved pursuant to Article 15 of the Industrial Standardization Act;
2. A manufacturer of a fertilizer subject to the official standards under Article 4 of the Fertilizer Control Act or any by-product fertilizer controlled under the said Article;

3. A manufacturer of animal feeds with its ingredients registered under Article 11 of the Control of Livestock and Fish Feed Act;
  4. A manufacturer of a recycled product under subparagraph 5 of Article 2 of the Act on the Promotion of Saving and Recycling of Resources, as specified by Ordinance of the Ministry of Environment;
  5. A person who engages in the recycling of commercial wastes specified by Ordinance of the Ministry of Environment;
  6. A person who engages in the recycling of commercial wastes specified by Ordinance of the Ministry of Environment for purposes of use and by methods prescribed by Ordinance of the Ministry of Environment;
  7. A person who collects and transports commercial wastes specified by Ordinance of the Ministry of Environment among the commercial wastes as referred in subparagraph 5; and
  8. A person who engages in recycling of wastes as the methods approved and publicly announced as safe by the Minister of Environment.
- (2) Where a person falling any subparagraph of paragraph (1) (except for cases of subparagraph 7) intends to file a report under paragraph (1), he/she shall have storage and recycling facilities specified by the Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 8613, Aug. 3, 2007>*
- (3) A person who has filed a report under paragraph (1) shall, if he intends to revise any of the matters specified by Ordinance of the Ministry of Environment, file a report on such revision with the Mayor/Do governor.
- (4) A person who falls under paragraph (1) 5 shall be deemed to have filed a report under paragraph (1), if the person falls within the category of persons specified by Ordinance of the Ministry of Environment.
- (5) A person who has filed a report on recycling under paragraph (1) (including those who are deemed to have filed a report under paragraph (4)) may directly collect and transport such wastes for recycling without a license for a waste collection and transportation business under Article 25 (3). *<Amended by Act No. 8613, Aug. 3, 2007>*
- (6) A person who has filed a report under paragraph (1) shall conform to rules prescribed by Ordinance of the Ministry of Environment, such as the recycling of usage or ways as reported. *<Newly Inserted by Act No. 8613, Aug. 3, 2007>*
- (7) The relevant Mayor/Do governor may order to closedown recycling facilities, to suspend the whole or part of recycling business, specifying a period within six months, or to prohibit the recycling of waste which is subject to report, in cases where persons who have filed a report under paragraph (1) falls under any of the following subparagraphs: *<Newly Inserted by Act No. 8613, Aug. 3, 2007>*
1. Where they have failed to conform to rules pursuant to paragraph (6);
  2. Where they have failed to conform to standards for and methods of collection, transport, storage or disposal of waste under Article 13; and
  3. Where they have failed to take measures under Article 40 (1).
- (8) No person on whom the disposition of closedown of recycling facilities has been taken may file a report on recycling business again within one year from the date such disposition has been taken. *<Newly Inserted by Act No. 8613, Aug. 3, 2007>*

Article 46-2 (Penalty Surcharges)

- (1) Where a person who has filed a report under Article 46 (1), falls under any subparagraph of Article 46 (7) so the relevant Mayor/Do governor shall order a waste recycling business

to be suspended, and the relevant Mayor/*Do* governor deems that the suspension of such recycling business falls under any of the following subparagraphs, the relevant Mayor/*Do* governor may impose a penalty surcharge of not more than 50 million won, in lieu of the suspension of such recycling business, as prescribed by Presidential Decree:

1. The suspension of a waste recycling business concerned prevents a customer from commissioning waste disposal to the recycling business, resulting that wastes are left stored in the customer's place of business, so the customer's business activities are anticipated to be enormously impeded;
2. Where hazards occurs, or anticipated to occur, to the health of residents due to environmental pollution resulting from wastes stored by the relevant waste management business, or wastes left stored by a customer of the business; and
3. Where the business is deemed necessary to be sustained due to natural disasters or other inevitable circumstances.

(2) The amount of penalty surcharge, depending on the types and degree of violation, subject to the imposition of a penalty surcharge under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

(3) If a penalty surcharge under paragraph (1) is not paid, it shall be collected by referring to the practices of dispositions on default of national (local) taxes.

(4) Penalty surcharges collected under paragraph (1) and (3) shall become the revenue of the relevant City/*Do*, however shall be used only for uses prescribe by Presidential Decree, such as the expansion of waste disposal facilities for broader areas.

*[This Article Newly Inserted by Act No. 8613, Aug. 3, 2007]*

Article 47 (Measures for Retrieving Wastes)

(1) Every business operator shall, whenever he/she manufactures, processes, imports, or sells products, ensure that the wastes generated from such manufacturing, processing, importing, or selling including materials, containers, and products themselves are easily retrieved and disposed of.

(2) In cases where any material, container, or product under paragraph (1) contains any substance specified by Ordinance of the Ministry of Environment among the air pollutants, water contaminants, and toxic substances under Article 2 of the Clean Air Conservation Act, Article 2 of the Water Quality and Ecosystem Conservation Act, and Article 2 of the Toxic Chemicals Control Act, or where wastes are generated from any material, container, or product manufactured, processed, or sold in a large quantity, the business operator involved shall retrieve and dispose of such material, container, or product in accordance with methods publicly notified by Ordinance of the Ministry of Environment for retrieving and disposing of such wastes. In this case, the Minister of Environment shall, when he/she intends to issue such a public notice, consult in advance with the heads of central administrative agencies concerned. *<Amended by Act No. 8466, May 17, 2007>*

(3) If a business operator fails to retrieve and dispose of wastes in accordance with methods publicly notified pursuant to paragraph (2), the Minister of Environment may recommend him/her to take actions necessary for retrieving and disposing of them within a given period of time.

(4) If a person fails to perform his/her obligation as recommended pursuant to paragraph (3), the Minister of Environment may order him/her to take actions required for retrieving and disposing of the wastes properly.

Article 48 (Order to Take Actions for Disposing of Wastes)

(1) If it is discovered that the method by which wastes have been collected, transported,

stored, or disposed of by any of the following persons does not conform to the standards under Article 13, the Minister of Environment, the Mayor/*Do* governor or the head of *Si/Gun/Gu* may order the person to change the method of collecting, transporting, keeping in storage, or disposing of such wastes or to take any other necessary actions within a given period of time:

1. The person who has collected, transported, kept in storage, or disposed of such wastes;
2. The person who commissioned another person to implement waste disposal without the ascertainment under Article 17 (1) 3; and
3. The owner of the land in which such wastes have been dumped or buried, in cases where the landowner him/herself has disposed of such wastes in his/her own land or has allowed another person to use his/her own land.

(2) If a person who had taken action under any subparagraph of Article 40 (1) has abandoned wastes and some abandoned wastes still remain without being disposed of properly even after an order has been issued, under paragraph (2) of the said Article, to a person engaging in waste disposal business or has reported recycling business to dispose of wastes, the Minister of Environment or the relevant Mayor/*Do* governor may order the person who has acquired the place of business discharging such abandoned wastes under Article 33 or the person who has acquired the place of business from a waste management business operator or the person who engaging the reported waste cycling business through an auction under the Civil Execution Act, the realization under the Debtor Rehabilitation and Bankruptcy Act, or the sale of property seized under the National Tax Collection Act, the Customs Act, or the Local Tax Act, or any other similar proceedings to dispose of the abandoned wastes in question within a given period of time. *<Amended by Act No. 8613, Aug. 3, 2007>*

(3) The Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* shall, when he/she intends to issue an order to take actions under paragraph (1) or (2), notify the person to whom the order is to be issued of the grounds for such order, and shall give him/her an opportunity to provide a justification or provide evidence favorable to him/her: *Provided*, That the foregoing shall not apply in cases where such order is urgently required for the conservation of the living environment.

Article 49 (Vicarious Execution)

In cases where a person to whom an order has been issued to take actions under Article 48 (1) or (2) fails to perform his/her obligation as ordered, the Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* may take such actions vicariously in accordance with the Administrative Vicarious Execution Act and collect the expenses for such actions from the person to whom such order was issued.

Article 50 (Follow-up Management of Waste Disposal Facilities)

(1) If a person who has installed a waste disposal facility with approval for the installation under Article 29 (2) (including the persons who hold a license for a waste management business under Articles 25) intends to discontinue the operation of such facility installed by him/her or close down such facility, he/she shall file a report on his/her intention with the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(2) A person who had filed a report under paragraph (1) and discontinued the operation of a landfill facility for wastes specified by Presidential Decree or closed down such facility shall implement follow-up management such as installation and operation of facilities for the treatment of seeping water as prescribed by Ordinance of the Ministry of Environment in order to prevent such facility from causing hazards to the health or property of residents

or its surrounding environment.

(3) If the person who is obligated to implement follow-up management under paragraph (2) fails to perform his/her obligations properly, the Minister of Environment may order the person to take corrective measures within a given period of time, as prescribed by Ordinance of the Ministry of Environment.

(4) If the person to whom an order has been issued pursuant to paragraph (3) fails to take any corrective measure within the given period of time, the Minister of Environment may assign a person designated by Presidential Decree to vicariously take the corrective measures and may spend the performance guarantee bond for follow-up management, the performance guarantee insurance money, or the advance reserve for the follow-up management guarantee bond paid under Article 51 or 52 (hereinafter referred to as the "performance guarantee bond for follow-up management or similar") for the expenses required for such vicarious execution. In this case, the Minister of Environment may collect the difference from the person to whom such an order has been issued, if the expenses exceed the amount of the performance guarantee bond for follow-up management or similar.

Article 51 (Performance Guarantee Bond for Follow-up Management of Waste Disposal Facilities)

(1) If it is found that a landfill facility for wastes subject to follow-up management under Article 50 (2) may result in a serious hazard to the health or property of residents or surrounding environment due to seepage of water, etc. after the discontinuation of its operation or closedown of the facility, the Minister of Environment may require the person who installed such facility to deposit the full amount or a part of necessary follow-up management expenses with an agency engaging in follow-up management for waste disposal facilities under Article 50 (4), as prescribed by Presidential Decree, in order to secure the guarantee for the performance of follow-up management: *Provided*, That in cases falling under any of the following subparagraphs, the person may be exempted from obligation to deposit necessary follow-up management expenses or may be allowed to substitute such insurance or reserve for the deposit of all or a part of follow-up management expenses, as prescribed by Presidential Decree: (2) <Amended by Act No. 8613, Aug. 3, 2007>

1. If the person carries an insurance policy that guarantees the performance of follow-up management;
2. If the person has accumulated a reserve for expenses necessary for follow-up management under Article 52; and
3. If there is any other ground specified by Presidential Decree.

(2) The expenses that a person who installed a waste landfill facility under paragraph (1) shall deposit (hereinafter referred to as "performance guarantee bond for follow-up management") shall be calculated in accordance with the guidelines prescribed by Presidential Decree, and the time and procedure for the payment of such expenses and other necessary matters shall be prescribed by Presidential Decree.

(3) The performance guarantee bond for follow-up management under paragraph (2) shall be collected in accordance with the practices of disposition on default of national taxes, if it has not been paid on or before the time limit.

(4) If a person who installed a waste landfill facility has completely or partially performed his/her obligations for follow-up management, which he/she is obligated to perform each year, an agency engaging in follow-up management under paragraph (1) shall refund a portion of the performance guarantee bond for follow-up management, equivalent to the amount calculated according to the guidelines prescribed by Presidential Decree in proportion

to the amount of his/her performance. *<Amended by Act No. 8613, Aug. 3, 2007>*

Article 52 (Advance Reserve for Performance Guarantee Bond for Follow-up Management)

(1) The Minister of Environment may require, as prescribed by Presidential Decree, a person who has installed a landfill facility for wastes specified by Presidential Decree to deposit, in advance, a part of the expenses required for follow-up management subsequent to the discontinuation of operation or closedown of the facility. *<Amended by Act No. 8613, Aug. 3, 2007>*

(2) If the amount of the advance reserve deposited by a person who has installed a facility under paragraph (1) exceeds the performance guarantee bond for follow-up management under Article 51 (1), an agency engaging in follow up management under paragraph (1) shall refund the difference, as prescribed by Presidential Decree. *<Amended by Act No. 8613, Aug. 3, 2007>*

Article 53 (Purposes of Use of Performance Guarantee Bond for Follow-up Management)

The performance guarantee bond for follow-up management and the advance reserve under Articles 51 and 52 shall be used for the following purposes:

1. Refunding the performance guarantee bond for follow-up management and the advance reserve for follow-up management of a landfill facility;
2. Vicariously executing the follow-up management of a landfill facility; and
3. For other purposes of use prescribed by Presidential Decree.

Article 54 (Restriction on Use of Land Subsequent to Discontinuance of Operation or Closedown)

If it is found that a landfill facility for the wastes subject to follow-up management under Article 50 (2) is likely to cause a serious hazard to the health or property of residents or its surrounding environment because seeping water leaks therefrom, embankments are washed away, or any other event occurs subsequently after the operation of the facility is discontinued or it is closed down, the Minister of Environment may place a restriction on the purpose of use of the land in which the facility is situated, as prescribed by Presidential Decree, by requiring the person who holds the ownership of, or any interest other than the ownership in, the land to use the land only for the purpose of installing a park, growing trees, developing grasslands, or installing sports facilities during the period of time prescribed by Presidential Decree.

Article 55 (Adjustment of Waste Management Businesses)

The Minister of Environment or the Mayor/*Do* governor may, whenever he/she coordinates waste management businesses with local governments pursuant to Article 4 (2) or (4), demand them to use a certain waste disposal facility, including a waste landfill facility in common, if necessary to do so, and may also demand them to prepare supportive measures necessary for conservation and improvement of the living environment of the area in which such facility is situated. In this case, the local government concerned shall comply with such demands, unless there is any extraordinary circumstance otherwise.

Article 56 (State Subsidies)

The State may grant local governments subsidies for the whole or part of the expenses required for installing waste disposal facilities within the limit of its budget.

Article 57 (Aid for Expenses Required for Installation of Waste Disposal Facilities)

The State or the heads of local governments may, if deemed necessary, grant financial aid to a person who intends to install a waste disposal facility.

Article 58 (Reporting on Performance of Waste Management)

(1) The Mayors/*Do* governors shall report the performance of waste management carried out within their jurisdictions during the preceding year to the Minister of Environment



by no later than March 31 as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment may require the Mayors/*Do* governors or the heads of *Sis/Guns/Gus* to report the performance of guidance and control conducted in relation to the affairs of waste management within the extent required for the enforcement of this Act.

Article 58-2 (Korea Landfill Association)

(1) Persons who establish and administer waste disposal facilities, waste management businesses, waste-related organizations, and other persons engaging in affairs related to wastes may establish the Korea Landfill Association (hereafter referred to as the "Association"), upon approval by the Minister of Environment, in order to facilitate the development of waste-related fields, such as research, technology development, the wide use of information, etc.

(2) The Association shall be established as a legal entity.

(3) The duties, organization and administration of the Association, and other necessary matters shall be prescribed by Presidential Decree, within the extent necessary for achieving its purpose.

(4) Provisions concerning a corporate juristic person in the Civil Act shall apply *muntatis muntandis* to matters regarding the Association, if not provided for in this Act.

[This Article Newly Inserted by Act No. 8613, Aug. 3, 2007]

Article 59 (License Fees)

A person who wishes to obtain a license or have his/her facility inspected under Articles 25 (3) and 30 (1) or (2) shall pay the fee as prescribed by Ordinance of the Ministry of Environment.

Article 60 (Criteria for Administrative Dispositions)

The criteria for administrative dispositions made against violations of this Act and the orders issued under this Act shall be prescribed by Ordinance of the Ministry of Environment.

Article 61 (Hearing)

The Minister of Environment or the Mayor/*Do* governor shall, whenever he/she intends to make any of the following dispositions, hold a hearing:

1. To revoke a license under Article 27; or
2. To issue an order to close down a waste disposal facility under Article 31 (5).

Article 62 (Delegation of Authority or Commissioning of Business Affairs)

(1) Part of the authority vested in the Minister of Environment under this Act may be delegated to the Mayor/*Do* governor or the head of each regional environmental office, as prescribed by Presidential Decree.

(2) The State or the head of a local government may, if deemed necessary for the efficient management and operation of a waste disposal facility or similar installed under this Act, commission a person capable of managing and operating it to implement such management and operation, as prescribed by Ordinance of the Ministry of Environment (Municipal Ordinance of the relevant local government in cases where the head of the local government commissions such management and operation).

## CHAPTER VII PENAL PROVISIONS

Article 63 (Penal Provisions)

A person who has dumped or buried commercial wastes in violation of Article 8 (1) or (2) shall be punished by imprisonment for seven years or less or by a fine not exceeding

fifty million won. In this case, a person may be punished by both imprisonment and a fine concurrently.

Article 64 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for five years or less or by a fine not exceeding thirty million won:

1. A person who has operated a waste management business without a license under Article 25 (3);
2. A person who has obtained a license for a waste management business under Article 25 (3) by fraudulent or other unlawful means; or
3. A person who has not complied with an order of closure under Article 31 (5).

Article 65 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for three 3 years or less or by a fine not exceeding twenty won: *Provided*, That a person may be punished by both imprisonment and a fine concurrently if the person falls under subparagraph 1 or 2: <Amended by Act No. 8613, Aug. 3, 2007>

1. A person who has buried wastes in violation of Article 13 or Article 24-3 (4);
2. A person who has disposed of commercial wastes or imported wastes, in violation of Article 18 (1) or Article 24-3 (1);
3. A person who has exported imported wastes as the same state or condition as they were imported, in violation of Article 24-3 (5);
4. A person who has altered an item contained in a license for a waste management business without an amended license under Article 25 (11);
5. A person who has continued his/her business during the business suspension period under Article 27;
6. A person who has installed a waste disposal facility without approval in violation of Article 29 (2);
7. A person who has operated a waste disposal facility without an inspection or a confirmation on conformity in violation of any provision of Article 30 (1) through (3);
8. A person who has failed to comply with an order of improvement under Article 31 (4) or who has violated an order to suspend the operation;
9. A person who has failed to comply with an order to take an action under Article 47 (4);
10. A person who has not complied with an order to take action under Article 48 (1) or (2); or
11. A person who has failed to comply with an order of correction under Article 50 (3).

Article 66 (Penal Provisions)

A person who falls under any of the following subparagraphs shall be punished by imprisonment for two years or less or by a fine not exceeding ten million won: <Amended by Act No. 8613, Aug 3, 2007>

1. A person who has contaminated the surrounding environment by collecting, transporting, keeping in storing, or disposing of wastes in violation of Article 13 (excluding a violation of subparagraph 1 of Article 65) or Article 24-3 (4);
2. A person who has failed to file a report or who has filed a false report in violation of Article 17 (2), 24-2 (1) or 46 (1);
3. Deleted; <by Act No. 8613, Aug 3, 2007>
4. A person who has not obtain verification or verification on changes under Article 17 (3) or (4), who has discharged, transported, or disposed of controlled waste in a manner

different from that certified;

5. A person who has failed to transmit information on the delivery and receipt of wastes to the electronic information processing center under Article 18 (3) or Article 24-3 (2), failed to transmit it pursuant to the ways as prescribed by Ordinance of the Ministry of Environment, or has transmitted false data to the center;
6. A person who has carried out his/her business in deviation from the type and scope of business under Article 25 (5);
7. A person who has breached a condition under Article 25 (7);
8. A person who has allowed another person to use his/her name or trade name in collection, transportation, or disposal of wastes or who has lent his/her license to other person in violation of Article 25 (8);
9. A person who has stored wastes in violation of Article 25 (9);
10. A person who has installed or operated a waste incineration facility, although it is prohibited from being installed, in violation of Article 29 (1);
11. A person who has installed a waste disposal facility without filing a report in violation of Article 29 (2);
12. A person who has amended any item approved without approval for such amendment in violation of Article 29 (3);
13. A person who has maintained and managed a waste disposal facility in a manner that does not conform to the guidelines for the management under Article 31 (1) and has consequently contaminated the surrounding environment;
14. A person who has failed to comply with an order to take a measurement or make an assessment under Article 31 (6);
15. A person who has failed to comply with an order to submit a report under Article 38 (2); and
16. A person who have continued to operate his/her recycling business while the business is suspended under Article 46 (7).

Article 67 (Joint Penal Provisions)

- (1) If the representative, or an agent, an employee or any other worker of a legal entity commits an offense under any provision of Articles 63 through 66 in connection with the business of the legal entity, not only shall such offender be punished accordingly, but the legal entity shall also be punished by a fine under the relevant Article.
- (2) If an agent, an employee, or any other servant of a private individual commits an offense under any provision of Articles 63 through 66 in connection with the business of the private individual, not only shall such offender be punished accordingly, but the private individual shall also be punished by a fine under the relevant Article.

Article 68 (Fine for Negligence)

- (1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won: (2) *<Amended by Act No. 8613, Aug. 3, 2007>*
  1. A person who has collected, transported, kept in storage or disposed of wastes in violation of Article 13 (excluding a person who falls under subparagraph 1 of Article 65 or subparagraph 1 of Article 66) or Article 24-3 (4);
  2. A person who has charged any price higher than the maximum price or any price lower than the minimum price prescribed for waste management, in violation of Article 25 (9) in carrying out commissioned waste management;
  3. A person who has failed to comply with the rules under Article 25 (9);

4. A person who has maintained or managed a waste disposal facility in a manner that does not conform to the guidelines for such management in violation of any provision of Article 31(1) through (3) or who has failed to take a measure or make an assessment of the pollutants or impacts on the surrounding area (excluding a person who falls under subparagraph 14 of Article 66);
  5. A person who has failed to appoint a technical manager or has failed to make a contract for technical management services in violation of Article 34 (1);
  6. A person who falls under Article 38 (1) 3 but has failed to submit a report under Article 38 (1) within a prescribed time limit or has prepared and submitted a false report;
  - 6-2. A person who has failed to take an action pursuant to Article 40 (1), or failed to conform to an order of disposal of wastes under paragraph (2) of the same Article;
  7. A person who has failed to comply with an order to take action in violation of Article 40 (3) 1; and
  8. A person who has failed to comply with an order of renewal under Article 40 (8).
- (2) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding three million won: *<Amended by Act No. 8613, Aug. 3, 2007>*
1. A person who has commissioned someone to provide him/her with a service without ascertainment under Article 17 (1) 3;
  2. A person who has failed to perform his/her obligations to comply with the guidelines publicly notified pursuant to Article 17 (5);
  3. A person who has commissioned someone to implement waste management at a price lower than the price prescribed for waste management in violation of Article 18 (2);
  4. A person who has failed to transmit information on the delivery and receipt of wastes to the electronic information processing center under Article 18 (3) or Article 24-3 (2) on time, or has transmitted false information to the center.;
  5. A person who has made an amendment to any reported item without filing a report on such amendment in accordance with Article 17 (2), 24-2 (2), 25 (11), or 46 (3);
  6. A person who has failed to carry documents, etc. with him/her or failed to generate it in violation of Article 19 (1) or 24-3 (3);
  7. A person who has failed to issue a notice in violation of Article 19 (2);
  8. Deleted; *<by Act No. 8613, Aug. 3, 2007>*
  9. A person who has failed to file a report in violation of Article 37;
  10. A person who has failed to renew the performance guarantee insurance policy under Article 40 (7); and
  11. A person who has failed to conform to rules under Article 46 (6).
- (3) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won: *<Amended by Act No. 8613, Aug. 3, 2007>*
1. A person who has dumped, buried or incinerated household wastes in violation of Article 8 (1) or (2);
  2. A person who has failed to comply with an order to take measures in violation of Article 8 (3);
  3. A person who has violated Article 15 (1) or (2);
  4. Deleted; *<by Act No. 8613, Aug. 3, 2007>*
  5. A person who has commenced the operation of a facility without filing a report under Article 29 (4);
  6. A person who has failed to take training courses or did not provide an opportunity

- to take training courses in violation of Article 35 (1) or (2);
7. A person who has failed to keep or preserve account books under Article 36 (1) or who has made a false entry therein;
  8. A person who has failed to submit a report under Article 38 (1) within a prescribed time limit or who has prepared and submitted a false report (excluding any person under paragraph (1) 6);
  9. A person who has failed to submit such materials as may be necessary for preparing a report under Article 38 (3) within a prescribed time limit or who has prepared and submitted a false report;
  10. A person who has failed to file a report under Article 39 (1) or who has filed a false report;
  11. A person who has rejected, interfered with, or evaded an access or inspection under Article 39 (1);
  12. A person who has failed to submit the original set of an insurance policy under Article 40 (9);
  13. A person who has failed to notify of changes under Article 40 (10); or
  14. A person who has failed to file a report under Article 50 (1).
- (4) The fine for negligence under paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu*, as the case may be, prescribed by Presidential Decree.
- (5) A person who is dissatisfied with the disposition of a fine for negligence under paragraph (4) may file an objection with the Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* within thirty days from the date on which he/she is notified of the disposition.
- (6) The Minister of Environment, the Mayor/*Do* governor, or the head of *Si/Gun/Gu* shall, upon receiving an objection under paragraph (5) from a person subject to the disposition of a fine for negligence, under paragraph (4) notify the competent court of the objection without delay, and the court shall, submit the case to trial pursuant to the Non-Contentious Case Litigation Procedure Act.
- (7) If neither an objection is filed nor the fine for negligence is paid within the period under paragraph (5), such fine for negligence shall be collected in accordance with the practices of the disposition on default of national or local taxes.

## ADDENDA

### Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 3 (1) 4 above and Article 9 (40) of Addenda shall enter into force on September 28, 2007; the amended provisions of subparagraphs 4 and 5 of Article 2 and Article 25 (9) above on January 4, 2008; the amended provisions of Articles 3 (2) and 18 (1) above and Article 9 (42) of Addenda on January 20, 2008; and the amended provision of Article 9 (29) of Addenda on January 27, 2008, respectively.

### Article 2 (Transitional Measure concerning Enforcement Date)

The former provisions of subparagraphs 4 and 5 of Article 2 and Articles 3 (1) 4 and (2), 25 (1), and 26 (9) shall remain effective until the amended provisions of subparagraph 4 and 5 of Article 2 and Articles 3 (1) 4 and (2), 18 (1), and 25 (9) enter into force pursuant to the proviso to Article 1 of Addenda.

### Article 3 (Effective Period)

The amended provisions of Article 12 shall remain effective until October 4, 2007.

Article 4 (Transitional Measure concerning Reporting on Recycling of Industrial Wastes)

Any person who has filed a report on recycling of industrial wastes in accordance with the former provisions enforceable as of September 9, 1991,

which corresponds to the enforcement date of the Amendment (Act No. 4363) to the Wastes Control Act, shall be deemed to have filed a report on recycling under this Act.

Article 5 (Transitional Measure concerning Reporting by Waste Producers who Discharge Ordinary Wastes in Large Quantities or Specific Wastes)

Any persons who has filed a report as a waste producer who discharges ordinary wastes in large quantities or specific wastes in accordance with the former provisions enforceable as of February 5, 1996, which corresponds to the enforcement date of the Amendment (Act No. 4970) to the Wastes Control Act, shall be deemed to have filed a report as a commercial waste producer under this Act.

Article 6 (Transitional Measures concerning License for Waste Management Business)

(1) Any person who holds a licence for waste recycling business under the former provisions enforceable as of August 9, 1999, which corresponds to the enforcement date of the Amendment (Act No. 5865) to the Wastes Control Act, shall be deemed to have obtained the license for the interim waste treatment business under the amended provisions of Article 25 (3) herein.

(2) Any person who files a report on recycling of wastes under the former provisions enforceable as of August 9, 1999, which corresponds to the enforcement date of the Amendment (Act No. 5865) to the Wastes Control Act, shall be deemed to have filed a report on recycling of wastes under the amended provision of Article 46 herein.

Article 7 (General Transitional Measure concerning Dispositions)

The acts performed by or against an administrative agency under the former provisions enforceable at the time when this Act enters into force shall be deemed as those performed by or against the administrative agency under this Act.

Article 8 (Transitional Measure concerning Penal Provisions and Fines for Negligence)

The acts performed before the enforcement of this Act shall be governed by the former provisions in applying penal provisions or provisions concerning fines for negligence.

Article 9 Omitted.

Article 10 (Relations with Other Acts)

A citation of the former Wastes Control Act or any provision thereof by any other statute enforceable at the time when this Act enters into force shall be deemed to be a citation of this Act or a corresponding provision hereof in lieu of the former provision, if such a corresponding provision exists herein.

ADDENDA <Act No. 8466, May 17, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six month after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 8486, May 25, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 10 Omitted.

ADDENDA <Act No. 8613, Aug. 3, 2007>

- (1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation.
- (2) (Transitional Measures concerning Transmission of Delivery and Receipt of Waste to Electronic Information Processing Program) Where a waste delivery note or a simplified waste delivery note is issued under the previous provisions and the delivery and receipt thereof is pending at the time when this Act enters into force, the transmission of information to the electronic information processing program is deemed made under the amended provisions of Article 18 (3).
- (3) (Transitional Measures concerning Penal Provisions) The previous provisions shall apply to application of penal provisions to acts conducted before this Act enters into force.

ADDENDA *<Act No. 8789, Dec 21, 2007>*

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 5 Omitted.

# ACT ON THE PROMOTION OF SAVING AND RECYCLING OF RESOURCES

---

Wholly Amended by Act No. 6653, Feb. 4, 2002  
Amended by Act No. 7021, Dec. 30, 2003  
Act No. 7023, Dec. 30, 2003  
Act No. 7296, Dec. 31, 2004  
Act No. 7464, Mar. 31, 2005  
Act No. 7778, Dec. 29, 2005  
Act No. 7864, Mar. 3, 2006  
Act No. 8012, Sep. 27, 2006  
Act No. 8212, Jan. 3, 2007  
Act No. 8371, Apr. 11, 2007  
Act No. 8405, Apr. 27, 2007  
Act No. 8427, May 11, 2007  
Act No. 8466, May 17, 2007  
Act No. 8611, Aug. 3, 2007  
Act No. 8852, Feb. 29, 2008  
Act No. 8948, Mar. 21, 2008  
Act No. 8957, Mar. 21, 2008

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to contribute to the preservation of the environment and sound development of the national economy by facilitating the use of recycled resources by means of controlling the generation of wastes and facilitating recycling.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

### Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term “recycling of resources” means using and managing the process of recycling resources in an environment-friendly manner by controlling the generation of wastes to a necessary extent and properly recycling or treating generated wastes (referring to the final treatment under subparagraph 6 of Article 2 of the Wastes Control Act; hereinafter the same shall apply) in order to achieve the objectives of environmental policies;
2. The term “recyclable resources” means goods or by-products collected after being disposed of in an used or unused state, which are reusable or reusable after reconditioning (including recoverable energy and waste heat, but excluding radioactive substances and substances contaminated by radioactive substances);
3. The term “by-products” means things produced incidently in the process of manufacturing, processing, repairing or selling goods, supplying energy, or performing civil and construction works;
4. The term “designated by-products” means by-products prescribed by Presidential Decree, of which recycling in whole or in part is particularly necessary for the efficient use of such resources;
5. The term “recycling” means recycling under subparagraph 7 of Article 2 of the Wastes



Control Act;

6. The term “reuse” means using recyclable resources again as they are or after repairing or making them usable again for production activities;
7. The term “use after regeneration” means using recyclable resources again in whole or in part as raw materials or making them usable again;
8. The term “energy recovery” means recovering energy from recyclable resources in accordance with the standards under subparagraph 7 of Article 2 of the Wastes Control Act (hereinafter referred to as “standards for energy recovery”) or converting them into energy-recoverable substances;
9. The term “recycled goods” means goods prescribed by Ordinance of the Ministry of Environment, which are produced by using recyclable resources;
10. The term “recycling facilities” means installations, equipment, facilities, etc. prescribed by Ordinance of the Ministry of Environment, which are used to manufacture, process, assemble, repair, collect, transport and keep recyclable resources or recycled goods;
11. The term “recycling industries” means industries prescribed by Presidential Decree, which manufacture, process, assemble, repair, collect, transport and keep recyclable resources or recycled goods or conduct the research and development of recycling technology;
12. The term “wastes” means wastes under subparagraph 1 of Article 2 of the Wastes Control Act;
13. The term “bulky wastes” means substances prescribed by Presidential Decree, which are separately measurable and the name of the article is identifiable, such as furniture and household electric appliances that are discharged from homes, workplaces, etc.;
14. The term “packing materials” means materials, containers, etc. which are used to pack goods for the purpose of protecting their value and state and preserving their quality in the process of transportation, keeping, handling and use;
15. The term “disposable goods” means goods prescribed by Presidential Decree, which are designed to be used once for the same purpose;
16. The term “goods made of biodegradable resin” means goods prescribed by Ordinance of the Ministry of Environment, the certification of environmental mark for which under Article 17 of the Development of and Support for Environmental Technology Act has been obtained, or which satisfies the standards for certification of articles subject to certification; and
17. The term “goods subject to the improvement of the quality of materials and structure” means goods prescribed by Presidential Decree, the recycling in whole or in part of which is particularly necessary for the efficient use of such resources as they are collected after being disposed of in a used or unused state and the structure or quality of materials of which are required to be improved to make the goods easily recyclable.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 2-2 (Basic Principle of Recycling of Resources)

- (1) A person who manufactures, processes, imports, sells, consumes materials, goods, etc. or does construction works (referring to the construction works under subparagraph 4 of Article 2 of the Framework Act on the Construction Industry) shall control the generation of wastes to the utmost extent and mitigate any harm caused thereby.
- (2) Generated wastes shall be recycled or properly treated in accordance with the principles

in each of the following subparagraphs:

1. Wastes are required to be reused or used after regeneration in whole or in part to the utmost extent;
2. Wastes difficult to reuse or use after regeneration in whole or in part are required to be used for the purposes of energy recovery; and
3. Wastes the reuse, use after regeneration or energy recovery of which under subparagraphs 1 and 2 is impossible are required to be properly treated in a manner which minimizes their impact on the environment.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 3 (Relation with Other Acts and Subordinate Statutes)

The Wastes Control Act shall apply to the saving of resources, the control of generation and recycling of wastes, except as otherwise provided for in this Act.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 4 (Duty of State and Local Governments)

- (1) The State shall devise policies to facilitate the recycling of resources.
- (2) Local governments shall assume the duty to devise and implement policies for the facilitation of the recycling of resources, taking into account the characteristics of the areas under their jurisdiction in accordance with the national policies devised under paragraph (1).

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 5 (Duties of Businesses)

- (1) Businesses shall endeavor to be able to observe the basic principles under Article 2-2 and cooperate in policies taken by the State or local governments to attain the purposes of this Act.
- (2) A person who manufactures, imports or sells goods (hereinafter referred to as "manufacturer, etc.") shall prevent raw materials, goods, etc. from becoming wastes and if they have become wastes, endeavor to recycle or properly treat them.
- (3) A business that places an order for construction works shall endeavor to conserve resources, use more recycled goods and recycle by-products generated in such construction works.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 6 (Duties of People)

People shall endeavor to facilitate the recycling of resources through discharging recyclable resources after separation, preferentially purchasing recycled goods and preventing them from using disposable goods, etc. and at the same time, cooperate in measures taken by the State, local governments and businesses to attain the purposes of this Act.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 7 (Formulation of Basic Plans for Recycling of Resources)

- (1) The Minister of Environment shall formulate a basic plan for the recycling of resources (hereinafter referred to as a "basic plan") every five years in consultation with the heads of central administrative organs concerned, the Special Metropolitan City Mayor, Metropolitan City Mayors, Do governors and the Special Self-governing Do Governor.
- (2) A basic plan referred to in paragraph (1) shall include the matters in each of the following subparagraphs:
  1. Basic directions and goals for the facilitation of recycling of resources;
  2. Matters concerning the conditions of the recycling of resources, such as the generation and recycling of wastes and the state of recycling industries;

3. Matters concerning setting the goal of recycling of resources;
  4. Plans for raising funds needed to achieve goals for the recycling of resources and investment plan; and
  5. Other matters necessary for the facilitation of recycling of resources.
- (3) The heads of the relevant central administrative organs, the Special Metropolitan City Mayor, Metropolitan City Mayors, *Do* governors and Special Self-governing *Do* Governor shall establish an annual action plan of a basic plan (hereinafter referred to as “action plan”) and notify the Minister of Environment thereof and implement it. In such cases, the action plan shall include an investment plan.
- (4) The heads of *Si/Gun/Gu* (referring to the head of autonomous *Gu*; hereinafter the same shall apply) shall draw up an execution plan for the recycling of resources, taking into account the characteristics of the areas under their jurisdiction and submit it to the Special Metropolitan City Mayor, Metropolitan City Mayors and *Do* governors and implement it.
- (5) Matters necessary for the establishment of basic plan, action plan and execution plan for the recycling of resources under paragraphs (1), (3) and (4) shall be determined by Presidential Decree.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

## CHAPTER II FACILITATION OF RECYCLING OF RESOURCES, ETC.

### SECTION 1 Saving of Resources, Control of Generation of Wastes, etc.

Article 8 (Saving of Resources, etc.)

- (1) The Government may recommend matters necessary for the saving of resources, control of generation of wastes and recycling of wastes to producers and consumers or guide them.
- (2) The ministers of competent ministries may request the heads of the relevant central administrative organs for cooperation in the dissemination of equipment and technology for saving of resources and control of generation of wastes.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 8-2 (Assessment of Recyclability of Resources of Goods, etc.)

The government shall devise measures necessary to mitigate the impacts of goods, etc. on the environment, such as technical support to enable manufacturers, etc. to make self-assessment of the matters in each of the following subparagraphs:

1. In cases where goods have become wastes, matters concerning the recycling and proper treatment thereof;
2. In cases where goods have become wastes, matters concerning the weight and volume thereof;
3. Matters concerning harmful substances contained in goods;
4. Durability of goods; and
5. Other matters prescribed by Presidential Decree, such as management of assessment information.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 9 (Control of Generation of Packing Wastes)

- (1) A manufacturer, etc. of goods determined by Presidential Decree shall observe matters falling under any of the following subparagraphs in order to restrict the generation of

packing wastes and facilitate the recycling of packing wastes:

1. Standards for the quality of packing materials and methods of packaging (referring to the rate of packing space and the frequency of packing; hereinafter the same shall apply); or
  2. Standards for the annual reduction of packing materials made of synthetic resin (excluding goods made of biodegradable resin; the same shall apply hereafter in this Article).
- (2) The Minister of Environment shall establish detailed standards for the quality of packing materials of goods, method of packing and standards for the annual reduction of packing materials made of synthetic resin under paragraph (1) by Ordinance of Ministry of Environment in consultation with the ministers of competent ministries.
- (3) The Special Metropolitan City Mayor or the head of *Si/Gun/Gu* may order a manufacturer, etc. who is deemed to violate the standards under paragraphs (1) and (2) as a result of conducting a measurement in the simplified measurement method as announced by the Minister of Environment have the method of packing and quality of packing materials of goods inspected by a specialized institute determined by Ordinance of the Ministry of Environment under conditions prescribed by Ordinance of the Ministry of Environment, fixing a period of time.
- (4) The Minister of Environment shall urge a manufacturer, etc. to indicate the method of packing and quality of packing materials on the surface of packing under conditions prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 10 (Control of Use of Disposable Goods, etc.)

A business that runs a restaurant, a public bath, a department store or other types of business as prescribed by Presidential Decree shall control the use of disposable goods under conditions prescribed by Presidential Decree and shall not provide disposable goods without compensation: *Provided*, that disposable goods made of biodegradable resin may be provided without compensation.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 11 (Consideration of Recyclability of Resources in Development Projects, etc.)

(1) The government shall devise measures necessary to enable the performer of a development project (referring to projects determined by Presidential Decree such as urban development projects under Article 2 (1) 2 of the Urban Development Act; hereinafter the same shall apply) to facilitate the recycling of resources prior to the implementation of such project, taking into consideration the matters in each of the following subparagraphs:

1. Selection of structures and materials to facilitate the recycling of resources at the time of planning and designing a development project;
2. Use of recycled aggregates at the time of carrying out a development project; and
3. Recycling and proper treatment of wastes generated by development projects.

(2) The Special Metropolitan City Mayor or the head of *Si/Gun/Gu* may advise a business constructing apartment houses or accommodation facilities under Article 2 (2) 2 or 15 of the Building Act to furnish storage spaces, such as built-in closets, or furniture or fixtures of built-in type in order to restrict the generation of wastes.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 12 (Waste Charges)

(1) In order to restrict the generation of wastes and prevent the waste of resources, the Minister of Environment shall impose and collect expenses incurred from the treatment of the wastes of goods, materials and containers (excluding goods, packing materials and goods made of biodegradable resin under Article 16) determined by Presidential Decree,

which contain substances falling under any of the following subparagraphs or are difficult to recycle or likely to cause problems in the management of wastes on and from the manufacturer or importer thereof:

1. Specified hazardous air pollutants under subparagraph 9 of Article 2 of the Clean Air Conservation Act;
2. Specified hazardous water pollutants under subparagraph 8 of Article 2 of the Water Quality and Ecosystem Conservation Act; and
3. Poisonous substances under subparagraph 3 of Article 2 of the Toxic Chemicals Control Act.

(2) The criteria for the calculation of the amount of expenses to be born by a manufacturer or importer under paragraph (1) (hereinafter referred to as “waste charges”), time of payment, procedure for payment and other necessary matters shall be determined by Presidential Decree.

(3) In cases where a person liable to pay waste charges fails to pay them by the payment deadline, the Minister of Environment shall urge him/her to make the payment, fixing a period of time not shorter than 30 days. In such cases, additional dues equivalent to 5/100 of waste charges in arrears shall be imposed.

(4) In cases where a person who is urged to make payment under paragraph (3) fails to pay waste charges or additional dues by the payment deadline, the waste charges or additional dues shall be collected pursuant to the example of dispositions of national taxes in arrears.

(5) The waste charges and additional dues under paragraph (3) shall become the revenue of the special accounts for environment improvement under the Act on Special Accounts for Environmental Improvement.

(6) The Minister of Environment may, In cases where he/she has entrusted the affairs of collection of waste charges and additional dues to a relevant specialized institution such as the Korea Environment and Resources Corporation (hereinafter referred to as the “Corporation”) established under the Korea Environment and Resources Corporation Act under Article 38 (2), grant part of collected waste charges and additional dues to such institution as collection expenses under conditions prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

## SECTION 2 Facilitation of Separate Collection and Reuse of Wastes, etc.

Article 12-2 (Separate Storage by Waste Dischargers, etc.)

(1) The owners, occupants or managers of land or buildings determined by Presidential Decree, who discharge wastes (hereinafter referred to as “waste dischargers”) shall recycle recyclable wastes discharged from the land or buildings in accordance with the criteria determined by Ordinance of the Ministry of Environment or store them separately by kind, character and condition to enable them to be recycled.

(2) The Special Metropolitan City Mayor and the head of *Si/Gun/Gu* may order a waste discharger who fails to observe the criteria under paragraph (1) to take necessary measures under conditions prescribed by Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 13 (Separate Collection of Recyclable Resources)

(1) The Minister of Environment may establish guidelines for classification, storage, collection, etc. for the separate collection of recyclable resources in consideration of the

quantity of wastes generated and conditions of recycling in order to efficiently utilize recyclable resources.

(2) The Special Metropolitan City Mayor, Metropolitan City Mayors and *Do* governors shall provide assistance to local governments under their jurisdiction for the efficient separate collection of wastes, and the Special Metropolitan City Mayor, Metropolitan City Mayors, *Do* governors and the Special Self-governing *Do* governor shall investigate the quantity each of generation and separately collected recyclable resources each year in accordance with the guidelines set by the Minister of Environment and publish the result thereof.

(3) The Special Self-governing *Do* governor and the head of *Si/Gun/Gu* shall take measures necessary for separate collection in consideration of regional circumstances, such as the installation of facilities or containers to store recyclable resources in accordance with the guidelines under paragraph (1).

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 13-2 (Establishment and Operation of Recycling Centers, etc.)

(1) The Special Self-governing *Do* governor and the head of *Si/Gun/Gu* shall establish and operate facilities necessary to facilitate the exchange of second-hand goods and recycling of reusable bulky wastes (hereafter in this Article referred to as "recycling centers").

(2) The Special Self-governing *Do* governor and the head of *Si/Gun/Gu* shall set up at least one recycling center in each Special Self-governing *Do* and *Si/Gun/Gu* (referring to the autonomous *Gu*; hereinafter the same shall apply), and one recycling center shall be installed and operated additionally wherever the population exceeds 200,000 persons.

(3) The Special Self-governing *Do* governor and the head of *Si/Gun/Gu* shall, when collecting, sorting and treating bulky wastes, utilize recycling centers preferentially.

(4) In cases where a person other than the Special Self-governing *Do* governor and the head of *Si/Gun/Gu* installs and operates a recycling center, he/she shall notify the Special Self-governing *Do* governor or the head of the relevant *Si/Gun/Gu* of such fact.

(5) The Minister of Environment may provide persons who install and operate recycling centers under the provisions of paragraphs (1) through (4) with financial and technical support.

(6) Other necessary matters concerning the installation of recycling centers, standards for facilities, etc. shall be determined by Presidential Decree.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 14 (Separate Discharge Mark)

A manufacturer, etc. of goods and packing materials determined by Presidential Decree, for which it is necessary to put a separate collection mark for the facilitation of recycling of wastes shall put a separate discharge mark on such goods and packing materials in accordance with the guidelines determined and announced by the Minister of Environment.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 15 (Facilitation of Reuse of Parts, etc.)

(1) A manufacturer, etc. of goods shall, when distributed goods have become wastes, endeavor to recover such goods or parts to use them for the manufacture of new goods or make them reusable.

(2) The government shall take necessary measures, such as provision of technical assistance to enable manufacturers, etc. to achieve the objectives under paragraph (1).

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 15-2 (Bond Money and Handling Fees for Empty Containers)

(1) A manufacturer or importer of goods determined by Presidential Decree may include a certain amount of money in the prices of goods, separate from factory prices or import prices (hereinafter referred to as "bond money for empty containers") to facilitate the

recovery and reuse of the containers used in such goods.

(2) A manufacturer, etc. of the goods, the price of which includes bond money for empty containers under paragraph (1), shall refund such bond money for empty containers to a person who returns a container.

(3) A manufacturer or importer of goods, the price of which includes bond money for empty containers under paragraph (1) shall pay expenses incurred from the storage and transportation of empty containers (hereinafter referred to as "handling fees") to wholesalers and retailers (limited to businesses conducting general retail businesses, and retail businesses of beverages, foods or tobacco pursuant to the Korea Standard Industrial Classification) under conditions prescribed by Ordinance of the Ministry of Environment.

(4) Matters to be observed by manufacturers, etc. of goods for the smooth recovery and reuse of empty containers, such as refund of bond money for empty containers and payment of handling fees by the specification of containers shall be determined by Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 15-3 (Usage of Remainder of Bond Money for Empty Containers)

(1) The remainder after refunding the bond money for empty containers (hereinafter referred to as "unrefunded bond money") under Article 15-2 shall be used for purposes falling under any of the following subparagraphs:

1. Public relations for the improvement of the rate of recovery of empty containers;
2. Installation of and assistance for empty container-keeping and collecting stations;
3. Research and development of measures for the efficient recovery and recycling of empty containers;
4. In cases where the amount of refunded bond money for empty containers exceeds the amount of bond money for empty containers received in the previous year, the compensation therefor; and
5. Other activities for preservation of the environment.

(2) Detailed matters concerning the calculation, use plan, report of results, etc. of unfunded bond money shall be determined by Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

### SECTION 3 Facilitation of Recycling of Wastes, etc.

Article 16 (Obligation of Manufacturer, etc. to Recycle)

(1) A manufacturer or importer (in cases of packing materials, including sales business of the goods using packing materials, but limited to those who run places of business the type of business and size of which are determined by presidential Decree; hereinafter referred to as a "producer obligated to recycle") of the goods and packing materials prescribed by Presidential Decree, of which recovery and recycling can be facilitated through the improvement of the quality of materials, structure or recovery system in the stages of production and distribution or which generate a large quantity of wastes after use shall recover the wastes of such goods and packing materials for recycling (including cases of recycling through entrustment to persons reporting waste recycling under Article 46 of the Wastes Control Act or those determined by Presidential Decree, who are deemed able to carry out a recycling business efficiently) or pay allotted charges to the Recycling Business Mutual Aid Association under Article 27.

(2) In cases of recycling entrusted by a producer obligated to recycle or the Recycling Business Mutual Aid Association under paragraph (1), a contract shall be entered into

so as to protect the person entrusted with recycling to the utmost extent under conditions prescribed by Presidential Decree, such as not to infringe upon the business areas of small and medium-size enterprises protected under Article 30 of the Act on the Promotion of Collaborative Cooperation between Large Enterprises and Small-Medium Enterprises, and the parties to the contract shall faithfully fulfill the contract.

(3) A producer obligated to recycle and a person entrusted with recycling from him/her shall recycle wastes in accordance with the methods of and criteria for recycling each of goods and packing materials as determined by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 17 (Mandatory Recycling Ratio)

(1) The Minister of Environment shall publish the ratio of the quantity to be recycled (hereinafter referred to as the "mandatory recycling ratio") among the annual quantity shipped out of factory by the type of goods and packing materials under Article 16, taking into account the quantity of goods and packing materials shipped out of factory, the quantity of separate collection of recyclable resources separately collected (including the quantity of recyclable resources published by the Special Metropolitan City Mayor, Metropolitan City Mayors, *Do* governors, and Special Self-governing *Do* governor under Article 13-2), records of recycling, conditions of recycling, etc. in consultation with the ministers of competent ministries.

(2) The standards for calculating the quantity to be recycled by a producer obligated to recycle pursuant to the mandatory recycling ratio (hereinafter referred to as the "mandatory recycling quantity") shall be prescribed by Presidential Decree, taking into account the quantity shipped out of factory, the mandatory recycling ratio each of goods and packing materials, etc.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 18 (Submission of Plan for Fulfillment of Obligation to Recycle, etc.)

(1) A producer obligated to recycle shall submit to the Minister of Environment a plan for the fulfillment of the obligation to recycle and obtain the Minister's approval thereon under conditions prescribed by Presidential Decree: *Provided*, That, the same shall not apply to those who have paid allotted charges to the Recycling Business Mutual Aid Association established under Article 27 under Article 16 (1).

(2) A person who has obtained approval for a plan for the fulfillment of the obligation to recycle under paragraph (1) shall submit a report on the outcome of fulfilling the obligation to recycle, including materials to verify the records of recycling to the Minister of Environment under conditions prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 19 (Collection of Recycling Dues, etc.)

(1) The Minister of Environment shall, when a producer obligated to recycle fails to carry out the obligation under Article 16 or the Recycling Business Mutual Aid Cooperatives under Article 27 fails to vicariously fulfill the obligation of cooperative members to recycle, impose and collect the expenses incurred for the recycling of the quantity of wastes not recycled among the mandatory recycling quantity, adding to it an amount of money equivalent to 30/100 of the expenses (hereinafter referred to as the "recycling dues") on and from the producer obligated to recycle or the Recycling Business Mutual Aid Cooperatives.

(2) The expenses required for the recycling of wastes, which become the basis for calculating recycling dues, time and procedure of payment thereof and other necessary matters shall be determined by Presidential Decree.

(3) The Minister of Environment shall, when a person liable to pay recycling dues under



paragraph (1) fails to pay such dues by the payment deadline, urge him/her to make payment, fixing a period of time not less than 30 days. In such cases, additional charges equivalent to 5/100 of the amount of recycling dues in arrears shall be imposed.

(4) In cases where a person urged for payment under paragraph (3) fails to pay recycling dues or additional charges by the deadline, such recycling dues or additional charges shall be collected pursuant to the example of dispositions of national taxes in arrears.

(5) Recycling dues and additional charges under paragraph (3) shall become the revenue of the special accounts for environmental improvement under the Act on the Special Accounts for Environmental Improvement.

(6) The Minister of Environment may, when he/she has entrusted the affairs of collection of recycling dues or additional charges to a relevant specialized institution such as the Corporation under Article 38 (2), grant part of collected recycling dues or additional charges as collection expenses under conditions prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 20 (Usage of Waste Charges and Recycling Dues)

Waste charges and recycling dues shall be used for the purposes in each of the following subparagraphs:

1. Assistance for waste recycling projects and installation of waste disposal facilities;
2. Research and technology development for the efficient recycling and reduction of wastes;
3. Assistance for recovery, recycling, disposal of wastes by local governments;
4. Purchase and reserve of recyclable resources;
5. Assistance for projects for facilitation of recycling
6. Granting collection expenses of waste charges (including additional charges) or recycling dues (including additional charges); and
7. Others, such as assistance for projects necessary to facilitate recycling of resources.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 21 Deleted. <by Act No. 8405, Apr. 27, 2007>

Articles 22 and 22-2 Deleted. <by Act No. 8948, Mar. 21, 2008>

Article 23 (Matters to be Observed by Designated Recycling Businesses)

(1) A business engaging in the types of business prescribed by Presidential Decree, which are particularly necessary for the efficient use of recyclable resources (hereinafter referred to as “designated recycling business”) shall comply with the guidelines jointly published by the Minister of Environment and the ministers of competent ministries in accordance with the basic directions and procedures prescribed by Presidential Decree.

(2) The guidelines referred to in paragraph (1) shall include the matters in each of the following subparagraphs:

1. Matters concerning the goal of using recyclable resources by the type of recycled goods (excluding by-products; hereafter the same shall apply in this Article) and facilitation of recycling;
2. Matters concerning the formulation of a usage plan of recyclable resources and measures for recycling;
3. Matters concerning records on the utilization of recyclable resources and the management thereof; and
4. Matters concerning energy recovery and facilitation of use of exhaust heat.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 24 Deleted. <by Act No. 8405, Apr. 27, 2007>

Article 24-2 (Installation and Operation of Energy Recovery Facilities, etc.)

Facilities to recover energy (hereinafter referred to as “energy recovery facilities”) shall be installed and operated to meet the standards for energy recovery when they are inspected pursuant to the method and procedure of inspection announced by the Minister of Environment in consultation with the Minister of Knowledge Economy.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 25 (Matters to be Observed by Designated By-Product Discharging Businesses)

(1) A business that discharges designated by-products (hereinafter referred to as a “designated by-product discharging business”) shall comply with the guidelines jointly published by the Minister of Environment and the ministers of competent ministries in accordance with the basic directions and procedures prescribed by Presidential Decree.

(2) The guidelines referred to in paragraph (1) shall include the matters in each of the following subparagraphs:

1. Matters concerning the methods of recycling pursuant to the usage of designated by-products;
2. Matters concerning the formulation and implementation of plans for the facilitation of use of designated by-products; and
3. Matters concerning the separation, crushing, etc. of designated by-products.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 25-2 (Facilities to Use Solid Fuels Composed of Wastes)

A person who uses solid fuels made of wastes from among recycled goods (hereinafter referred to as “solid fuels”) shall use them in the facilities prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 25-3 (Observance, etc. by User and Manufacturer of Solid Fuels)

(1) Those who intend to manufacture and supply solid fuels shall obtain authentication on the quality and grade of solid fuels from an organization (hereinafter referred to as “authentication organization”) designated by the Minister of Environment.

(2) Those who manufacture or use solid fuels shall comply with the rules to be observed, such as the quality standards, maintenance and management of grade, management of facilities for manufacture, storing and utilization, etc.

(3) Details on procedures of authentication on the quality and grade, standards for quality and grade, examination and analysis for authentication, and the rules to be observed pursuant to paragraph (2) shall be stipulated by Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 8611, Aug. 3, 2007]*

Article 25-4 (Quality Examination of Solid Fuels and Revocation of Authentication on Quality and Grade)

(1) In order to confirm whether the manufacturer, who has received authentication on the quality and grade, manufactures and supplies solid fuels that comply with the quality and grade, the authentication organization may collect and examine samples of solid fuels in the process of manufacturing or distribution.

(2) When a person who has obtained authentication on the quality and grade of solid fuels has received authentication on the quality and grade by fraudulent or other illegal means, the authentication organization shall revoke such authentication.

(3) When a person who has received authentication on the quality and grade of solid fuels falls under any of the following subparagraphs, the authentication organization may revoke such authentication:

1. Where he/she has not manufactured or supplied solid fuels for one year or more since

he/she received authentication on the quality and grade; or

2. Where he/she has not complied with the quality standards on at least three occasions as a result of examination in paragraph (1).

(4) When authentication has been revoked pursuant to paragraphs (2) and (3), he/she shall not apply for authentication again within six months.

*[This Article Newly Inserted by Act No. 8611, Aug. 3, 2007]*

Article 25-5 (Fee)

The authentication organization may collect fees from persons who apply for authentication on the quality and grade of solid fuels in accordance with the standards and method of calculating fees stipulated by Ordinance of the Ministry of Environment.

*[This Article Newly Inserted by Act No. 8611, Aug. 3, 2007]*

Article 26 (Advice for Recycling and Order to Take Measures)

(1) Ministers of competent ministries or the Minister of Environment may, when designated recycling businesses and designated by-product discharging businesses fail to comply with relevant guidelines provided for in Articles 23 through 25, advise them to comply with such guidelines.

(2) Ministers of competent ministries or the Minister of Environment may, when a business to which advice is offered under paragraph (1) fails to follow the advice without justifiable grounds, publish his/her name and the fact of violating the guidelines, or order it to take necessary measures. In such cases, when the Minister of Environment intends to publish the name and the details of violation of the guidelines or issue an order to have it take necessary measures, it shall consult with the ministers of competent ministries.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

### CHAPTER III RECYCLING BUSINESS MUTUAL AID COOPERATIVES

Article 27 (Establishment of Recycling Business Mutual Aid Cooperatives)

(1) A producer obligated to recycle may establish recycling business mutual aid cooperatives by goods and packing materials (hereinafter referred to as "Cooperatives") to perform the obligation under Article 16.

(2) Each Cooperative shall be a corporation.

(3) The Cooperatives shall be established by registering establishment thereof at the location of its principal office.

(4) In cases where a corporation established for the purpose of recycling wastes in accordance with Article 32 of the Civil Act and other Acts and subordinate statutes has obtained authorization, submitting the documents as referred to in Article 28 (1) 1 through 5 to the Minister of Environment, such corporation shall be considered as the Cooperatives.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 28 (Procedure for Authorizing Establishment of Cooperatives, etc.)

(1) A person who intend to establish a Cooperative shall obtain authorization of the Minister of Environment, submitting an application for authorization for establishment in which matters in each of the following subparagraphs are included to the Minister:

1. The articles of association of the corporation, including matters concerning the purpose, scope of business, cooperative members, allotted charges, and others concerning the operation of the Cooperatives are included;

2. The agreement of producers obligated to recycle affiliated with the Cooperative on participation;
3. The mandatory recycling quantity of each cooperative member;
4. Statement of the Cooperative's recycling facilities (limited to Cooperatives which have their own recycling facilities); and
5. Business plan to vicariously perform the obligation to recycle.

(2) The Minister of Environment shall, when he/she has granted authorization under paragraph (1) or Article 27 (4), publicly announce the same.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 29 (Alloted Charges, etc.)

(1) The criteria for the calculation of alloted charges under Article 16, procedure for payment and other necessary matters shall comply with the conditions as determined in the relevant articles of association of the Cooperatives.

(2) The provisions of Articles 16 (3) and 18 shall apply *mutatis mutandis* to the case where the Cooperatives performs obligation to recycle vicariously.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 30 (*Mutatis Mutandis* Application of Civil Act)

The provisions of the Civil Act, which pertain to incorporated associations shall apply *mutatis mutandis* to the Cooperatives, except as provided for otherwise in this Act.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

## CHAPTER IV ESTABLISHMENT OF FOUNDATION FOR FACILITATION OF RECYCLING OF RESOURCES

Article 31 (Financial Assistance, etc. for Fostering of Recycling Industries)

(1) The State or local governments may subsidize or lend funds needed for the recycling of resources to a person who conducts business in any of the following subparagraphs (hereinafter referred to as a "recycling business") to foster recycling industries, and may, if necessary, arrange loans for him/her:

1. A business to install recycling facilities;
2. A resources recycling business conducted by designated recycling businesses and designated by-product discharging businesses;
3. The installation and operation of energy recovery facilities under Article 24-2;
4. A business to build a recycling complex under Article 34;
5. A Recycling business conducted by those who have obtained permission for intermediate waste disposal business or general waste disposal business under Article 25 (5) of the Wastes Control Act and persons reporting waste recycling under Article 46 of the same Act;
6. A business of research and technical development to facilitate recycling of resources; and
7. Businesses determined by Presidential Decree, which are necessary for the fostering of recycling industries other than businesses under subparagraphs 1 through 6.

(2) The government may preferentially provide a recycling business with funds necessary for facilities, research, technical development, etc. from funds in any of the following subparagraphs:

1. Funds for projects designed to develop technology to build industrial foundations under

the Industrial Development Act; and

2. Funds for the development and industrial foundation of small and medium enterprises under the Promotion of Small and Medium Enterprises and Encouragement of Purchase of Their products Act.

(3) The Minister of Environment may request the heads of relevant central administrative organs in charge of administering the funds in each subparagraph of paragraph (2) for cooperation necessary to provide support to recycling businesses.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 32 Deleted. *<by Act No. 7296, Dec. 31, 2004>*

Article 33 (Specifications and Quality Standards of Recycled Goods)

The Minister of Knowledge Economy may set specifications and quality standards of each item of recycled goods in consultation with the Minister of Environment.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 34 (Building of Recycling Complexes, etc.)

(1) The State, local governments or any person prescribed by Presidential Decree may build recycling complexes in order to foster the recycling industry and sharpen the competitiveness of the recycling industry.

(2) The building of recycling complexes as referred to in paragraph (1) shall comply with the procedure for designation and development of national or local industrial complexes under the Industrial Sites and Development Act.

(3) Matters necessary for the building, management and operation of recycling complexes shall be determined by Presidential Decree.

(4) The State or local governments may devise measures to enable recycling businesses to preferentially occupy factory sites supplied by the State or local governments.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 34-2 (Subsidies for Building of Recycling Complexes)

In cases where a local government or a person prescribed by Presidential Decree builds a recycling complex under Article 34 (1), the State may subsidize the expenses needed to build such recycling complex.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 34-3 (Lending, Use, etc. of State and Public Assets)

(1) The State or local governments may, when deemed necessary for the expansion of recycling facilities, and building and operation of recycling complexes, establish a private contract for the lending, use or profit-making of state and public assets or sell state and public assets, notwithstanding the State Properties Act or the Public Property and Commodity Management Act.

(2) The details and conditions of the lending, use, profit-making, sale, etc. under paragraph (1) shall comply with the conditions as prescribed in the State Properties Act or the Public Property and Commodity Management Act.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 34-4 (Installation of Public Recycling Infrastructure)

(1) The Special Metropolitan City Mayor and the head of *Si/Gun/Gu* shall install facilities capable of collecting, storing, sorting, and treating bulky wastes and recyclable resources prescribed by the Presidential Decree.

(2) The Special Metropolitan City Mayor, Metropolitan City Mayors and *Do* governors may provide financial and technical support to the heads of *Si/Gun/Gu* who install the facilities referred to in paragraph (1), and may offer advice necessary to increase the efficiency of the installation and operation of such facilities.

(3) The Special Metropolitan City Mayor, Metropolitan City Mayors, *Do* governors, the Special Self-governing *Do* governor, or the head of *Si/Gun/Gu* may, when it is necessary to collect, store, sort, and treat bulky wastes and recyclable resources that are generated in two or more of the Special Self-governing *Do* and *Sis/Guns/Gus*, jointly install and operate the facilities as referred to in paragraph (1).

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 34-5 (Installation of Facilities for Facilitation of Recycling, etc.)

(1) The State or a local government may establish and operate a pretreatment facility in order to recover recyclable resources to the utmost extent through mechanical treatment processes, such as crushing, grinding and sorting or biological treatment processes, such as aerobic or anaerobic decomposition prior to the treatment of wastes by means of incineration or reclamation.

(2) The State or a local government may, if deemed necessary to take measures to facilitate recycling prior to the final treatment of wastes generated in not less than two of the Special Metropolitan City, Metropolitan Cities, *Dos*, the Special Self-governing *Do*, and *Sis/Guns/Gus*, establish and operate the facilities under paragraph (1) solely or jointly.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 34-6 (Criteria and Indices for Assessment of Recycling of Resources, etc.)

(1) The Minister of Environment may set and operate criteria and indices to analyze the generation, recycling, treatment, etc. of wastes and manage them.

(2) The Minister of Environment shall assess the results of recycling of resources pursuant to the criteria and indices under paragraph (1) and endeavor to reflect such results in policies for recycling of resources.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 34-7 (Provision of Information on Recycling of Resources, etc.)

(1) The Minister of Environment shall endeavor to provide people with knowledge and information on the recycling of resources.

(2) The Minister of Environment may generate and disseminate knowledge and information on the recycling of resources and establish and operate a resources recycling information system to facilitate the generation and dissemination of knowledge and information on the recycling of resources.

(3) The Minister of Environment may demand the head of a relevant central administrative organ to submit data necessary for the establishment and operation of a resources recycling information system. In such cases, the head of the relevant central administrative organ shall comply with such demand unless there is any special reason not to do so.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 34-8 (Establishment of Voluntary Agreement)

(1) The Minister of Environment or the head of a local government may enter into an agreement with a waste discharging business, recycling business, manufacturer, etc. or organization comprised thereof (hereinafter referred to as "voluntary agreement") in order to control the generation of wastes and facilitate recycling.

(2) Necessary matters concerning the objective of a voluntary agreement, method and procedure of fulfillment, etc. shall be determined by Ordinance of the Ministry of Environment or Municipal Ordinance of a local government concerned.

(3) The Minister of Environment or the head of a local government may provide a person who has entered into a voluntary agreement under paragraph (1) with assistance necessary for the fulfillment of such voluntary agreement.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 34-9 (International Cooperation for Facilitation of Recycling of Resources)

(1) The State shall devise necessary measures, such as exchange and provision of information and holding international conferences for the promotion of international cooperation for facilitation of recycling of resources.

(2) The Minister of Environment may promote projects in each of the following subparagraphs to promote international cooperation under paragraph (1):

1. Investigation and research for international cooperation related to recycling of resources;
2. International exchange of manpower and information related to recycling of resources;
3. Holding exhibitions and seminars related to recycling of resources;
4. Development of overseas markets for the fostering of recycling industries;
5. Other projects deemed necessary for the promotion of international cooperation.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

## CHAPTER V SUPPLEMENTARY PROVISIONS

Article 35 (Resources Recycling Association)

(1) A person determined by Presidential Decree such as producers obligated to recycle, Cooperatives, producers of recycled goods and collectors of recyclable resources may establish an association for the facilitation of recycling (hereinafter referred to as the "Resources Recycling Association"), obtaining the permission of the Minister of Environment under conditions prescribed by Presidential Decree.

(2) The Minister of Environment may subsidize the expenses incurred from the operation of the Resources Recycling Association within the budgetary limit.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 35-2 (Financial and Technical Assistance)

The State may provide necessary financial and technical assistance to a local government, business, etc. to promote the business in each of the following subparagraphs:

1. Assessment of recyclability of resources of goods under Article 8-2;
2. Technical development, installation of facilities, etc. necessary for manufacturers, etc. under Article 15 to reuse goods or parts;
3. Installation and operation of facilities installed by a local government under Article 34-5;
4. Projects to promote international cooperation under Article 34-9; and
5. Other projects deemed by the Minister of Environment necessary for the promotion of recycling of resources.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 35-3 (Legislative and Financial Measures, etc.)

The State and local governments shall take legislative and financial measures necessary for the implementation of policies to facilitate the recycling of resources.

*[This Article Newly Inserted by Act No. 8948, Mar. 21, 2008]*

Article 36 (Report, Inspection, etc.)

(1) The Minister of Environment, the ministers of competent ministries, the Special Self-governing *Do* governor or the head of *Si/Gun/Gu* may require a person falling under any of the following subparagraphs make a necessary report or submit materials in cases prescribed by Ordinance of the Ministry of Environment, such as the case necessary to confirm whether or not the criteria in each subparagraph of Article 9 are observed, and have a relevant public official enter a facility, business site, workplace, etc. to investigate relevant documents, facilities, equipment, etc.:

1. Manufacturers, etc. under Article 9 (1);
  2. Businesses under Article 10;
  3. Manufacturers or importers subject to the imposition of waste charges under Article 12;
  4. Waste dischargers under Article 12-2;
  5. Manufacturers, etc. of the goods, the price of which includes the bond money for empty containers under Article 15-2;
  6. Producers obligated to recycle under Article 16;
  7. Persons entrusted with recycling of goods and packing materials by producers obligated to recycle under Article 16 (1);
  8. Designated recycling businesses under Article 23;
  9. Persons who install and operate energy recovery facilities under Article 24-2;
  10. Designated by-product discharging businesses under Article 25; and
  11. The Cooperatives under Article 27.
- (2) Public officials who enter a workplace to conduct investigations under paragraph (1) shall carry a certificate indicating their authority and display it to the relevant persons.
- (3) A person who fall into paragraph (1) 3, 5 through 12 shall keep account books and make records in and preserve them under conditions prescribed by Ordinance of the Ministry of Environment.
- (4) The Minister of Environment, the ministers of competent ministries, the Special Self-governing *Do* governor, or the head of *Si/Gun/Gu* shall, when he/she intends to enter a workplace for investigation under paragraph (1), notify the person subject to investigation of the investigation plan including the date of entrance into a workplace for investigation, causes, details, etc. three days before he/she enters a workplace for investigation: *Provided*, That the same shall not apply to the case where notice is to be issued urgently or it is deemed that the objective of investigation may not be achieved due to destruction of evidence, etc.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 37 (Cooperation of Relevant Organs)

The Minister of Environment may, when he/she deems necessary to achieve the purpose of this Act, request the head of a relevant administrative organ for the matters in each of the following subparagraphs. In such cases, the head of the relevant administrative organ shall comply with it unless there is any special reason not to do so:

1. Submission of materials necessary for the formulation of policies for facilitation of recycling of resources;
2. Cooperation in matters necessary for the formulation of basic plan; and
3. Other matters prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 38 (Delegation and Entrustment of Authority)

(1) Part of the authority of the Minister of Environment or the ministers of competent ministries under this Act may be delegated to the Special Metropolitan City Mayor, Metropolitan City Mayors, *Do* governors, the Special Self-governing *Do* governor or the heads of regional environmental government offices under conditions prescribed by Presidential Decree.

(2) The Minister of Environment or the ministers of competent ministries may entrust part of the duties under this Act to a relevant specialized institution, such as the Corporation under conditions prescribed by Presidential Decree.



*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 38-2 (Hearings)

The Ministry of Environment shall hold a hearing when he/she intends to revoke the authentication of solid fuel products manufacturers pursuant to Article 25-4 (2) and (3).

*[This Article Newly Inserted by Act No. 8611, Aug. 3, 2007]*

## CHAPTER VI PENAL PROVISIONS

Article 39 (Penal Provisions)

A person who failed to submit a report or data or has submitted a false report or false data and a person who has refused, interfered with or evaded entrance for investigation under Article 36 (1) shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding five million won.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 40 (Joint Penal Provisions)

(1) When the representative, agent, employee and any other worker of a corporation commits any violation under Article 39 in relation to the business of the corporation, not only shall the offender be punished, but the corporation shall also be punished by a fine as referred to in the same Article.

(2) When the representative, agent, employee and other worker of an individual commits acts of violation under Article 39 in relation to the business of the individual, not only the offender shall be punished but also the individual shall be punished by a fine as referred to in the same Article.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 41 (Fines for Negligence)

(1) A person who falls into any of the following subparagraphs shall be imposed with a fine for negligence not exceeding three million won:

1. A person who failed to abide by the standards for the quality of packing materials, method of packing, and goals of the annual reduction of packing materials made of synthetic resin for goods under Article 9 (1);
2. A person who has failed to perform an order for inspection under Article 9 (3);
3. A person who has used, or offered for free disposable goods in violation of Article 10;
4. A person who has failed to put a separate discharge mark or affixed a false mark in violation of Article 14;
5. A person who has failed to refund the bond money for empty containers in violation of Article 15-2 (2);
6. A person who has failed to pay handling fees in violation of Article 15-2 (3);
7. A person who has used unrefunded bond money in violation of Article 15-3 (1);
8. A person who has used solid fuels in violation of Article 25-2;
9. A person who has supplied without obtaining certification in violation of Article 25-3 (1); and

10. A person who has failed to perform an order to take measures under Article 26 (2).

(2) A person who has falls into any of the following subparagraphs shall be imposed with a fine for negligence not exceeding one million won:

1. A person who failed to perform an order to take measures under Article 12-2 (2);
2. A person who has failed to submit a plan for fulfillment of the obligation to recycle or a report on the results of fulfillment of the obligation to recycle under Article 18 (including the case to which the provisions as referred to in Article 29 (2) apply *mutatis*

*mutandis*); and

3. A person who has failed to keep records in or preserve account books or has made false records under Article 36 (3).

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

Article 42 (Imposition and Collection of Fines for Negligence)

(1) Fines for negligence under Article 41 shall be imposed and collected by the Minister of Environment, the ministers of competent ministries, the Special Self-governing *Do* governor or the head of *Si/Gun/Gu* (hereinafter referred to as “persons authorized to impose and collect fines for negligence”) under conditions prescribed by Presidential Decree.

(2) A person who is dissatisfied with the disposition of a fine for negligence under paragraph (1) may raise an objection to a person authorized to impose and collect a fine for negligence within 30 days from the date on which he/she is notified of such disposition.

(3) When a person who is subject to the disposition of a fine for negligence under paragraph (1) raises an objection under paragraph (2), a person authorized to impose and collect fines for negligence shall, without delay, issue a notice of thereof to the competent court as to such fact, and the competent court to which such notice is issued shall hold a court on the fine for negligence in accordance with the Non-Contentious Case Litigation Procedure Act.

(4) Any fine for negligence for which no objection has been raised within the period of time under paragraph (2) and which is not paid shall be collected pursuant to the example of dispositions of national or local taxes in arrears.

*[This Article Wholly Amended by Act No. 8948, Mar. 21, 2008]*

## ADDENDA

Article 1 (Enforcement Date)

(1) This Act shall enter into force on January 1, 2003: *Provided*, That the amended provisions of Article 32 shall enter into force on the date of its promulgation.

(2) The former provisions of Article 30 shall be repealed on the date of the promulgation of this Act.

Article 2 (Preparatory Act)

The Minister of Environment may publish the total quantity of mandatory recycling by goods and packaging materials under the amended provisions of Article 17 (1) in consultation with the ministers of competent ministries in order to enforce the amended provisions of Article 16 prior to the enforcement of this Act.

Article 3 (Transitional Measures Concerning Deposit)

The imposition and collection of a deposit that was imposed or was to be imposed under the former provisions of Article 18 prior to the enforcement of this Act and the return of the deposit for goods and containers that were collected and treated prior to the enforcement of this Act shall be governed by the previous provisions.

Article 4 (Transitional Measures Concerning Penal Provisions, etc.)

The application of the penal provisions and fines for negligence to any act committed prior to the enforcement of this Act shall be governed by the former provisions.

Article 5 Omitted.

Article 6 (Relation with Other Acts)

Where other Acts and subordinate statutes cite any provisions of the Act on the Promotion of Saving and Recycling of Resources at the time when this Act enters into force, if there are provisions corresponding thereto in this Act, the relevant provisions of this Act shall

be deemed to have been cited in lieu of the former provisions.

ADDENDUM <Act No. 7021, Dec. 30, 2003>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 7023, Dec. 30, 2003>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 7296, Dec. 31, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 Omitted.

ADDENDA <Act No. 7464, Mar. 31, 2005>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures regarding Order to Undergo Inspection of Packing Method of Goods and of Quality of Packaging Material) Any order issued under the previous provisions of Article 9 (3) at the time this Act enters into force shall be deemed an order issued by the head of *Si/Gun/ Gu* under the amended provisions of Article 9 (3).

ADDENDA <Act No. 7778, Dec. 29, 2005>

This Act shall enter into force six months after the date of its promulgation: *Provided*, That the amended provisions of Articles 22-2 and 41 (1) 6-3 shall enter into force on January 1, 2007.

ADDENDA <Act No. 7864, Mar. 3, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Articles 2 through 11 Omitted.

ADDENDUM <Act No. 8012, Sep. 27, 2006>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 8212, Jan. 3, 2007>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 8371, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDA <Act No. 8405, Apr. 27, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2008.

Articles 2 through 7 Omitted.

ADDENDUM *<Act No. 8427, May 11, 2007>*

This Act shall enter into force on the date of its promulgation.

ADDENDA *<Act No. 8466, May 17, 2007>*

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.  
Articles 2 through 5 Omitted.

ADDENDUM *<Act No. 8611, Aug. 3, 2007>*

This Act shall enter into force on January 1, 2008.

ADDENDA *<Act No. 8852, Feb. 29, 2008>*

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)  
Articles 2 through 7 Omitted.

ADDENDUM *<Act No. 8948, Mar. 21, 2008>*

This Act shall enter into force one year after its promulgation.

ADDENDA *<Act No. 8957, Mar. 21, 2008>*

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.  
Articles 2 and 3 Omitted.

# ACT ON THE CONTROL OF TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTES AND THEIR DISPOSAL

---

Act No. 4534, Dec. 18, 1992  
Amended by Act No. 4714, Jan. 5, 1994  
Act No. 5391, Aug. 28, 1997  
Act No. 5453, Dec. 13, 1997  
Act No. 5529, Feb. 28, 1998  
Act No. 5872, Feb. 8, 1999  
Act No. 6361, Jan. 16, 2001  
Act No. 8260, Jan. 19, 2007  
Act No. 8470, May 17, 2007  
Act No. 8852, Feb. 29, 2008

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to prevent any environmental pollution caused by the transboundary movement of wastes and to improve international cooperation by controlling the export, import, and inland transit (hereinafter referred to as “export, import, etc.”) of wastes for the purposes of implementing the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and bilateral, multilateral or regional agreements based on the same Convention. *<Amended by Act No. 5391, Aug. 28, 1997>*

### Article 2 (Definitions)

For the purposes of this Act, *<Amended by Act No. 5391, Aug. 28, 1997>*

1. the term “wastes” means wastes referred to in the Annexes, etc. of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (hereinafter referred to as the “Convention”) and substances which are determined as necessary for the regulation of export and import by bilateral, multilateral or regional agreements referred to in Article 11 of the Convention, and determined by Presidential Decree;
2. the term “parties to the Convention” means countries or international organizations which have acceded to the Convention; and
3. the term “movement documents” means any document specifying information to be included in the notification as prescribed in the Annexes to the Convention.

### Article 3 (Scope of Application)

- (1) This Act shall not apply to radioactive substances prescribed in the Atomic Energy Act and substances contaminated thereby.
- (2) This Act shall not apply to wastes discharged in sea areas pursuant to the Marine Environment Management Act, and wastes discharged as a result of the navigation of ships. *<Amended by Act No. 8260, Jan. 19, 2007>*

### Article 4 (Obligations of State)

- (1) The State shall recognize the possibility of harm inflicted on human health and the environment by transboundary movement of wastes, and adopt a proper policy to control and manage the export, import, etc. of wastes for the health of citizens and the prevention of environmental pollution.

(2) The State shall cooperate with parties to the Convention, etc. to develop technology, collect, utilize, and disseminate information, establish a management system, etc. for the proper control of wastes.

(3) The State shall provide assistance to the development, transfer, etc. of technology related to wastes.

Article 5 (Obligations of Exporters, Importers, etc. of Wastes)

(1) No person who exports, imports, transports, or disposes of wastes shall cause any danger or injury to the environment and human health due to the export, import, etc. of wastes, and such person shall, to this end, make positive efforts for the development of techniques and mutual exchange of information.

(2) If any danger or injury to the environment and human health is caused by the export, import, etc. of wastes, the person who exports, imports, transports, or disposes of wastes, shall take all measures necessary for the removal thereof.

## CHAPTER II CONTROL AND MANAGEMENT OF EXPORTS, IMPORTS, ETC. OF WASTES

Article 6 (Permission for Exports of Wastes)

(1) Any person who desires to export wastes shall obtain permission from the Minister of Environment as prescribed by Presidential Decree. The same shall also apply to cases where he/she desires to amend permitted matters. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

(2) The Minister of Environment may, if any person applies for permission on the export of wastes referred to in the provision of paragraph (1) or applies for amendment of permitted matters, grant permission thereon only when such case falls under any of the following subparagraphs: *<Newly Inserted by Act No. 8470, May 17, 2007>*

1. When no technology or facilities are available domestically to treat such wastes in a sound and proper manner; and
2. When such wastes are needed as raw materials for recycling industries of the state of import.

(3) If the Minister of Environment intends to grant an export permit as referred to in paragraph (2), he/she shall obtain the consent of the state of import and state of transit of wastes which he/she desires to export: *Provided*, That in cases where it is determined by Presidential Decree, he/she may grant permission without obtaining such consent. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>*

(4) In granting the permission under paragraph (2), the Minister of Environment may attach any condition necessary to such permission. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>*

(5) If wastes of the same physical and chemical properties are exported to the same person through the same domestic customshouse and the same customshouse of state of import, the Minister of Environment may permit such export with a period fixed within the limit of twelve months. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

Article 7 (Preparation, etc. of Export Movement Documents)

(1) A person who is granted permission for the export of wastes (including permission for amendments; hereinafter the same shall apply) under Article 6 (1) shall prepare movement documents with respect to the export wastes (hereinafter referred to as "export movement

documents”) as prescribed by Presidential Decree. The same shall also apply to an amendment to the details of such export movement documents.

(2) Where a person who is granted permission for the export of wastes ceases to export such wastes, he/she shall report to the Minister of Environment with the export movement documents on the wastes as prescribed by Presidential Decree. *<Amended by Act No. 6361, Jan. 16, 2001>*

(3) Deleted. *<by Act No. 6361, Jan. 16, 2001>*

*[This Article Wholly Amended by Act No. 5872, Feb. 8, 1999]*

Article 8 (Transportation of Export Wastes)

(1) A person who transports export wastes shall carry with himself/ herself the export movement documents with respect to such wastes and in cases where he/she delivers them, he/she shall enter in such documents the date of delivery and other matters prescribed by Presidential Decree and sign thereon.

(2) A person who transports export wastes shall observe the terms entered in the export movement documents: *Provided*, That the same shall not apply to cases where he/she carries them in according to an order to carry-in issued under Article 20 (1).

Article 9 Deleted. *<by Act No. 5872, Feb. 8, 1999>*

Article 10 (Permission on Import of Wastes)

(1) Any person who desires to import wastes shall obtain permission from the Minister of Environment as prescribed by Presidential Decree. The same shall also apply to cases where he/she desires to amend permitted matters. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

(2) The Minister of Environment may, if any person applies for permission on the import of wastes referred to in the provisions of paragraph (1) or applies for amendment of permitted matters, grant permission thereon only when such case falls under any of the following subparagraphs: *<Newly Inserted by Act No. 8470, May 17, 2007>*

1. When the technology and facilities necessary to treat such wastes in a sound and proper manner are available; and

2. When such wastes are used as raw materials for recycling industries.

(3) In granting permission on import as referred to in paragraph (2), the Minister of Environment shall not grant such permission if the competent authority of the state of export does not make any request for the consent to the import of wastes: *Provided*, That the same shall not apply in cases where they are not provided for as wastes subject to control of trans-boundary movements pursuant to Acts and subordinate statutes of the state of export. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>*

(4) When the competent authority of the state of export has made a request for consent to the import of wastes, the Minister of Environment shall decide whether or not he/she consents to the import of wastes and notify the state of export. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

(5) The Minister of Environment may, upon granting permission under paragraph (2), attach necessary conditions thereto. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>*

(6) If the same person imports wastes of the same physical or chemical properties through the same customhouse of the state of export and the same customhouse in Korea, the Minister of Environment may permit it with a period fixed within the limit of 12 months. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

Article 11 (Preparation of Import Movement Documents)

Any person who has obtained permission for the import of wastes (including permission for amendments; hereinafter the same shall apply) under Article 10 (1) shall, if the wastes

are imported into the Republic of Korea, prepare movement documents with respect to the imported wastes (hereinafter referred to as "import movement documents") under the conditions determined by Presidential Decree. The same shall also apply to an amendment to the details of import movement documents.

*[This Article Wholly Amended by Act No. 5872, Feb. 8, 1999]*

Article 12 (Transportation or Disposal of Imported Wastes)

(1) Any person who transports or disposes of imported wastes shall carry with him/her import movement documents and movement documents issued in accordance with the Acts and subordinate statutes of the state of export (limited to imported wastes prescribed by the Acts and subordinate statutes of the state of export as wastes subject to the control of transboundary movement; hereinafter referred to as "movement documents issued by the state of export"), and where he/she delivers the import wastes, he/she shall enter the date of delivery and other matters determined by Presidential Decree in the import movement documents and sign thereon. *<Amended by Act No. 5872, Feb. 8, 1999>*

(2) Any person who transports and disposes of imported wastes shall observe the terms described in the relevant import movement documents: *Provided*, That the same shall not apply to cases where they are shipped out according to an order to ship them out under Article 20 (1).

Article 13 (Transfer, etc. of Imported Wastes)

(1) If imported wastes are handed or taken over, the import movement documents and the movement documents issued by the state of export shall be delivered together therewith. *<Amended by Act No. 5872, Feb. 8, 1999>*

(2) Any person who has taken over imported wastes under paragraph (1) shall report to the Minister of Environment under the conditions prescribed by Presidential Decree. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

(3) Deleted. *<by Act No. 6361, Jan. 16, 2001>*

Article 14 (Notice of Results of Treatment of Imported Wastes, etc.)

Any person who has completed the treatment of imported wastes shall promptly furnish documents describing the receipt of the relevant wastes and the results of their treatment to the competent authority and the exporter thereof of the state of export and then submit the copy thereof to the Minister of Environment under the conditions prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 6361, Jan. 16, 2001]*

Article 15 (Revocation of Permission on Export or Import of Wastes)

(1) If a person who has obtained permission on the export or import of wastes falls under any of the following subparagraphs, the Minister of Environment may revoke his/her permission: *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>*

1. When he/she obtains permission by deceitful or other unlawful means;
2. When he/she fails to fulfill any condition provided for in Article 6 (4) or 10 (5);
3. When new information reveals that the export or import-permitted wastes may cause any environmental pollution not anticipated at the time the permission was granted;
4. When he/she fails to prepare an export movement document (including amending to the details entered in such document) in violation of the provisions of Article 7 (1) or prepares such document falsely;
5. When he/she fails to observe the terms entered in an export movement document in violation of the provision of the main sentence of Article 8 (2);
6. When he/she fails to prepare an import movement document (including amending to the details entered in such document) in violation of the provisions of Article 11



or prepares such document falsely;

7. When he/she fails to observe the terms entered in an import movement document in violation of the provision of the main sentence of Article 12 (2);
8. When he/she violates the restrictions referred to in the provisions of Article 18 (1) or (2);
9. When he/she violates an order to ship in, etc. as provided for in Article 20 (1); and
10. When he/she refuses, obstructs or evades entrance and inspection referred to in the provisions of Article 22 (1).

(2) Deleted. *<by Act No. 6361, Jan. 16, 2001>*

Article 16 (Agreements, etc. on Transit of Wastes)

- (1) When the competent authority of a state of export makes a request for consent to transit export wastes through Korea, the Minister of Environment shall determine whether he/she consents to it and notify the state of export. *<Amended by Act No. 5391, Aug. 28, 1997>*
- (2) When a person who desires to export wastes to another country passing through Korea does not obtain the consent referred to in paragraph (1), he/she may not pass the wastes through Korea.

Article 17 (Control over Exported or Imported Wastes)

- (1) Any person who desires to export or import wastes shall pack the wastes or apply marks to such wastes as prescribed by Presidential Decree.
- (2) Except as otherwise provided for in this Act, the Wastes Control Act or the Act on the Promotion of Saving and Recycling of Resources shall apply to the transportation, keeping, disposal, recycling, etc. of exported or imported wastes.

Article 18 (Designation of Export or Import Port, etc.)

- (1) In granting permission on the export or import of wastes, the Minister of Environment may designate any shipment or loading and unloading port or restrict the shipment or loading and unloading zone after consulting with the Minister of Land, Transport and Maritime Affairs. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001; Act No. 8852, Feb. 29, 2008>*
- (2) In giving his/her consent to any transit of wastes through Korea, the Minister of Environment may restrict the transit port or area after consulting with the Minister of Land, Transport and Maritime Affairs. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 8852, Feb. 29, 2008>*

Article 19 (Prohibition on Exports and Imports)

- (1) If there arises any cause to take any emergency measure for the environment and human health, the Minister of Environment may ban or limit any export or import of wastes for a fixed period of time as prescribed by Presidential Decree. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*
- (2) Any wastes that are feared to pose dangers to human health and the environment shall be prohibited from being exported or imported. *<Amended by Act No. 6361, Jan. 16, 2001>*
- (3) Any wastes shall be prohibited from being exported to any nation that lacks proper capacity to treat such wastes. *<Newly Inserted by Act No. 6361, Jan. 16, 2001>*
- (4) The wastes and the nation referred to in paragraphs (2) and (3) shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 6361, Jan. 16, 2001>*

Article 20 (Order to Ship in, etc.)

- (1) If any person who has exported or imported wastes falls under any of the following subparagraphs, the Minister of Environment may order him to ship in or out the wastes for a fixed period of time, or order him to manage them by proper means: *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 5872, Feb. 8, 1999; Act No. 6361, Jan. 16, 2001; Act No. 8470, May 17, 2007>*

1. When he/she exports or imports such wastes without obtaining permission as provided

for in Article 6 (1) or 10 (1);

2. When he/she exports or imports such wastes without fulfilling the conditions provided for in Article 6 (4) or 10 (5);
3. When the contents of the request for consent to import by the state of export under Article 10 (4) do not agree with those of the movement documents issued by the state of export; and
4. When it is decided that the exported or imported wastes are remarkably dangerous enough to cause any environmental pollution not anticipated at the time permission was granted.

(2) When the heads of administrative agencies concerned find that a person who has exported or imported wastes falls under any subparagraph of paragraph (1), they may request the Minister of Environment to take any necessary measures, such as shipping in or out such wastes, etc. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

(3) The Minister of Environment shall, upon receiving a request referred to in paragraph (2), take proper measures thereon and notify the heads of administrative agencies concerned of the outcome of such measures. *<Amended by Act No. 6361, Jan. 16, 2001>*

#### Article 21 (Vicarious Execution)

(1) If a person who has received an order under Article 20 (1) fails to carry out such order for the prescribed period, the Minister of Environment shall execute it vicariously under the conditions as prescribed by the Administrative Vicarious Execution Act, and the expenses for such execution may be collected from the person who has exported or imported such wastes. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

(2) Deleted. *<by Act No. 6361, Jan. 16, 2001>*

#### Article 22 (Reports, Inspection, etc.)

(1) The Minister of Environment may require a person who falls under any of the following subparagraphs to make a report, or may request him/her to submit materials, or may have any related public official enter any office, business place, wastes storage place to inspect the relevant documents, facilities, equipment, storage conditions as prescribed by Presidential Decree: *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

1. A person who has obtained permission for export under Article 6 (1);
2. A person who transports export wastes under Article 8 (1);
3. A person who has obtained permission for import under Article 10 (1);
4. A person who transports or disposes of imported wastes under Article 12 (1); and
5. A person who has taken over imported wastes under Article 13 (1).

(2) Any public official who enters to conduct inspection under paragraph (1) shall carry with himself/herself a certificate indicating his/her competence to do so and show it to a person concerned.

## CHAPTER III SUPPLEMENTARY PROVISIONS

#### Article 23 (Fees)

- (1) Any person who desires to obtain permission on export prescribed in Article 6 (1), or permission on import prescribed in Article 10 (1), shall pay a fee.
- (2) The calculation, payment method, and procedure of the fee as referred to in paragraph (1) and other necessary matters shall be determined by Presidential Decree.

(3) The fee collected under paragraph (1) shall be paid to the revenue of the special accounts on environment improvement under the Act on the Special Accounts on Environment Improvement. *<Amended by Act No. 4714, Jan. 5, 1994>*

Article 24 (Cooperation with Related Agency)

If it is deemed necessary for attaining the purpose of this Act, the Minister of Environment may request the head of any related administrative agency to furnish necessary materials. In this case, the head of the related administrative agency shall comply with such request unless justifiable grounds exist that make it impossible to do so. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

Article 25 (Designation of Competent Authority, etc.)

For the purpose of fulfilling the contents of the Convention, the Government shall designate the competent authority and liaison officer and notify the Secretariat of the Convention.

Article 26 Deleted. *<by Act No. 5453, Dec. 13, 1997>*

Article 27 (Delegation and Consignment)

(1) The authority of the Minister of Environment vested under this Act may be delegated partially to the head of any agency under his/her jurisdiction or to the head of any related administrative agency, or may be consigned to any corporation or organization as prescribed by Presidential Decree. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

(2) The Minister of Environment may order any person to whom authority is delegated or entrusted to make a necessary report on the affairs delegated or entrusted under paragraph (1). *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

## CHAPTER IV PENAL PROVISIONS

Article 28 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than five years or a fine not exceeding 30 million won:

1. A person who exports or imports wastes without obtaining permission under Article 6 (1), or 10 (1); or
2. A person who violates an order issued under Article 20 (1).

Article 29 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than three years or a fine not exceeding 10 million won: *<Amended by Act No. 5872, Feb. 8, 1999>*

1. A person who fails to prepare or falsifies export movement documents (including the changed export movement documents) in contravention of the provisions of Article 7 (1);
2. A person who fails to observe the contents described in the export movement documents in contravention of the provisions of the text of Article 8 (2);
3. A person who fails to prepare or falsifies import movement documents (including the changed import movement documents) in contravention of the provisions of Article 11; and
4. A person who fails to observe the contents described in the import movement documents in contravention of the provisions of the text of Article 12 (2).

Article 30 (Penal Provisions)

Any person who falls under any of the following subparagraphs shall be punished by imprisonment for not more than one year or a fine not exceeding five million won:

1. A person who violates the restriction as prescribed in Article 18 (1) and (2); and

2. A person who refuses, interferes with, or avoids any entry or inspection as prescribed in Article 22 (1).

Article 31 (Joint Penal Provisions)

If any representative of a corporation or any agent, servant or any other employee of a corporation or individual commits an offense prescribed in Articles 28 through 30 in connection with the affairs of a corporation or another individual, the fine as prescribed in the respective Articles shall also be imposed on such a corporation or individual in addition to the punishment of the offender.

Article 32 (Fine for Negligence)

(1) Any person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won: *<Amended by Act No. 6361, Jan. 16, 2001>*

1. A person who fails to make a report in contravention of the provisions of Article 7 (2) or 13 (2);
2. A person who fails to carry with him/her the export movement documents or to enter pertinent matters in the said documents or sign them, in contravention of the provisions of Article 8 (1);
3. A person who fails to carry with him/her import movement documents or movement documents issued by the State of export or to enter the pertinent matters in the said documents or sign thereon, in contravention of the provisions of Article 12 (1);
- 3-2. A person who fails to furnish the document describing the receipt of wastes and the results of their treatment to the competent authority and the exporter of the State of export or to submit the copy thereof to the Minister of Environment;
4. A person who fails to make the packing, attach marks, etc. in contravention of the provisions of Article 17 (1); or
5. A person who fails to make the report or present materials as prescribed in Article 22 (1), or who makes a false report or presents false materials.

(2) The fine for negligence as referred to in paragraph (1) shall be imposed and collected by the Minister of Environment as prescribed by Presidential Decree. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

(3) Any person who is dissatisfied with the disposition of the fine for negligence as referred to in paragraph (2) may raise objection against to Minister of Environment within 30 days after he/she is informed of the disposition. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

(4) If a person who is subject to the disposition of the fine for negligence as referred to in paragraph (2) has made an objection under paragraph (3), the Minister of Environment shall notify without delay the competent court, and the court shall, upon receiving the notification, bring the case of the fine for negligence to trial under the Non-Contentious Case Litigation Procedure Act. *<Amended by Act No. 5391, Aug. 28, 1997; Act No. 5529, Feb. 28, 1998; Act No. 6361, Jan. 16, 2001>*

(5) If no objection is made and no fine for negligence is paid within the period as referred to in paragraph (3), it shall be collected according to cases of the disposition of national taxes in arrears.

## ADDENDA

- (1) (Enforcement Date) This Act shall enter into force on the day on which the Convention becomes effective in Korea.
- (2) (Transitional Measures) Any person who has obtained the approval of the Minister

of Trade, Industry and Energy on the import of wastes pursuant to the provisions of the Foreign Trade Act at the time this Act enters into force, shall be considered to have obtained the approval on import under this Act during the term for which the approval on import is valid.

ADDENDA <Act No. 4714, Jan. 5, 1994>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1995.

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 5391, Aug. 28, 1997>

This Act shall enter into force on January 1, 1998.

ADDENDUM <Act No. 5453, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5529, Feb. 28, 1998>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 5872, Feb. 8, 1999>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures for Application of Fines for Negligence) The application of fines for negligence to offenses committed before this Act enters into force shall be governed by the former provisions.

ADDENDA <Act No. 6361, Jan. 16, 2001>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures for Change in Authority for Export and Import Permits) Any person who is granted a permit to export or import wastes by the Minister of Commerce, Industry and Energy under the former provisions at the time this Act enters into force shall be deemed to have been granted a permit to export or import the relevant wastes by the Minister of Environment under this Act.

(3) (Transitional Measures for Application of Fines for Negligence) The application of fines for negligence to any acts performed before this Act enters into force shall be governed by the former provisions: *Provided*, that the imposition and collection of fines for negligence shall be governed by the amended provisions.

ADDENDA <Act No. 8260, Jan. 19, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 24 Omitted.

ADDENDA *<Act No. 8470, May 17, 2007>*

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures for Period for Permission on Export and Import of Wastes) A person who had already obtained permission referred to in Article 6 (4) or 10 (6) at the time when this Act enters into force in accordance with the former provisions shall be deemed to have obtained permission in accordance with the amended provisions of Article 6 (2) or 10 (2) only for such period of time.

ADDENDA *<Act No. 8852, Feb. 29, 2008>*

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

# ENFORCEMENT DECREE OF THE WASTES CONTROL ACT

---

Wholly Amended by Presidential Decree No. 20244, Sep. 6, 2007  
Amended by Presidential Decree No. 20290, Sep. 27, 2007  
Presidential Decree No. 20478, Dec. 28, 2007  
Presidential Decree No. 20946, Jul. 29, 2008

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Decree is to prescribe the matters delegated by the Wastes Control Act and such matters as may be necessary for the enforcement thereof.

### Article 2 (Scope of Places of Business)

The term “other place of business specified by Presidential Decree” in subparagraph 3 of Article 2 of the Wastes Control Act (hereinafter referred to as the “Act”) means any of the following places of business: *Amended by Presidential Decree No. 20244, Sep. 27, 2007*

1. A place of business in which a terminal wastewater treatment facility has been installed and operated under Article 48 (1) of the Water Quality and Ecosystem Conservation Act;
2. A place of business in which a public sewage treatment facility has been installed and operated under Article 11 (4) of the Sewerage Act;
3. A place of business in which a public excreta treatment facility has been installed and operated under subparagraph 10 of Article 2 of the Sewerage Act;
4. A place of business in which a public treatment facility has been installed and operated under Article 24 of the Act on the Management and Use of Livestock Excreta;
5. A place of business in which a waste disposal facility has been installed and operated under Article 29 (2) of the Act (including the facilities installed by persons who hold a licence for a waste management business under Article 25 (3) of the Act);
6. A place of business from which controlled wastes as defined in subparagraph 4 of Article 2 of the Act are discharged;
7. A place of business from which wastes are discharged average 300 kilograms or more daily;
8. A place of business in which the wastes from construction works under subparagraph 4 of Article 2 of the Framework Act on the Construction Industry amount to five tons or more (which refer to the quantity of wastes discharged therefrom during a period of time from the commencement to the completion of the works); or
9. A place of business in which the wastes from a series of construction works (excluding the construction works under subparagraph 8) or other works amount to five tons or more (which refer to the quantity of wastes discharged therefrom during a period of time from the commencement to the completion of the works).

### Article 3 (Types of Controlled Wastes)

The controlled wastes as defined in subparagraph 4 of Article 2 of the Act shall be as listed in Table 1, attached hereto.

### Article 4 (Types of Medical Refuse)

The medical refuse as defined in subparagraph 5 of Article 2 of the Act shall be as listed in Table 2, attached hereto. *⟨Amended by Presidential Decree No. 20478, Dec. 28, 2007⟩*

**Article 5 (Waste Disposal Facilities)**

The waste disposal facilities as defined in subparagraph 8 of Article 2 of the Act shall be as listed in Table 3, attached hereto.

**Article 6 (Waste Minimization Facilities)**

The term “facilities ..... as specified by Presidential Decree” in subparagraph 9 of Article 2 of the Act means the facilities listed in Table 3, attached hereto.

## CHAPTER II DISCHARGE AND MANAGEMENT OF WASTES

**Article 7 (Standards of Waste Management)**

(1) The standards and methods for collection, transportation, storage, and disposal of wastes under Article 13 of the Act shall be as follows: *⟨Amended by Presidential Decree No. 20946, Jul. 29, 2008⟩*

1. Wastes shall be collected, transported, and stored after being sorted by types, characteristics, conditions, recyclability and combustibility: *Provided*, That this may not apply to wastes, other than medical refuse, which fall under any of the following cases:
  - (a) Where wastes that shall be managed by identical standards and method are disposed of at an identical waste disposal facility or place;
  - (b) Where a mixture of two or more different kinds of wastes is produced or discharged at the same time; or
  - (c) Where each Special Self-Governing Province or *Si/Gun/Gu* involved (the Special Metropolitan City and other Metropolitan Cities are not included in the term of *Si*, while *Gu* refers only to an autonomous *Gu*; the same shall apply hereinafter) has different rules on classification of wastes pursuant to Municipal Ordinance of each Special Self-Governing Province or *Si/Gun/Gu*, considering separate waste collection plan or specific regional conditions of each of them;
2. Wastes shall be kept from being blown off by wind or from leaking out, in the course of collection, transportation, or storage. The water leaching therefrom shall be contained so as not to be drained out, and the water seeping therefrom shall, if any, be disposed of as prescribed by Ordinance of the Ministry of Environment;
3. Wastes shall not be transported to any place other than a place at which they can be properly managed and stored: *Provided*, That the foregoing shall not apply in cases where a person who holds a license for a waste collection and transportation business under Article 25 (5) 1 of the Act needs to collect wastes using a vehicle with smaller loading capacity and then transfer them to a vehicle with larger loading capacity, as prescribed by Ordinance of the Ministry of Environment;
4. The wastes produced in the course of an interim treatment process shall be deemed as wastes newly produced, and thus the person who have produced such wastes shall take such action as reporting under Article 17 (2) of the Act or obtaining verification under paragraph (3) of the same Article of the Act and other necessary action, and shall dispose of them properly in accordance with the method adequate for disposal of wastes involved: *Provided*, That any wastes newly produced after being treated through an interim treatment process at a mechanical treatment facility under subparagraph 1 (b) of Table 3, attached hereto, shall be regarded as wastes at a stage prior to interim treatment, if the nature and conditions of the wastes after such treatment remain unchanged



as those of the wastes before such treatment:

5. Wastes shall be disposed of at a wastes disposal facility: *Provided*, That the foregoing shall not apply in cases where a person who discharges household wastes disposes of the wastes in accordance with Article 15 (1) of the Act or where any other wastes are disposed of in any other manner prescribed by Ordinance of the Ministry of Environment;
  6. Every person who keeps wastes in storage for disposal of such wastes shall keep such wastes in a place of business which has the relevant waste disposal facility: *Provided*, That the foregoing shall not apply in cases where a person who has filed a report on recycling of wastes under Article 46 of the Act (hereinafter referred to as a "reported wastes recycler") keeps commercial wastes in storage for recycling as prescribed by Ordinance of the Ministry of Environment;
  7. Reported wastes recyclers and persons who have installed and operate a multi-regional waste disposal facility under Article 5 (1) of the Act (including person to whom installation and operation of such a facility has been commissioned under Article 5 (2) of the Act) shall dispose of wastes within the period of time prescribed by Ordinance of the Ministry of Environment: *Provided*, That the foregoing shall not apply in cases where an unavoidable event or cause, such as a fire, a serious accident, a labor dispute, or abandoned wastes delivered and kept in storage, makes it impossible to dispose of wastes within the prescribed period of time, subject to approval from the Special Metropolitan City Mayor, the Metropolitan City Mayor, *Do* governor, or the governor of the Special Self-governing Province (hereinafter referred to as the "Mayor/*Do* governor"), or the head of the competent environment office of the river system or the region involved;
  8. A mixture of two or more different kinds of wastes shall be disposed of in any of the following manners, if it is difficult to separate them:
    - (a) A mixture of wastes containing an waste acid or alkali shall be properly disposed of after being treated by a process of neutralization; or
    - (b) A mixture of wastes subject to ordinary incineration shall be disposed of by a process of high-temperature incineration, if it contains any wastes requiring high-temperature incineration;
  9. In cases where wastes are disposed of by landfill, such wastes shall be disposed of at a landfill facility equipped with facilities for cutting off water-flow and collecting water, tanks for regulating the volume of water, and facilities for treating seeping water, and also with a facility for gas incineration or power generation and fuel-making: *Provided*, That such wastes may be disposed of at a landfill facility without all or part of the afore-mentioned facilities, if it is concluded that there is no likelihood of water seeping or gas being produced therefrom nor any possibility of contaminating its surrounding environment by water seeping or gas being produced therefrom, as prescribed by Ordinance of the Ministry of Environment;
  10. Any wastes, such as dust, burnt refuse, and sludge shall, if they do not fall within controlled wastes, where the strength of hydrogen ion contained therein shows no lower than 12.5 or no higher than 2.0, be disposed of at a controlled landfill facility, ensuring that such wastes do not cause any trouble to the performance of the facilities for cutting off water-flow and treating the water seeping from the wastes at the landfill facility; and
  11. Recyclable wastes shall be processed so as to be re-usable.
- (2) Further specific standards and methods for collection, transportation, storage, and

disposal of wastes under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

**Article 8 (Household Waste Disposal Agency)**

The term “person specified by Presidential Decree” in Article 14 (2) of the Act means any of the following persons: *⟨Amended by Presidential Decree No. 20946, Jul. 29, 2008⟩*

1. A person who holds a license for a waste management business under Article 25 (3) of the Act (hereinafter referred to as a “waste management business operator”);
2. A person who has a waste disposal facility installed under Article 26 (2) of the Act and engages in recycling of wastes of food or agricultural, marine, or livestock products (hereinafter referred to as “food wastes”);
3. A reported wastes recycler;
4. The Korea Environment and Resources Corporation under the Korea Environment and Resources Corporation Act (applicable only to recycling of wastes plastic films or sheets, or wrapping materials for agricultural chemicals, such as containers thereof, produced from agricultural activities);
5. A person who engages in manufacturing, importing, or selling electronic home appliances or similar and who has a system for collecting and disposing of wastes of such electronic home appliances or similar, directly in order to recycle the wastes produced therefrom, as publicly notified by Ordinance of the Ministry of Environment;
6. A person who collects food wastes and recycles them as feed for livestock or compost;  
or
7. A manager of a recycling center under Article 13-2 of the Act on the Promotion of Saving and Recycling of Resources (referring only to collecting, transporting, and recycling of large-sized wastes under subparagraph 8-2 of Article 2 of the same Act).

**Article 9 (Business Operators with Duty to Comply with Guidelines for Reduction of Wastes)**

The persons who owe a duty to comply with the guidelines for restraining production of commercial wastes under Article 17 (5) of the Act shall be as listed by types and sizes of business in Table 5, attached hereto. *⟨Amended by Presidential Decree No. 20946, Jul. 29, 2008⟩*

## CHAPTER III WASTE MANAGEMENT BUSINESSES

**Article 10 (Conditions of Licenses Granted for Waste Management Businesses)**

(1) The term “necessary conditions” in the main sentence of Article 25 (6) of the Act means the conditions deemed by the licensing authority for waste management businesses as necessary for the convenience of residents’ daily lives, environmental preservation of surroundings, efficiency of waste management businesses, etc. *⟨Amended by Presidential Decree No. 20946, Jul. 29, 2008⟩*

(2) When the Mayor/*Do* governor places a restriction on the business territory of a business of collecting and transporting household wastes under the proviso to Article 25 (6) of the Act, he/she shall not restrict it to any area smaller than the unit of each *Si/Gun/Gu*. *⟨Amended by Presidential Decree No. 20946, Jul. 29, 2008⟩*

**Article 11 (Amount of Penalty Surcharge Imposed against Offenses)**

(1) The amount of penalty surcharge to be imposed against each category and degree of offense under Article 28 (2) of the Act shall be as listed in Table 6, attached hereto.

(2) The Minister of Environment or the Mayor/*Do* governor may increase or decrease the amount of penalty surcharge under paragraph (1) by one half thereof or less, considering the size of the business establishment concerned, the characteristics of the business territory, the degree and frequency of offenses, etc.: *Provided*, That the total amount of penalty surcharge so increased shall not exceed 100 million won.

**Article 11-2 (Imposition and Payment of Penalty Surcharges)**

(1) Where the Minister of Environment or a Mayor/*Do* governor intends to impose a penalty surcharge under Article 28, he/she shall send a written notice, clearly stating the types

of offense and penalty surcharges corresponding thereto, and demand payments therefor.

(2) A person who has received a notice under paragraph (1) shall pay for penalty surcharge to a receiving agency prescribed by an authority that has imposed such penalty surcharges.

(3) A receiving agency that has received penalty surcharges under paragraph (2) shall issue a receipt to a payor, and immediately notify the Minister of Environment or the relevant Mayor/Do governor of the fact.

(4) A penalty surcharge may not be paid in installments.

*[This Article Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]*

**Article 12 (Purpose of Use of Penalty Surcharge)**

The amount collected as a penalty surcharge under Article 28 (4) of the Act shall be expended for the following purposes: *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

1. For expansion of multi-regional waste disposal facilities under Article 5 (1) of the Act (including public disposal facilities for controlled wastes);
2. For disposal of wastes in order to eliminate anticipated hazards to the environment, in cases where the wastes do not conform to the standards of the waste management under Article 13 of the Act because they have been disposed of improperly, but it is impossible to locate the whereabouts of the person who disposed of such wastes or who commissioned the disposal of such wastes; or
3. For purchasing and operating the facilities and equipment necessary for guidance for and inspection of waste disposal facilities.

**Article 13 (Waste Disposal Facilities Subject to Pollutants Measurement)**

The term “waste disposal facility as specified by Presidential Decree” in Article 31 (2) of the Act means a landfill facility.

*[This Article Wholly Amended by Presidential Decree No. 20946, Jul. 29, 2008]*

**Article 14 (Duty of Waste Disposal Facilities to Assess Impact on Surroundings)**

The term “waste disposal facility as specified by Presidential Decree” in Article 31 (3) of the Act means any of the following facilities installed and operated by a waste management business operator:

1. An incineration facility for commercial wastes with a daily disposal capacity of at least fifty tons (referring to a number of incineration facilities with a daily disposal capacity of at least fifty tones as a whole, in cases where there are a number of incineration facilities within an identical place of business);
2. A landfill facility for controlled commercial wastes with an area of at least 10,000 square meters for landfill;
3. A landfill facility for ordinary commercial wastes with an area of at least 150,000 square meters for landfill.

## CHAPTER IV GUIDANCE FOR, AND SUPERVISION ON WASTE DISPOSAL BUSINESS OPERATORS

**Article 15 (Duty of Waste Disposal Facilities to Employ Technical Managers)**

The term “waste disposal facility as specified by Presidential Decree” in Article 34 (1) of the Act means any of the following facilities: *Provided*, That a waste disposal facility operated by any waste management business operator shall not be included herein: *<Amended by Presidential Decree No. 20478, Dec. 28, 2007>*

1. A landfill facility:
  - (a) A land facility for disposal of controlled wastes with an area of at least 3,300 square meters for landfill: *Provided*, That a landfill facility of sealed-off type under subparagraph 2 (a) ( i ) of Table 3, attached hereto, among the terminal disposal

- facilities under the said subparagraph shall have an area of at least 330 square meters or a capacity of at least 1,000 cubic meters for landfill; or
- (b) A landfill facility for disposal of any ordinary wastes other than controlled ones with an area of at least 10,000 square meters or a capacity of at least 30,000 cubic meters for landfill;
2. An incineration facility with a disposal processing capacity of at least 600 kilograms per hour (or at least 200 kilograms if it is an incineration facility for medical refuse);
  3. A facility for compression, fragmentation, crushing, or cutting of wastes with a disposal processing capacity of at least 100 tons per day;
  4. A facility for producing feed, compost or fuel with a disposal processing capacity of at least five tons per day; or
  5. A facility for sterilization and crushing of wastes with a disposal processing capacity of at least 100 kilograms per hour.

**Article 16 (Agent for Technical Management)**

The following persons shall be qualified as a technical management agent, who shall be responsible for the maintenance and management of a waste disposal facility under Article 34 (1) of the Act:

1. The Korea Environment and Resources Corporation under the Korea Environment and Resources Corporation Act;
2. An entity that engages in an engineering service with a report filed under Article 4 of the Engineering Technology Promotion Act;
3. A professional engineering office under Article 6 of the Professional Engineers Act (which shall be limited to an office established by a professional engineer who holds the qualification under Article 34 (2) of the Act); and
4. Any other person recognized and publicly announced by the Minister of Environment as being able to serve as an agent for technical management.

**Article 17 (Persons Eligible for Training Courses)**

The term "other persons in charge of waste management as specified by Presidential Decree" in Article 35 (1) of the Act means the following persons: *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

1. Persons who have installed and operate a waste disposal facility under Article 2 of the Act (excluding the waste disposal facilities to which a technical manager is assigned in accordance with Article 34 (1) of the Act)) or their employees in charge of technical matters;
2. Persons who have reported themselves as commercial waste producers under Article 17 (2) of the Act or their employees in charge of technical matters;
3. Business operators who discharge controlled wastes requiring verification for disposal under Article 17 (3) of the Act or their employees in charge of technical matters;
4. Business operators who do not fall within any category under subparagraph 2 or 3, but who discharge commercial wastes, or their employees in charge of technical matters, as specified by Ordinance of the Ministry of Environment;
5. Persons who hold a license for a waste collection and transportation business under Article 25 (3) of the Act or their employees in charge of technical matters; and
6. Reported wastes recyclers or their employees in charge of technical matters.

**Article 18 (Performance Guarantee Insurance for Abandoned Wastes)**

(1) The effective term of the insurance under Article 40 (1) 2 of the Act (hereinafter referred to as "performance guarantee insurance") shall be one year or more, in one-year lots, but the guarantee covered by the insurance policy shall be valid for sixty days after the

expiration of the insurance policy.

(2) Notwithstanding paragraph (1), the effective term of the performance guarantee insurance policy initially purchased shall expire on December 31 of the following year.

(3) A person who purchases a performance guarantee insurance policy from an insurance company shall specify, in the insurance policy, a condition that the Minister of Environment or Mayor/*Do* governor may receive direct payment of the insurance proceeds from the insurance company.

**Article 19 Deleted.** *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

**Article 20 (Operation Suspension Period Subject to Order to Dispose of Wastes)**

(1) The term “period of time prescribed by Presidential Decree” in Article 40 (2) of the Act means any of the following periods of time: *<Amended by Presidential Decree No. 20478, Dec. 28, 2007>*

1. If the wastes are animal residues or medical refuses that are likely to be decomposed or deteriorated such as organs: Fifteen days;
2. If abandoned wastes cause or are likely to cause a serious hazard to the conservation of the living environment: The period of time determined by a person who has authority to issue an order to dispose of such wastes, which shall be no less than three days, but no more than one month; or
3. If any event other than those under subparagraphs 1 and 2 occurs: One month.

(2) If a waste management business operator or a reported wastes recycler suspends the operation of his/her business due to an unavoidable reason such as a complaint from residents or labor relations, the Minister of Environment or Mayor/*Do* governor may, upon receiving an application from the waste management business operator or the reported wastes recycler, extend the period of time for disposing of wastes as ordered under Article 40 (2) of the Act only once within the period of time prescribed in paragraph (1).

**Article 21 (Guidelines for Computation of Insurance Proceeds of Waste Management Business)**

(1) The guidelines for the computation of insurance proceeds of waste management business under Article 40 (4) of the Act shall be as prescribed in the following subparagraphs: *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

1. For each waste management business operator: One and a half times the amount calculated by multiplying the unit cost for disposal of each type of waste by the quantity under Article 25 (9) of the Act (hereinafter referred to as the “permissible storage quantity”) (or three times the amount calculated by multiplying the unit cost for disposal of each type of waste by the excessive storage quantity, if the quantity exceeds the permissible storage quantity); and
2. For each reported wastes recycler: One and a half times the amount calculated by multiplying the unit cost for disposal of each type of waste by the quantity that he/she can keep in his/her storage facility under Article 46 (2) of the Act (hereinafter referred to as the “storable quantity”).

(2) The unit cost for disposal of each type of waste under paragraph (1) shall be determined and publicly notified by the Minister of Environment, considering the nature and conditions of each type of waste, the disposal methods, and other factors.

**Article 22 (Renewal of Performance Guarantee Insurance)**

(1) Each insurance policy for the performance guarantee insurance under Article 40 (7) 1 of the Act shall be renewed at least thirty days before the expiration of the insurance.

(2) In cases where it is necessary to change the amount of performance guarantee insurance

proceeds in relation to Article 40 (7) 2 of the Act, the relevant insurance policy shall be renewed, within fifteen days from the date on which a cause for such change arises.  
*<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

(3) Any person who newly purchases a performance guarantee insurance policy or renews an insurance policy under Article 40 (9) of the Act shall submit the original set of the relevant insurance policy to the Minister of Environment or Mayor/*Do* governor, within fifteen days from the date of purchase or renewal.

(4) Deleted. *<by Presidential Decree No. 20946, Jul. 29, 2008>*

**Article 23 (Quantity of Abandoned Wastes Requiring Vicarious Disposal and Period of Time for Disposal)**

(1) The quantity of abandoned wastes which a mutual aid association for waste management business shall be ordered to vicariously dispose of pursuant to Article 40 (11) of the Act shall be as prescribed in the following subparagraphs:

1. If the wastes involved have been abandoned by a waste management business operator:  
No more than one and a half times the storage quantity of wastes permissible to the waste management business operator; and

2. If the wastes involved have been abandoned by a reported wastes recycler: No more than one and a half times the quantity of wastes storable by the reported wastes recycler.

(2) The Minister of Environment or Mayor/*Do* governor shall, whenever he/she intends to order a mutual aid association of waste management businesses to dispose of abandoned wastes, prescribe the period of time for such disposal within the limit of two months, considering the seriousness of the possible contamination of the surrounding environment, the disposal capacity for abandoned wastes, and other factors: *Provided*, That the Minister of Environment or Mayor/ *Do* governor may, if he/she finds it difficult to dispose of abandoned wastes within the prescribed period of time due to any unavoidable cause or event, extend the period of time only once within the limit of one month.

## CHAPTER V SUPPLEMENTARY PROVISIONS

**Article 23-2 (Affairs which Electronic Information Processing Program is to be Used for)**

The term "affairs prescribed by Presidential Decree" as referred to in Article 45 (3) of the Act means the following:

1. Submission of documents for report, verification, or report or verification on amendment under the provisions of Article 17 (2) through (4) of the Act;
2. Submission of documents for reports on import or export of waste, or amendments thereon under Article 24-2 (1) or (2) of the Act;
3. Submission of documents for waste management plans, approval, approval for amendments, or report on amendments under Article 25 (1), (3) or (11) of the Act;
4. Submission of documents for approval for, report on waste disposal facilities, or approval for amendments or records on amendments thereon under the provisions of Article 29 (2) through (4) of the Act;
5. Records on waste collection, transporting or disposal under Article 36 (2); or
6. Submission of reports under Article 38 (1).

*[Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]*

**Article 23-3 (Amount of Penalty Surcharges on Violation Subject to Penalty Surcharge)**

(1) The amount of penalty surcharges depending on the types and degrees of offenses committed by a reported waste recycler under Article 46-2 (2) are as prescribed by the annexed Table 7.

(2) The relevant Mayor/Do governor may increase or reduce the amount of penalty surcharges under paragraph (1) by one half thereof or less, considering the scale of business concerned, the characteristics of business regions, the degree and frequency of offenses, etc: *Provided*, That even in cases of an increase, the total amount of a penalty surcharge may not exceed 50 million won.

(3) Article 11-2 shall apply *muntatis muntandis* to procedures for imposition and payment of penalty surcharges under Article 46-2 (1) of the Act.

[Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]

**Article 23-4 (Usage for Penalty Surcharges)**

The term "usage prescribed by Presidential Decree" as referred to in Article 46-2 (4) means the following:

1. Expansion of waste disposal facilities for broader areas;
2. Expansion of public recycle facilities under Article 34-4 of the Act on the Promotion of Saving and Recycling of Resources;
3. Disposal of wastes that have not been properly recycled by a waste recycling business under Article 46 of the Act; or
4. Purchase and operation of facilities and equipment necessary for guidance for, and inspection on waste recycling businesses.

[Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]

**Article 24 (Subject Matters of Follow-up Management)**

The term "landfill facility for wastes specified by Presidential Decree" in Article 50 (2) of the Act means a landfill facility under subparagraph 2 (a) of Table 3, attached hereto, among the terminal disposal facilities under the said subparagraph: *Provided*, That a landfill facility for burnt coal briquettes, pottery fragments, or similar shall not be included herein, if the Minister of Environment concludes that the facility does not require any follow-up management, including the operation of a treatment facility for seeping water under Article 50 (2) of the Act.

**Article 25 (Agent for Follow-up Management)**

The following persons shall be qualified to serve as an agent to provide follow-up management services for a waste disposal facility under Article 50 (4) of the Act:

1. The Korea Environment and Resources Corporation under the Korea Environment and Resources Corporation Act; and
2. Other persons recognized and publicly notified by the Minister of Environment as being able to serve as an agent to provide follow-up management services.

**Article 26 (Deposit of Follow-up Management Expenses)**

(1) The Minister of Environment shall, within fifteen days after a person who has installed a landfill facility for the wastes requiring follow-up management under Article 51 (1) of the Act and files a report on the discontinuance of operation or the closure of the facility under Article 50 (1) of the Act, notify such person that the facility is subject to the payment of expenses required for follow-up management as a performance guarantee bond for such follow-up management under Article 51 of the Act (hereinafter referred to as a "performance guarantee bond for follow-up management") as prescribed by Ordinance of the Ministry of Environment, if the facility is likely to cause a serious hazard to the health or property of residents or its surrounding environment by seeping water or leaking gas from the landfill facility.

(2) The person who receives a notice that his/her facility is subject to the payment of a performance guarantee bond for follow-up management under paragraph (1) shall prepare a statement of expenses required for follow-up management (hereinafter referred to as "statement of estimated

expenses”) according to the guidelines for calculation of the performance guarantee bond for follow-up management under Article 30, as prescribed by Ordinance of the Ministry of Environment, and shall submit it to the Minister of Environment within one month from the date on which such notice is delivered.

(3) The Minister of Environment shall, upon receiving the statement of estimated expenses under paragraph (2), determine the expenses required for follow-up management within one month from the date on which the statement is submitted, and shall dispatch a notice to the person who has installed the relevant facility to demand him/her to pay the performance guarantee bond amounting to such expenses (if a person has accumulated the performance guarantee bond under Article 33 as an advance reserve. The amount that he/she pays additionally shall be that calculated by subtracting the interest at the interest rate of one-year fixed term installment bank deposit per annum for the advance accumulation period plus the accumulated advance reserve from the full amount of the performance guarantee bond) within a given period of time, which shall be up to one month.

(4) A person who has received a notice of payment under paragraph (3) shall pay the amount on the notice to an agency for follow-up management for waste disposal facilities (hereafter referred to as a “follow-up management agency”), as prescribed by Article 50 (4) of the Act. *<Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008>*

(5) A follow-up management agency that has received follow-up management expenses under paragraph (4) shall issue a receipt thereof, and immediately notify the Minister of Environment of such fact. *<Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008>*

**Article 27 (Exemption from Follow-up Management Expenses)**

(1) The obligation to deposit the expenses for follow-up management under the proviso to Article 51 (1) of the Act shall be exempted in cases set forth in paragraph (3) 1.

(2) A person shall be allowed to substitute any of the following items for the deposit of all or part of the expenses for follow-up management under the proviso to Article 51 (1) of the Act:

1. Insurance purchased for the guarantee of follow-up management;
2. An advance reserve accumulated to cover the expenses for follow-up management under Article 52 of the Act; or
3. The substitution under paragraph (3) 2.

(3) The term “other ground specified by Presidential Decree” in Article 51 (1) 3 of the Act means any of the following grounds:

1. The person who has installed the waste landfill facility is the State or a local government; or
2. The person tenders an asset as collateral for all or part of the expenses for follow-up management.

**Article 28 (Submission of Performance Guarantee Insurance Policy for Follow-up Management)**

A person who falls under Article 27 (2) 1 and wishes to tender a substitute for the deposit of expenses required for follow-up management shall submit an insurance policy that shall guarantee the payment of the performance guarantee bond for follow-up management, in whole or in part, as notified for payment pursuant to Article 26 (3) to a follow-up management agency within the period of time prescribed for such payment. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

**Article 29 (Tender of Collateral)**

(1) A person who falls under Article 27 (2) 3 and desires to convey a substitute for the deposit



of expenses required for follow-up management shall tender an asset as collateral with an appraised value (which means a value appraised in accordance with the Public Notice of Values and Appraisal of Real Estate Act) equivalent to the full amount or part of the performance guarantee bond for follow-up management as notified for payment pursuant to Article 26 (3) to a follow-up management agency within the period of time prescribed for such payment. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

(2) If a person who has tendered an asset as collateral under paragraph (1) fails to perform his/her obligation to carry out the follow-up management of his/her landfill facility, a follow-up management agency may sell the asset to appropriate the proceeds thereof to the expenses for follow-up management of the landfill facility. In this case, the remaining balance, if any, after appropriating the proceeds to the expenses for follow-up management shall be refunded to the person who has tendered the asset as collateral. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

**Article 30 (Guidelines for Calculation of Performance Guarantee Bond for Follow-up Management)**

(1) The performance guarantee bond for follow-up management under Article 51 (2) of the Act shall be calculated in accordance with the following guidelines:

1. The performance guarantee bond for follow-up management shall be calculated by adding up the following expenses required during the follow-up management period under Article 50 (2) of the Act: *Provided*, That the expenses under item (a), (b), and (d) shall be excluded therefrom, if the facility involved is a sealed-off landfill facility under subparagraph 2 (a) (i) of Table 3, attached here, which falls within the category of the terminal disposal facilities under the said subparagraph:
  - (a) Expenses incurred in operation, maintenance, and management of the facilities for treatment of seeping water;
  - (b) Expenses incurred in treatment of gas emitted from the landfill facility;
  - (c) Expenses incurred in maintenance and management of testing wells of ground water and inspection of ground water contamination;
  - (d) Expenses incurred in preventing embankments or similar of the landfill facility from being eroded by water; and
  - (e) Expenses incurred in conducting research on environmental pollution around the landfill facility; and
2. The expenses incurred in the follow-up management, which serve as basic data for calculation of the performance guarantee bond for follow-up management, shall be calculated by considering the types and quantity of wastes disposed of in each landfill facility, the types of landfill facility involved, topographical factors, the quantity and density of seeping water, and the method of treatment of seeping water and other factors.

(2) The further detailed guidelines and methods of calculation of expenses in connection with performance guarantee bond for follow-up management under paragraph (1) and other necessary matters shall be prescribed and publicly notified by the Minister of Environment.

**Article 31 (Guidelines for Refund of Performance Guarantee Bond for Follow-up Management)**

Performance guarantee bonds under Article 51 (4) of the Act shall be refunded each year in accordance with the following guidelines:

1. In cases where the works for follow-up management have been completed, the amount of refund shall be the amount deposited for the expenses for follow-up management for

the pertinent year, plus interest at the statutory interest rate under Article 379 of the Civil Act; and

2. In cases where the works for follow-up management have been partially performed, the amount of refund shall be calculated by multiplying the amount deposited for the expenses for follow-up management for the pertinent year by the performance ratio of follow-up management as determined by the Minister of Environment, plus interest at the statutory interest rate under Article 379 of the Civil Act.

**Article 32 (Procedure for Refund of Performance Guarantee Bond for Follow-up Management)**

(1) A person who seeks a refund of the performance guarantee bond for follow-up management shall file an application for such refund each year with a follow-up management agency, along with the accompanying documents specified by Ordinance of the Ministry of Environment. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

(2) The a follow-up management agency shall, upon receiving an application for refund under paragraph (1), determine the amount of the refund out of the performance guarantee bond for follow-up management in accordance with the guidelines for refunding under Article 31 and pay the amount accordingly. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

**Article 33 (Advance Reserve of Performance Guarantee Bond for Follow-up Management)**

(1) The landfill facilities for the wastes subject to the advance accumulative reserve of the performance guarantee bond for follow-up management under Article 52 (1) of the Act shall have an area of 3,300 square meters or more.

(2) A person who has installed a landfill facility under paragraph (1) shall submit a plan for accumulation of advance reserve to the Minister of Environment within one month from the commencement date of operation of the facility as prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall, upon receiving a plan for accumulation of the advance reserve under paragraph (2) from a person, notify that person that he/she shall pay the advance reserve each year in accordance with the plan: *Provided*, That the notice for the initial payment shall be issued within one month after the first anniversary of the commencement date of operation of the facility.

(4) A person who has received a notice of payment shall pay a notified amount to a follow-up management agency each year. *<Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008>*

**Article 34 (Refund of Difference of Advance Reserve)**

If the amount accumulated by a person who has installed a landfill facility under Article 33 (1) (including an equivalent at the interest rate for one-year fixed term installment bank deposit per annum for the advance accumulation period) exceeds the amount of the performance guarantee bond under Article 26, a follow-up management agency shall refund the difference to the person who has installed the facility, pursuant to Article 52 (2) of the Act. *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*

**Article 35 (Restrictions on Use of Land)**

(1) The period of time during which use of land is restricted pursuant to Article 54 (1) of the Act shall not exceed twenty years from the date on which the operation of the waste landfill facility discontinues or the facility is permanently closed down.

(2) A person who has the ownership of, or any interest other than ownership in, the land on which a landfill facility disused or closed down is situated shall, if he/she desires to use the land, submit a land use plan to the Minister of Environment along with the accompanying documents specified by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall, upon receiving a land use plan under paragraph

(2), determine the purpose of use of the land, the period of time during which the use of the land is restricted, etc., and then notify the person who has the ownership of, or interest other than ownership in, the land under paragraph (2), as prescribed by Ordinance of the Minister of Environment.

**Article 36 (Hearing of Opinions on Matters concerning Follow-up Management of Waste Disposal Facilities)**

(1) As regards the execution of follow-up management of waste disposal facilities under the Act and this Decree, opinions from competent experts shall be sought in determining the following matters:

1. Determining the facilities for which the payment of the performance guarantee bond for follow-up management is required under Article 26 and the guidelines for calculation of the expenses incurred in follow-up management of each waste landfill facility;
2. Determining the guidelines for calculation of the performance guarantee bond for follow-up management of waste landfill facilities under Article 30; and
3. Determining the period of time during which the use of the land on which a landfill facility disused or closed down is situated, is restricted pursuant to Article 35.

**Article 36-2 (Responsibilities of Korea Landfill Association)**

(1) The Korea Landfill Association under Article 58-2 (1) of the Act (hereafter referred to as the "Association") shall take the following responsibilities:

1. Directing, inspection and research for the development of waste industry;
2. Public relation, education and training for waste-related affairs;
3. International exchange and cooperation for waste-related affairs;
4. Waste-related affairs that have been commissioned from the State or a local government; and
5. Other affairs prescribed by its articles of incorporation.

(2) The association shall have the general assembly, the board of directors, an executive office.

*[Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]*

**Article 37-3 (Executive Members and Ways of Election)**

(1) The Association shall have the chairperson, a vice chairperson and directors and auditors as its executive members.

(2) The chairperson and vice chairperson shall be elected by the board of directors, and approved by the general assembly.

(3) Matters necessary for the terms and number of executive members, and ways of election shall be prescribed by its articles of association.

*[Newly Inserted by Presidential Decree No. 20946, Jul. 29, 2008]*

**Article 37 (Delegation of Authority)**

(1) Pursuant to Article 62 (1) of the Act, the Minister of Environment shall delegate to the Mayor/Do governor his/her authority over the following affairs: *<Amended by Presidential Decree No. 20478, Dec. 28, 2007; Presidential Decree No. 20946, Jul. 29, 2008>*

1. Authority to take the following action in relation to the persons who collect and transport the controlled wastes produced from any place other than the places of business in which the discharging facilities have been installed under the Clean Air Conservation Act, the Water Quality and Ecosystem Conservation Act, or the Noise and Vibration Control Act (which shall be limited to the factories under the Industrial Cluster Development and Factory Establishment Act) as defined in subparagraph 3 of Article 2 of the Act, the medical refuse produced from any institution other than general hospitals under

Article 3 (3) of the Medical Service Act (hereinafter referred to as a “general hospital”), or persons who discharge, transport, or dispose of controlled wastes, other than those for which verification by the Minister of Environment is required under Article 17 (3) of the Act;

- (a) To certify documents and amendments to such documents under Article 17 (3) and (4) of the Act;
  - (b) Deleted; *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (c) Deleted; *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (d) Deleted; *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (e) Deleted; *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (f) Deleted; *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (g) To issue an order to submit a report under Article 38 (2) of the Act;
  - (h) To issue an order to submit a report and conduct an inspection under Article 39 of the Act;
  - (i) To issue orders to take action under Article 48 of the Act; and
  - (j) To perform vicarious execution and collect the expenses therefor under Article 49 of the Act;
2. Authority to take the following actions in relation to the waste disposal facilities under Article 29 (2) of the Act (excluding the multi-regional waste disposal facilities under Article 5 (1) of the Act, which have been installed jointly by two or more local governments of the Special Metropolitan City, any Metropolitan City, *Do*, or the Special Self-governing Province (hereinafter referred to as “City/*Do*”) or *Sis/Guns/Gus* of two or more Cities/*Dos*, and the waste disposal facilities for any controlled wastes other than medical refuse produced from any institution other than general hospitals):
- (a) To grant approval for installation or accept a report on installation under Article 29 (2) of the Act;
  - (b) To grant approval for amendments or accept a report on amendments under Article 29 (3) of the Act;
  - (c) To carry out the matters relating to waste disposal facilities installed by schools, research institutions, and similar for the purpose of testing and research pursuant to Article 29 (2) 1 of the Act;
  - (d) To consult with the heads of relevant administrative agencies pursuant to Article 32 (3) of the Act; and
  - (e) To accept reports on succession to rights and obligations pursuant to Article 33 (2) of the Act;
3. Authority to take the following actions in relation to the waste disposal facilities installed by waste management business operators under Article 25 (3) of the Act (excluding the waste management business operators specializing in controlled wastes) and the waste disposal facilities under subparagraph 2 above:
- (a) To accept reports on the results of measurement of pollutants pursuant to Article 31 (2) of the Act;
  - (b) To accept reports on the results of assessment of impact on surrounding areas pursuant to Article 31 (3) of the Act;
  - (c) To issue an order to improve, suspend the operation of, or close down a waste disposal facility pursuant to Article 31 (4) or (5) of the Act;
  - (d) To issue an order to take measurement of pollutants or conduct an assessment of impact on surrounding areas pursuant to Article 31 (6) of the Act;

- (e) To disclose to the public the results of measurement of pollutants and assessment of impact on surrounding areas pursuant to Article 31 (9) of the Act;
  - (f) To accept reports, issue orders to take corrective measures, designate a person who shall vicariously perform, and collect expenses therefor pursuant to Article 50 of the Act;
  - (g) To require a notice of deposit or collection of the performance guarantee bond for follow-up management pursuant to Article 51 of the Act;
  - (h) To require a notice of accumulation in advance and reserve for the performance guarantee bond for follow-up management pursuant to Article 52 of the Act;
  - (i) To place a restriction on use of land pursuant to Article 54 of the Act;
  - (j) To recognize a facility as the one exempt from follow-up management pursuant to the proviso to Article 24;
  - (k) To notify a facility that it is required for the payment of the performance guarantee bond for follow-up management pursuant to Article 26 (1);
  - (l) To accept a statement of expenses pursuant to Article 26 (2);
  - (m) To determine the expenses for follow-up management and the period of time for the payment, and dispatch a notice to demand the payment of the performance guarantee bond for follow-up management pursuant to Article 26 (3);
  - (n) Deleted: *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (o) Deleted: *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (p) Deleted: *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (q) To determine the performance ratio of follow-up management pursuant to subparagraph 2 of Article 31;
  - (r) Deleted: *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (s) Deleted: *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (t) To accept a plan for accumulation of the advance reserve pursuant to Article 33 (2);
  - (u) To dispatch a notice to demand the payment of the advance reserve pursuant to Article 33 (3);
  - (v) To accept a land use plan pursuant to Article 35 (2); and
  - (x) To determine and notify the purpose of use of land, the period of time during which the use is restricted, etc.;
4. Authority to hold hearings within the extent of the authority delegated for the matters under Article 61 of the Act; and
5. Authority to impose and collect fines for negligence, pursuant to Article 68 of the Act within the extent of the delegated authority.
- (2) Pursuant to Article 62 (1) of the Act, the Minister of Environment shall delegate his/her authority to take the following actions to the head of each environmental office responsible for a river system or a region: *<Amended by Presidential Decree No. 20946, Jul. 29, 2008>*
- 1. Authority to take action under each item of paragraph (1) 1 in relation to any person other than those under paragraph (1) 1;
  - 1-2. Authority to accept a waste import report and report on amendments under Article 24-2 of the Act;
  - 2. Authority to take the following actions in relation to a waste management business specializing in controlled wastes:
    - (a) To receive and examine a waste management business plan and notify whether the plan is acceptable pursuant to Article 25 (1) and (2) of the Act;

- (b) To grant a license or amended license, accept a report on amendments, extension of license or attach conditions, and receive relevant documents pursuant to Article 25 (3), (4), (11), and (13) of the Act;
  - (c) To revoke a license and issue an order to suspend business pursuant to Article 27 of the Act;
  - (d) To make a disposition of the penalty surcharge pursuant to Article 28 of the Act;
  - (e) To consult with the heads of relevant administrative agencies pursuant to Article 32 (3) of the Act;
  - (f) To accept reports on succession to rights and obligations of a waste management business pursuant to Article 33 (2) of the Act;
  - (g) To issue an order to dispose of wastes pursuant to Article 40 (2) of the Act;
  - (h) To take countermeasures pursuant to Article 40 (3) of the Act;
  - (i) To issue an order to renew an insurance policy for the performance guarantee pursuant to Article 40 (8) of the Act;
  - (j) To receive original sets of an insurance policy pursuant to Article 40 (9) of the Act;
  - (k) To receive notices pursuant to Article 40 (10) of the Act;
  - (l) Deleted: *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (m) Deleted: *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (n) Deleted: *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (o) Deleted: *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (p) Deleted; and *<by Presidential Decree No. 20946, Jul. 29, 2008>*
  - (q) Deleted: *<by Presidential Decree No. 20946, Jul. 29, 2008>*
3. Authority to take the following actions regarding any facility other than the waste disposal facilities under paragraph (1) 2:
- (a) To grant approval for installation and accept reports on installation pursuant to Article 29 (2) of the Act;
  - (b) To grant approval for amendments and accept reports on amendments pursuant to Article 29 (3) of the Act;
  - (c) To consult with the heads of relevant administrative agencies pursuant to Article 32 (3) of the Act; and
  - (d) To accept reports on succession to rights and obligations pursuant to Article 33 (2) of the Act;
4. Authority to take the actions under paragraph (1) 3 above regarding the waste disposal facilities installed by waste management business operators specializing in controlled wastes and the waste disposal facilities under subparagraph 3 of this paragraph;
5. Authority to hold hearings on the affairs under Article 61 of the Act within the extent of the delegated authority; and
6. Authority to impose and collect fines for negligence pursuant to Article 68 of the Act within the extent of the delegated authority.

**Article 38 (Supervision of Affairs following Delegation of Authority)**

- (1) Notwithstanding Article 37, the Minister of Environment may, if deemed particularly necessary for multi-regional waste management, conduct an inspection or investigation to ascertain whether the commercial waste producers, waste management business operators, the reported wastes recyclers, and waste disposal facilities comply with the guidelines for discharging, collection, transportation, storage, and disposal of wastes and as to whether there is any other offense of relevant statutes, or the Minister may assign the head of

an environmental office responsible for a river system or a region to conduct such inspection or investigation.

(2) The Minister of Environment or the head of an environmental office responsible for a river system or a region discovers a offense of relevant statutes committed by a place of business within the jurisdiction of any Mayor/*Do* governor as a result of the inspection or investigation conducted pursuant to paragraph (1), he/she shall notify the competent Mayor/*Do* governor of the relevant facts and his/her opinion on countermeasures to be taken.

(3) The competent Mayor/*Do* governor shall, upon receiving a notice under paragraph (2), notify the Minister of Environment, the head of an environmental office responsible for a river system or a region of the results of the countermeasures taken accordingly.

**Article 39 Deleted.** *<by Presidential Decree No. 20946, Jul. 29, 2008>*

#### ADDENDA

##### **Article 1 (Enforcement Date)**

This Decree shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of subparagraph 1 of Article 2 and the text above items of Article 37 (1) 1 (which shall be limited to the matters concerning controlled wastes produced from any place other than the places of business in which the discharging facilities under the Water Quality and Ecosystem Conservation Act have been installed and operated (which shall also be limited to the factories under the Industrial Cluster Development and Factory Establishment Act)) shall enter into force on November 18, 2007, and the amended provisions of subparagraphs 2 through 4 of Article 2 shall enter into force on September 28, 2007 respectively.

##### **Article 2 (Transitional Measure concerning Enforcement Date)**

The former corresponding provisions of subparagraphs 1 through 4 of Article 2 and the text above items of Article 41 (1) 1 (which shall be limited to the matters concerning controlled wastes produced from any place other than the places of business in which the discharging facilities under the Water Quality and Ecosystem Conservation Act have been installed and operated (which shall also be limited to the factories under the Industrial Cluster Development and Factory Establishment Act)) shall remain effective until the amended provisions of subparagraphs 1 through 4 of Article 2 and the text above items of Article 37 (1) 1 shall enter into force pursuant to the proviso to Article 1 of Addenda.

**Article 3 Deleted.** *<by Presidential Decree No. 20478, Dec. 28, 2007>*

##### **Article 4 (Transitional Measure concerning Technical Management Agents)**

The persons who have served as a technical management agent in relation to the maintenance and management of a waste disposal facility under a service contract entered into under the former provisions enforceable before January 5, 2007, which corresponds to the date on which the Partial Amendment (Presidential Decree No. 19827) to the Enforcement Decree of the Wastes Control Act enters into force, may continue to serve as the technical management agent until the expiration of the contract term, notwithstanding the amended provision of subparagraph 1 of Article 16.

##### **Article 5 (Transitional Measure concerning Follow-up Management Agents)**

The persons who have served as a follow-up management agent for a waste disposal facility under a service contract entered into under the former provisions enforceable before January 5, 2007, which corresponds to the date on which the Partial Amendment (Presidential Decree No. 19827) to the Enforcement Decree of the Wastes Control Act enters into force,

may continue to serve as the technical management agent until the expiration of the contract term, notwithstanding the amended provisions of subparagraph 1 of Article 25.

**Article 6** Omitted.

**Article 7 (Relations with Other Statutes)**

A citation of any provision of the former Enforcement Decree of the Wastes Control Act by any other statute in force at the time when this Decree enters into force, if any, shall be deemed to be a citation of a corresponding provision hereof in lieu of the former provisions, if such a corresponding provision exists herein.

ADDENDA <Presidential Decree No. 20290, Sep. 27, 2007>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on September 28, 2007.

**Articles 2 through 5** Omitted.

ADDENDA <Presidential Decree No. 20478, Dec. 28, 2007>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on January 1, 2008: *Provided*, That the amended provisions of Article 4, subparagraph 2 of Article 15, Article 20 (1) 1, and Article 37 (1) 1 and 2 above, subparagraph 10 of Table 1, and Table 2 shall enter into force on January 4, 2008, and the amended provision of subparagraph 7 of Table 1 shall enter into force six months after the date of its promulgation.

**Article 2** Omitted.

ADDENDA <Presidential Decree No. 20946, Jul. 29, 2008>

**Article 1 (Enforcement Date)**

This Decree shall enter into force on August 4, 2008: *Provided*, That the amended provisions of Article 13 shall enter into force on January 1, 2009.

**Article 2 (Transitional Measures Concerning Penalty Surcharges)**

The previous provisions shall apply to the disposition of penalty surcharges on offenses committed by waste management businesses before this Act enters into force, notwithstanding the amended provisions of annexed Table 6.



# PROMOTION OF INSTALLATION OF WASTE DISPOSAL FACILITIES AND ASSISTANCE, ETC. TO ADJACENT AREAS ACT

---

Act No. 4907, Jan. 5, 1995  
Amended by Act No. 5396, Aug. 28, 1997  
Act No. 5454, Dec. 13, 1997  
Act No. 5867, Feb. 8, 1999  
Act No. 5893, Feb. 8, 1999  
Act No. 5911, Feb. 8, 1999  
Act No. 5914, Feb. 8, 1999  
Act No. 6654, Feb. 4, 2002  
Act No. 6656, Feb. 4, 2002  
Act No. 6841, Dec. 30, 2002  
Act No. 7169, Feb. 9, 2004  
Act No. 7386, Jan. 27, 2005  
Act No. 7428, Mar. 31, 2005  
Act No. 7678, Aug. 4, 2005  
Act No. 8014, Sep. 27, 2006  
Act No. 8214, Jan. 3, 2007  
Act No. 8338, Apr. 6, 2007  
Act No. 8343, Apr. 11, 2007  
Act No. 8351, Apr. 11, 2007  
Act No. 8352, Apr. 11, 2007  
Act No. 8370, Apr. 11, 2007  
Act No. 8371, Apr. 11, 2007  
Act No. 8423, May 11, 2007  
Act No. 8810, Dec. 27, 2007  
Act No. 8819, Dec. 27, 2007  
Act No. 8820, Dec. 27, 2007  
Act No. 8976, Mar. 21, 2008

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

The purpose of this Act is to contribute to environmental conservation and to improvement in the quality of nationals life by facilitating installation of waste disposal facilities and promotion of welfare of inhabitants of the adjacent areas through promoting the securing of sites for waste disposal facilities and support for the inhabitants of adjacent areas.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

### Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows:

1. The term “waste disposal facilities” means the waste disposal facilities defined under Article 2 of the Wastes Control Act; and
2. The term “agencies installing waste disposal facilities” means persons under the following items:
  - (a) The Minister of Environment or the head of a local government (including an association of local government agencies incorporated under Article 159 of the Local Autonomy Act; hereinafter the same shall apply) intending to install and operate following

waste disposal facilities:

- (i) Waste landfill facilities, the created area of which is larger than 150,000 square meters, with a daily landfill capacity of 300 tons or more;
  - (ii) Waste incineration facilities with a daily treatment capacity of 50 tons or more; and
  - (iii) Other waste disposal facilities determined and announced by the Minister of Environment in consideration of the environmental impact on the adjacent areas (referring to facilities installed by the Minister of Environment only) or prescribed by Municipal Ordinance of a local government (referring to the facilities installed by a local government); and
- (b) The president of Sudokwon Landfill Site Management Corporation (hereinafter referred to as the "president of Sudokwon Landfill Site Management Corporation") intending to install and operate waste disposal facilities of subitem (i) or subitem (ii) of item (a) under the Act on the Establishment and Management of Sudokwon Landfill Site Management Corporation.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 3 (Reflection in National Land Planning)

In cases where the Special Metropolitan City Mayor, the Metropolitan City Mayor, the *Do* governor, the Special Self-Governing Province governor, the head of *Si* or *Gun* formulates a comprehensive *Do* planning or a comprehensive *Si/Gun* planning pursuant to the Framework Act on the National Land, he/she shall reflect a plan for installation of waste disposal facilities for disposal of waste produced from the *Do*, Special Self-governing Province or *Gun* concerned in such comprehensive planning as prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 4 (Reflection in Basic Urban Planning)

In cases where the Special Metropolitan City Mayor, the Metropolitan City Mayor, the Special Self-Governing Province governor or the head of *Si/Gun* formulates a basic urban planning pursuant to Article 18 of the National Land Planning and Utilization Act, he/she shall reflect a comprehensive *Do* plan under Article 3, a wide area development plan under Article 5 of the Balanced Regional Development and Support for Local Small and Medium Enterprises Act, a plan for installation of waste disposal facilities included in a basic waste disposal plan under Article 9 of the Wastes Control Act by putting them together in such basic urban planning.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 5 (Installation and Operation of Waste Disposal Facilities following Development of Industrial Complex, etc.)

(1) A person who intends to develop, install or enlarge an industrial complex, a factory, a tourist resort or a tourist complex (referring to a tourist resort or a tourist complex under the Tourism Promotion Act; hereinafter the same shall apply) falling under any of the following subparagraphs shall directly install and operate waste disposal facilities prescribed by Presidential Decree for disposal of waste produced from such industrial complex, etc. or have another person install and operate such facilities:

1. An industrial complex or a factory discharging waste exceeding the amount prescribed by Presidential Decree;
2. An industrial complex or a factory exceeding the scale prescribed by Presidential Decree; and
3. A tourist resort or a tourist complex exceeding the scale prescribed by Presidential Decree.

(2) In cases of paragraph (1), a person who intends to install waste disposal facilities in any place other than the relevant industrial complex, factory, tourist resort or tourist complex due to unavoidable circumstances shall make an installation plan as prescribed

by Presidential Decree to obtain approval from the Minister of Environment. The same shall also apply when modifying approved matters.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 6 (Installation, etc of Waste Disposal Facilities following Housing Lot Development Project)

(1) A person who intends to develop an apartment complex or housing lots exceeding the scale prescribed by Presidential Decree shall install waste disposal facilities prescribed by Presidential Decree for disposal of waste produced from such apartment complex or housing lots, or pay an amount equivalent to the expenses for such installation to the Special Self-Governing Province governor, the head of *Si/Gun/Gu* (referring to the head of an autonomous *Gu*; hereinafter the same shall apply) having jurisdiction over the area concerned.

(2) The Special Self-Governing Province governor and the head of *Si/Gun/Gu* shall use the amount received under paragraph (1) for the installation of waste disposal facilities for disposal of waste produced from the relevant apartment complex or housing lots.

(3) If a person who is to pay an amount equivalent to the expenses for installation under paragraph (1) fails to pay such amount within the payment deadline, the Special Self-Governing Province governor and the head of *Si/Gun/Gu* shall collect such amount of money by referring to the practices of dispositions on default of local taxes.

(4) Matters necessary for the method of calculation of an amount of money to pay and the procedure for payment, etc. under paragraph (1) shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 7 (Securing Sites for Waste Disposal Facilities)

Any person who should install waste disposal facilities under Article 5 or Article 6 (1) shall take measures to include a plan for securing a site for such facilities in the plan for development, establishment and enlargement of the industrial complex concerned in advance.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 8 (Graded Application of Fees for Waste Disposal)

The head of a local government operating waste disposal facilities may, when he/she collects fees for disposal of waste at such waste disposal facilities, collect additional dues for the waste brought from the areas other than *Si/Gun/Gu* (referring to autonomous *Gu*; hereinafter the same shall apply) where such waste disposal facilities are installed in addition to collecting such fees within the extent as prescribed by Municipal Ordinance of the local government concerned (referring to the articles of association in cases of the association of local government agencies incorporated under Article 159 of the Local Autonomy Act; hereinafter the same shall apply) prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

## CHAPTER II PROMOTION OF PROJECTS INSTALLING WASTE DISPOSAL FACILITIES

Article 9 (Selection of Locations of Waste Disposal Facilities)

(1) An agency installing waste disposal facilities shall, in cases where it intends to install and operate waste disposal facilities, determine and publicly announce a plan for selection of such locations: *Provided*, That in cases where it falls under any of the following subparagraphs, the same shall not apply:

1. In cases where it installs waste disposal facilities pursuant to Article 5; and
2. In cases of installing waste disposal facilities pursuant to Article 6 (1), in cases where the volume of waste to be brought from the areas other than the relevant apartment complex or housing lots and to be treated does not exceed 50/100 of the disposal capacity

of such facilities.

(2) Matters under the following subparagraphs shall be included in a plan for selection of location under the main sentence of paragraph (1):

1. Types and volume of production of waste subject to disposal;
2. Areas subject to waste disposal;
3. Types and scale of waste disposal facilities; and
4. Standards for and method of selection of location.

(3) In cases where an agency installing waste disposal facilities has publicly announced a plan for selection of locations under paragraph (1), it shall, without delay, establish the Location Selection Committee (hereinafter referred to as the "Location Selection Committee") in which the representative of inhabitants participate to select locations of the relevant waste disposal facilities as prescribed by Presidential Decree.

(4) When the Location Selection Committee selects a location pursuant to paragraph (3), it shall have the institution selected by the Location Selection Committee from among the specialized research institutions prescribed by Presidential Decree examine the appropriateness of the location of the site proposed in advance and shall consider such result of examination: *Provided*, That in cases where the Location Selection Committee deems it unnecessary for the specialized research institution to examine the appropriateness of the location of a proposed site, it may omit the examination or substitute a written opinion of examination by the related expert prescribed by Presidential Decree for the examination.

(5) The Location Selection Committee may, in cases where a majority of the heads of households residing in the area prescribed by Presidential Decree desire the installation of waste disposal facilities in such areas pursuant to the plan for selection of a location under paragraph (1), conduct the examination on the appropriateness of the location of a proposed site under paragraph (4) for such area only.

(6) The Location Selection Committee shall open the process of the examination on the appropriateness of the location of a proposed site and the results of such examination (in cases where it has omitted the examination of the appropriateness or substituted a written opinion of examination by the relevant expert for the examination pursuant to the proviso to paragraph (4), referring to the reason of such omission or such written opinion of examination) under paragraphs (4) and (5) to the inhabitants of the relevant area. In such cases, an agency installing waste disposal facilities shall provide support necessary for opening to the public.

(7) In cases where the Location Selection Committee intends to select a place the distance of which from the boundary of another local government (excluding the association of local government agencies incorporated pursuant to Article 159 of the Local Autonomy Act; hereinafter the same shall apply in this paragraph) to the boundary of the site of relevant facilities is within a two-kilometer radius as the location when selecting the location pursuant to paragraph (3), it shall, before selecting the location, request an agency installing waste disposal facilities to consult with the head of the local government concerned with the attachment of the results of examination on the appropriateness of the location of a proposed site and the data for the reason, etc. of selection of such site as the location. In such cases, if an agency installing waste disposal facilities fails to consult with the head of the adjacent local government, it shall make an application for adjustment to the National Environmental Dispute Resolution Commission under Article 4 of the Environmental Dispute Adjustment Act.

(8) If an agency installing waste disposal facilities intends to modify important matters prescribed by Presidential Decree, such as the area of site of the location selected pursuant to paragraph (3), etc., it shall obtain the consent of the Location Selection Committee. In such cases, unless the Location Selection Committee has been established, it shall be

established in application of paragraph (3) *mutatis mutandis*.

(9) When the Location Selection Committee under paragraph (8) consents to the modification of the area of site of the location, in cases where the distance from the boundary of the site after the modification to the boundary of another local government is within a two-kilometer radius, it shall request

an agency installing waste disposal facilities to consult with the head of the local government concerned before it consents to such modification. In such cases, if an agency installing waste disposal facilities fails to consult with the head of the local government concerned, the latter part of paragraph (7) shall apply *mutatis mutandis*.

(10) Matters necessary for the operation of the Location Selection Committee under paragraph (3) and the latter part of paragraph (8) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 10 (Determination and Announcement of Location of Waste Disposal Facilities, etc.)

(1) An agency installing waste disposal facilities shall, in cases where it has selected a location for waste disposal facilities under Article 9, determine and announce such location and offer its drawings for public perusal for not less than one month. The same shall also apply to cases where it modifies important matters prescribed by Presidential Decree from among the announced matters. <Amended by Act No. 8810, Dec. 27, 2007>

(2) and (3) Deleted. <by Act No. 5867, Feb. 8, 1999>

(4) In cases where an agency installing waste disposal facilities intends to determine and announce a location for waste disposal facilities under paragraph (1), it shall consult with the Special Self-Governing Province governor and the head of *Si/Gun/Gu* having jurisdiction over the site concerned. <Amended by Act No. 8810, Dec. 27, 2007>

(5) Contents of the announcement of a location for waste disposal facilities under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 8810, Dec. 27, 2007>

Article 11 (Legal Fiction as Area of Use for Location outside Urban Area)

In cases where the area for installation of waste disposal facilities the location of which has been announced pursuant to Article 10 is located outside the urban area under subparagraph 1 of Article 6 the National Land Planning and Utilization Act, it shall be deemed that such area has been designated as the planned control area pursuant to Article 36 (1) of the same Act and that such facilities have been determined as the urban planning facilities pursuant to Article 43 (1) of the same Act.

[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]

Article 11-2 (Restrictions on Activities within Location of Waste Disposal Facilities, etc.)

(1) A person who intends to engage in any activity falling under any of the following subparagraphs within the location of waste disposal facilities announced pursuant to Article 10 (1) shall obtain permission from the Special Self-Governing Province governor and the head of *Si/Gun/Gu*. The same shall also apply to cases where he/she intends to modify matters prescribed by Presidential Decree from among the permitted matters:

1. Manking changes in the form and quality of land;
2. Construction of buildings and structures;
3. Installation of structures;
4. Gathering of earth, stone, sand or gravel;
5. Division of land prescribed by Presidential Decree; and
6. Open-air storage of goods prescribed by Presidential Decree.

(2) If the Special Self-Governing Province governor, the head of *Si/Gun/Gu* intends to grant permission under paragraph (1), he/she shall consult with an agency installing waste disposal facilities in advance.

(3) The Special Self-Governing Province governor, the head of *Si/Gun/Gu* may order a

person who has violated paragraph (1) to restore to the original state.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 11-3 (Approval of Plans for Installation of Waste Disposal Facilities, etc.)

(1) An agency installing waste disposal facilities shall, in cases where it has announced the location of waste disposal facilities pursuant to Article 10 (1), formulate a plan for installation of waste disposal facilities.

(2) The head of a local government or the president of the Sudokwon Landfill Site Management Corporation shall, in cases where he/she has formulated a plan for installation of waste disposal facilities pursuant to paragraph (1), obtain approval from the Minister of Environment. The same shall also apply to cases where he/she modifies matters prescribed by Presidential Decree from among the approved matters.

(3) In cases where the Minister of Environment has formulated a plan for installation of waste disposal facilities pursuant to paragraph (1) or has approved a plan for installation of waste disposal facilities pursuant to paragraph (2), he/she shall publicly announce such plan in the official gazette, internet media such as homepage, etc. and one central daily newspaper or more, respectively.

(4) Matters to be included in the plan for installation of waste disposal facilities under paragraph (1) shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 12 (Legal Fiction as Authorization and Permission, etc. under other Acts and Subordinate Statutes)

(1) In cases where the plan for installation of waste disposal facilities has been publicly announced pursuant to Article 11-3 (3), it shall be deemed that an agency installing waste disposal facilities has obtained permission, designation, authorization, approval, recognition, determination, license and announcement, and public notice falling under any of the following subparagraphs: *<Amended by Act No. 8819, Dec. 27, 2007; Act No. 8820, Dec. 27, 2007; Act No. 8976, Mar. 21, 2008>*

1. Permission under Article 11-2 (1);
2. Approval of the installation of waste disposal facilities under Article 29 (2) of the Wastes Control Act;
3. Permission for development activities under Article 56 (1) of the National Land Planning and Utilization Act, designation and announcement of a project performer of the urban planning facilities under Article 86 of the same Act, and formulation, authorization and announcement of the implementation plan under Articles 88 and 91 of the same Act;
4. Authorization of water supply projects under Articles 17 and 49 of the Water Supply and Waterworks Installation Act and authorization of the installation of exclusive water supply under Articles 52 and 54 of the same Act;
5. Permission for the performance of public sewerage works under Article 16 of the Sewerage Act;
6. Permission for the occupancy or use of public waters under Article 5 of the Public Waters Management Act and approval or report of the implementation plan under Article 8 of the same Act;
7. Permission for the performance of harbor works under Article 9 (2) of the Harbor Act and approval of the implementation plan under Article 10 (2) of the same Act;
8. Permission for the performance of river conservation works under Article 30 of the River Act, and permission for the occupancy of river under Article 33 of the same Act and permission for the use of river water under Article 50 of the same Act;
9. Recognition of the route of road under Articles 11 through 16 of the Road Act, determination of the area of a road under Article 24 of the same Act, permission for the performance of road construction under Article 34 of the same Act, permission for the occupancy of a road under Article 38 of the same Act;

10. Permission for the diversion of farmland under Article 34 of the Farmland Act;
11. Permission for the diversion of mountainous districts under Articles 14 of the Management of Mountainous Districts Act and report of the diversion of mountainous districts under Article 15 of the same Act, and permission for deforestation under Article 36 (1) of the Creation and Management of Forest Resources Act, report of deforestation under Article 36 (4) of the same Act, and permission for activities in a reserved forest under Article 45 (1) of the same Act and report of activities in a reserved forest under Article 45 (2) of the same Act;
12. Permission for deforestation, etc. under Article 14 of the Work against Land Erosion or Collapse Act, and cancellation of the designation of erosion control land under Article 20 of the same Act;
13. Permission for the diversion of grassland under Article 23 of the Grassland Act;
14. Permission for the construction of private roads under Article 4 of the Private Road Act;
15. Permission for the reinterment of graves placed in another person's land under Article 27 of the Funeral Services, etc. Act;
16. Approval for the use of facilities other than the purpose of agricultural infrastructure under Article 22 of the Rearrangement of Agricultural and Fishing Villages Act; and
17. Permission for the reclamation under Article 9 of the Public Waters Reclamation Act, and approval of implementation plans under Article 15 of the same Act.

(2) In cases where the Minister of Environment intends to decide on or approve a plan for installation of waste disposal facilities, including the matters under the subparagraphs of paragraph (1), he/she shall consult with the head of the administrative agency concerned. In such cases, the head of the administrative agency concerned shall present his/her opinion within 30 days from the date when he/she has received a request for consultation from the Minister of Environment.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 13 (Mediation of Disputes on Foreseeable Losses, etc.)

(1) In cases where it is foreseeable that the installation and operation of waste disposal facilities under a plan for installation of waste disposal facilities under Article 11-3 will cause losses to inhabitants in the adjacent areas of such waste disposal facilities, an agency installing waste disposal facilities shall take measures therefor.

(2) In cases where a dispute arises on the foreseeable losses due to the installation of waste disposal facilities under a plan for installation of waste disposal facilities under Article 11-3, the party or both parties concerned may file an application for dispute adjustment with the National Environmental Dispute Resolution Commission under the Environmental Dispute Adjustment Act.

(3) The Environmental Dispute Adjustment Act shall apply to the resolution under paragraph (2), in such cases, it shall be deemed that the resolution under paragraph (2) is that under the same Act.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 14 (Expropriation or Use of Land, etc.)

(1) An agency installing waste disposal facilities may, in cases where it announces a location for waste disposal facilities under Article 10, may expropriate or use the land, etc. of the following subparagraphs necessary for the installation of waste disposal facilities and the execution of measures for migration in the area included in such announcement:

1. Land, buildings and other objects fixed on such land; and
2. Rights other than ownership on land, buildings and objects fixed on such land.

(2) When applying paragraph (1), in cases where the location of waste disposal facilities has been determined and announced, it shall be deemed that a project has been approved and the approval of the project has been publicly announced under Articles 20 (1) and 22 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation

Therefor, and an application for adjudication shall be made within three years from the date when the location of waste disposal facilities has been publicly announced, notwithstanding Articles 23 (1) and 28 (1) of the same Act.

(3) The Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall be applied to the expropriation or use under paragraph (1) except for the matters especially prescribed in this Act.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 15 (Support for Inhabitants in Location of Facilities)

An agency installing waste disposal facilities may provide support for inhabitants residing in the site for the relevant waste disposal facilities as prescribed by Presidential Decree in consideration of the loss of their livelihood base, etc. caused by the installation of such waste disposal facilities: *Provided*, That the same shall not apply to persons who are to migrate according to the measures for migration under Article 18.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 16 Deleted. <by Act No. 5867, Feb. 8, 1999>

### CHAPTER III SUPPORT, ETC. FOR ADJACENT AREAS AFFECTED BY WASTE DISPOSAL FACILITIES

Article 17 (Determination and Announcement of Affected Adjacent Areas)

(1) An agency installing waste disposal facilities shall determine and announce the adjacent areas to be affected environmentally by the installation and operation of such waste disposal facilities (hereinafter referred to as the “affected adjacent areas”) within the period prescribed by Presidential Decree from the date when the plan for installation of waste disposal facilities under Article 11-3 has been publicly announced.

(2) In cases where an agency installing waste disposal facilities intends to determine and announce the affected adjacent areas pursuant to paragraph (1), it shall have a specialized research institution selected by the Inhabitants Support Consultative Body organized pursuant to Article 17-2 (hereafter referred to as the “Support Consultative Body”) investigate the environmental impact and shall converge the results of such investigation: *Provided*, That in cases where the Support Consultative Body does not deem it necessary to investigate the environmental impact on the adjacent areas, it may omit the investigation concerned or substitute it by the written opinion of examination of the related expert.

(3) The affected adjacent areas shall be classified as follows:

1. Sphere of direct influence: An area the migration of inhabitants of which is deemed necessary because it is anticipated that activities of human and animals, agricultural products, stock farming products, forest products or fishery products are directly affected environmentally as a result of investigation on the environmental impact pursuant to paragraph (2); and
2. Sphere of indirect influence; An area, as an area within the extent prescribed by Presidential Decree, other than the sphere of direct influence which is anticipated to be affected environmentally as a result of investigation on the environmental impact pursuant to paragraph (2): *Provided*, That in cases where it is deemed especially necessary, an area outside the extent prescribed by Presidential Decree may be included.

(4) A person who owns land, etc. in the area determined as the sphere of direct influence under paragraph (3) may request an agency installing the waste disposal facilities concerned to purchase his/her land, etc. as prescribed by Presidential Decree. In such cases, the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall be applied to such purchase.



(5) An agency installing waste disposal facilities shall use the land purchased pursuant to paragraph (4) for convenience and beneficial facilities for inhabitants or green belt under Articles 20 and 23 and for other purposes prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 17-2 (Criteria for Composition and Function of Support Consultative Body)

(1) An agency installing waste disposal facilities shall constitute the Support Consultative Body from among members of the municipal assembly of the Special Self-Governing Province, *Si/Gun/Gu* of the seat of the waste disposal facilities concerned, the representative of inhabitants, and experts recommended by the representative of inhabitants in consultation with the competent Special Self-Governing Province governor, the head of *Si/Gun/Gu*, and the municipal assembly of the Special Self-Governing Province, *Si/Gun/Gu*, however, a person falling under any of the following subparagraphs shall not be a constituent of the Support Consultative Body:

1. An incompetent, a quasi-incompetent or a person who was declared bankrupt and has not been reinstated;
2. A person in whose case two years have not passed since his/her imprisonment without labor or heavier punishment, as declared by a court, was completely executed (including cases where the execution has been fulfilled) or exempted;
3. A person who is under the suspension of the execution of imprisonment without labor or heavier punishment as declared by a court; and
4. A person whose qualification has been suspended or repudiated by the law or a decision of the court.

(2) The function of the Support Consultative Body shall be as follows:

1. Selection of a specialized research institution for investigation of environmental impact under Article 17 (2);
2. Consultation on the installation of convenience and beneficial facilities for inhabitants of areas under Article 20;
3. Consultation on projects of support for inhabitants of affected adjacent areas under Article 22 (4);
4. Recommendation of resident watchers under Article 25 (1); and
5. Other matters prescribed by Presidential Decree.

(3) Detailed method of composition of the Support Consultative Body shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 18 (Measures for Migration)

(1) An agency installing waste disposal facilities may, in cases where it installs waste disposal facilities exceeding the scale prescribed by Presidential Decree, may take measures for migration of inhabitants from the site for the facilities concerned and in the sphere of direct influence thereof.

(2) The Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall be applied to the measures for migration under paragraph (1).

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 19 (Reflection in Regional Development Plan)

(1) In cases where a plan for installation of waste disposal facilities under Article 11-3 for waste disposal facilities exceeding the scale prescribed by Presidential Decree has been publicly announced, the head of a local government (excluding the association of local government agencies incorporated pursuant to Article 159 of the Local Autonomy Act; hereinafter the same shall apply in this paragraph) shall reflect the matters promoting the regional development, such as the inducement of industries for areas adjacent to such facilities and the expansion of infrastructures, etc. in the regional development plan of the relevant areas.

(2) The Minister of Environment or the president of the Sudokwon Landfill Site Management Corporation may request the Special Metropolitan City Mayor, the Metropolitan City Mayor,

the *Do* governor, the Special Self-Governing Province governor or the head of *Si/Gun* having jurisdiction over the affected adjacent areas to reflect the matters promoting regional development in the regional development plan pursuant to paragraph (1).

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 20 (Installation of Convenience and Beneficial Facilities for Inhabitants)

An agency installing waste disposal facilities shall install convenience and beneficial facilities for inhabitants of the area, such as physical training facilities, etc. in the site for the relevant waste disposal facilities or in the adjacent area in consultation with the Support Consultative Body as prescribed by Presidential Decree: *Provided*, That in cases where the Support Consultative Body does not desire the installation of all or part of such convenience and beneficial facilities, it may contribute an amount of money equivalent to expenses for installation of such facilities to the inhabitants support fund under Article 21.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 21 (Creation of Inhabitants Support Fund)

(1) An agency installing waste disposal facilities shall create an inhabitants support fund to provide support for inhabitants in the affected adjacent areas.

(2) The inhabitants support fund shall be created by the following financial resources:

1. Contributions from an agency installing waste disposal facilities;
2. An amount of money calculated as prescribed by Presidential Decree from among the fees collected for waste brought in the relevant waste disposal facilities;
3. Additional dues under Article 8;
4. Earnings accruing from the management of the fund; and
5. Contributions from other local governments intending to bring and treat waste in the waste disposal facilities concerned.

(3) The Minister of Environment may delegate affairs of the operation and management of the inhabitants support fund created pursuant to paragraph (1) to the Special Metropolitan City Mayor, the Metropolitan City Mayor, the *Do* governor or the Special Self-Governing Province governor.

(4) The operation and management of the inhabitants support fund and other necessary matters shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2008]*

Article 22 (Support for Affected Adjacent Areas with Inhabitants Support Fund)

(1) The inhabitants support fund under Article 21 shall be used for projects to subsidize the increase of income and the promotion of welfare of the inhabitants of the affected adjacent areas.

(2) Kinds and amounts of money for support projects under paragraph (1) may vary as classified by the sphere of direct influence and the sphere of indirect influence.

(3) Support under paragraph (1) may be provided by inhabitants or by households of the affected adjacent areas.

(4) Necessary matters, such as kind of support projects, standards for and method of support, etc. under the provisions of paragraphs (1) through (3) shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 23 (Standards for Installation of Facilities, such as Subsidiary Facilities, etc.)

(1) An agency installing waste disposal facilities shall install subsidiary facilities, such as landscaping, dustproof and soundproof facilities, etc. around access roads to prevent environmental pollution of the affected adjacent areas.

(2) Necessary matters, such as kinds and standards for installation of subsidiary facilities, etc. under paragraph (1) shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 24 Deleted. <by Act No. 5396, Aug. 28, 1997>

Article 25 (Observation by Local Residents)

(1) An agency installing waste disposal facilities may, if the Support Consultative Body

requests, have local residents recommended by the Support Consultative Body (hereinafter referred to as "resident watchers") observewatch the process, etc. of bringing in and disposal of waste.

(2) An agency installing waste disposal facilities shall supervise the activities of resident watchers under paragraph (1) and pay allowances thereto according to the following standards:

1. In cases where an agency installing waste disposal facilities is the Minister of Environment: Standards determined and announced by the Minister of Environment;
2. In cases where an agency installing waste disposal facilities is the head of a local government: Standards as prescribed by Municipal Ordinance of the local government concerned; and
3. In cases where an agency installing waste disposal facilities is the president of the Sudokwon Landfill Site Management Corporation: Standards determined and announced by the president of the Sudokwon Landfill Site Management Corporation.

(3) Number and scope of activities of resident watchers under paragraph (1) shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 25-2 (Qualifications for Resident Watchers)

Resident watchers shall be persons who have been residing in the affected adjacent area for not less than two years consecutively at the time of appointment and have been recommended by the Support Consultative Body: *Provided*, That a person falling under any of the following subparagraphs shall not be a resident watcher:

1. An incompetent, a quasi-incompetent or a person who was declared bankrupt and has not been reinstated;
2. A person in whose case two years have not passed since his/her imprisonment without labor or heavier punishment, as declared by a court, was completely executed (including cases where it is deemed that such execution has been completed) or exempted;
3. A person who is under the suspension of the execution of imprisonment without labor or heavier punishment as declared by a court; and
4. A person whose qualification has been suspended or repudiated by the law or a decision of the court.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 26 (Investigation of Environmental Impact and Disclosure to the Public)

An agency installing waste disposal facilities which has installed and operates waste disposal facilities exceeding the scale prescribed by Presidential Decree shall regularly investigate the environmental impact thereof on the adjacent areas due to such installation and operation and disclosure it to the public as prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

## CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 27 (Support, etc. for Private Capital Inducement Project)

The Minister of Environment or the head of a local government may provide financial and administrative support to a person who intends to install waste disposal facilities pursuant to the Balanced Regional Development and Support for Local Small and Medium Enterprises Act and the Act on Private Participation in Infrastructure.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 28 (Support for Installation of Comprehensive Waste Disposal Facilities)

The Minister of Environment and the head of a local government may provide financial support to any person who installs or intends to install waste disposal facilities comprehensively handling the matters of the following subparagraphs for the efficient disposal of waste:

1. Reduction of volume of waste by compression, crushing, sorting or such;

2. Recycling of waste and covering waste to compost;
3. Reduction or elimination of harmful ingredients of waste; and
4. Incineration or landfill of waste.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 29 (Research and Development, etc.)

The Minister of Environment and the head of a local government may have a specialized research institution prescribed by Presidential Decree promote research and development, and provide financial support therefor to develop and disseminate the techniques of installation and operation of waste disposal facilities.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 30 (Delegation and Entrustment of Authority and Operations)

(1) The authority of the Minister of Environment under this Act may be delegated in part to the Special Metropolitan City Mayor, the Metropolitan City Mayor, the *Do* governor, the Special Self-Governing Province governor or the head of a local environmental government agency as prescribed by Presidential Decree.

(2) The Minister of Environment or the head of a local government may, if deemed necessary to effectively manage and operate waste disposal facilities installed pursuant to this Act, entrust an agency prescribed by Presidential Decree with such management and operation.

(3) When applying the provisions of Articles 129 through 132 of the Criminal Act, it shall be deemed that executives and employees of an agency which has been entrusted with affairs by the Minister of Environment, the Special Metropolitan City Mayor, the Metropolitan City Mayor, the *Do* governor and the Special Self-Governing Province governor are public officials pursuant to paragraph (2).

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

## CHAPTER V PENAL PROVISIONS

Article 31 (Penal Provisions)

Any person who, without permission under Article 11-2 (1), has engaged in any conduct falling under any of the subparagraphs of the same paragraph or a person who has violated an order for restoration to original state under paragraph (3) of the same Article shall be punished by a fine not exceeding 3,000,000 won.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

Article 32 (Joint Penal Provisions)

(1) If the representative, an agent, an employee or any other employed person of a juristic person commits an act in violation of Article 31 with respect to the affairs of such juristic person, not only shall such an offender be punished, but such juristic person shall be also punished by a fine under the corresponding provision.

(2) If an agent, an employee or any other employed person of an individual commits an act in violation of Article 31 with respect to the affairs of such individual, not only shall such offender be punished but such individual shall also be punished by a fine under the corresponding Article.

*[This Article Wholly Amended by Act No. 8810, Dec. 27, 2007]*

## ADDENDA

(1) (Enforcement Date) This Act shall enter into force after the lapse of six months after the date of its promulgation.

(2) (Transitional Measures with respect to Waste Disposal Facilities under Establishment)  
In the event that, at the time when this Act enters into force, the Minister of Environment or the head of local government is establishing the waste disposal facilities as provided for in Article 9, plans for the waste disposal facilities in question shall be considered as having been publicly announced under Article 10 so that the provisions of Article 11, 17 or 26 shall be applied: *Provided*, That in cases where matters pertaining to support for the affected

neighboring areas have already been decided on according to the provisions of Articles 29 through 32 of the previous Wastes Control Act, that decision shall be followed.

(3) (Transitional Measures with respect to Already Selected Location of Waste Disposal Facilities) In case of the waste disposal facilities which, at the time when this Act enters into force, the Minister of Environment or the head of local government decided on according to the urban planning as provided in the Urban Planning Act, the location of waste disposal facilities coming under the provision of Article 9 shall be considered as a location selected according to the procedure set forth in the same Article.

ADDENDA <Act No. 5396, Aug. 28, 1997>

(1) (Enforcement Date) This Act shall enter into force on January 1, 1998.

(2) (Transitional Measures on Waste Disposal Facilities) Where the head of the local government has obtained approval thereof referred to in Article 10 (2) at the time of entry into force of this Act, he shall be deemed to have obtained approval under this Act.

(3) (Transitional Measures on Penal Provisions) In the application of penal provisions to acts committed prior to the entry into force of this Act shall be governed by the previous provisions.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDA <Act No. 5867, Feb. 8, 1999>

(1) (Enforcement Date) This Act shall enter into force on July 1, 1999.

(2) (Transitional Measures concerning Consultations with the Head of Neighboring Local Government about Location) With respect to waste disposal facilities for which a plan for installation of such facilities is approved under the previous provisions at the time of enforcing this Act, the consultations with the head of the neighboring local government about a location for waste disposal facilities shall be deemed to be made under the amended provisions of Article 9 (7).

(3) (Application Example concerning Determination and Publication of Location for Waste Disposal Facilities) The amended provision of Article 10 shall apply starting with a location of waste disposal facilities, which is selected for the first time after the enforcement of this Act.

(4) (Transitional Measures concerning Publication of Plan for Waste Disposal Facilities Installation) The publication of a plan for installation of waste disposal facilities, which is made under the previous provisions at the time of enforcing this Act shall be deemed to be made under the amended provisions of Article 11-3 (3).

ADDENDA <Act No. 5893, Feb. 8, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 5911, Feb. 8, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 8 Omitted.

ADDENDA <Act No. 5914, Feb. 8, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.  
Articles 2 through 5 Omitted.

ADDENDA <Act No. 6654, Feb. 4, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.  
Articles 2 through 7 Omitted.

ADDENDA <Act No. 6656, Feb. 4, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.  
Articles 2 through 12 Omitted.

ADDENDA <Act No. 6841, Dec. 30, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force nine months after the date of its promulgation.  
Articles 2 through 12 Omitted.

ADDENDA <Act No. 7169, Feb. 9, 2004>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Special Cases for Supports, etc. to Residents of Affected Neighboring Areas of Existing Waste Disposal Facilities) When waste disposal facilities already installed or in the process of installation by the Minister of Environment or the head of local government at the time of January 1, 1998, fall under the scale referred to in the amended provisions of Article 9 (1), the support to the residents of relevant affected neighboring areas shall be provided under the provisions of Articles 17 through 26. In such cases, the Minister of Environment or the head of local government shall determine and publicly announce the affected neighboring areas as referred to in Article 17 within two years from this Act enters into force.

(3) (Application Example concerning Disqualification Causes) The amended provisions of Article 17-2 shall apply to the persons who have become the constituents of the Support Consultative Committee on and after this Act enters into force.

ADDENDA <Act No. 7386, Jan. 27, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)  
Articles 2 through 6 Omitted.

ADDENDA <Act No. 7428, Mar. 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.  
Articles 2 through 6 Omitted.

ADDENDA <Act No. 7678, Aug. 4, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.  
Articles 2 through 12 Omitted.

ADDENDA <Act No. 8014, Sep. 27, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8214, Jan. 3, 2007>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Applicability concerning Matters included in Plans for Selection of Location) The amended provisions of Article 9 (2) 2 through 4 shall be applied commencing from the first plan for selection of location determined after the enforcement of this Act.

(3) (Applicability concerning Method of Public Announcement of Plans for Installation of Waste Disposal Facilities) The amended provisions of Article 11-3 (3) shall be applied commencing from the first plan for installation of waste disposal facilities formulated or approved after this Act enters into force.

ADDENDA <Act No. 8338, Apr. 6, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 17 Omitted.

ADDENDA <Act No. 8343, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 12 Omitted.

ADDENDA <Act No. 8351, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That ... <Omitted>... the amended provisions of Article 14 (34) and (35) of Addenda shall enter into force on July 4, 2007.

Articles 2 through 15 Omitted.

ADDENDA <Act No. 8352, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. ...<Omitted.>... the amended provisions of Article 15 (28), (35) and (66) of Addenda shall enter into force on July 4, 2007.

Articles 2 through 16 Omitted.

ADDENDA <Act No. 8370, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 19 (56) of Addenda shall enter into force on July 4, 2007, ...<Omitted.>...

Articles 2 through 20 Omitted.

ADDENDA <Act No. 8371, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDA <Act No. 8423, May 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 12 (27) of Addenda shall enter into force on July 4, 2007.

Articles 2 through 13 Omitted.

ADDENDUM <Act No. 8810, Dec. 27, 2007>

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Article 12 (1) 8 shall enter into force on April 7, 2008 and the amended provisions of Article 12 (1) 15 shall enter into force on May 26, 2008 respectively.

ADDENDA <Act No. 8819, Dec. 27, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 9 Omitted.

ADDENDA <Act No. 8820, Dec. 27, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 9 Omitted.

ADDENDA <Act No. 8976, Mar. 21, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.