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ENFORCEMENT DECREE OF THE CLEAN AIR CONSERVATION ACT

[Enforcement Date 31. Dec, 1998.] [Presidential Decree No.16054, 31. Dec, 1998., Partial Amendment]

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Article 1 (Purpose)

The Purpose of this Decree is to determine matters mandated by Clean Air Conservation Act (hereinafter referred to as the “ Act ”) and matters necessary for the execution of those matters.

Article 2 (Target Area for Air Pollution Warning, etc.) (1) Target areas for the air

pollution warning as prescribed in Article 7 - 2 (4) of the Act shall be such cities (including Special Metropolitan Cities and Metropolitan Cities) as designated by the Minister of Environment in recognition of the necessity of warning.

(2) Substances which are objects of the air pollution warning as prescribed in Article 7 - 2 (4) of the Act refer to the ozone of pollutants, for which environmental standards have been established by the provisions of Article 10 of the Framework Act on Environmental Policy.

(3) The steps of warning as prescribed in Article 7 - 2 (4) of the Act shall be classified as a cautionary, light, or serious alarm according to the density of target pollutants, which shall be determined by the Ordinance of the Ministry of Environment.

(4) The measures to be taken by the warning as prescribed in Article 7 - 2 (4) of the Act shall include, in case of a cautionary alarm, a request to refrain outdoor activities of the residents; in case of a light alarm, a request to limit outdoor activities of the residents and to refrain the use of cars as well as an advice to reduce fuel consumption in business places; and in case of a serious alarm, a request to stop outdoor activities of the residents and to stop driving cars as well as an order to reduce working hours in business places.

Article 3 (Designation and Management of Air Environment Regulation Area) (1) If the

Minister of Environment decides to designate and publicly announce an air environment regulation area as prescribed in Article 8 - 3 (1) of the Act, he shall take measures to include the regions under neighborhood local government, taking into consideration the effects of air pollution in light of topographical and weather

conditions.

(2) If the mayor of Seoul or other Metropolitan City, or Do governor (hereinafter referred to as “ Mayor/Do governor ”) who is in charge of the area as designated and publicly announced as an air environment regulation area does not establish, nor implement the practical plan as prescribed in Article 8 - 3 (2), the Minister of Environment shall take steps, such as the abortion or suspension of environmental related national subsidies for the local government in question, or shall request the head of related central administrative agency to take such steps. In this case, the head of related central administrative agency shall, unless justified by special ground, comply with the request of the Minister of Environment.

Article 4 (Permission and Report on Installation of Emission Facilities, etc.) (1)

Emission facilities which shall obtain the permission on installation as prescribed in Article 10 (1) of the Act are as follows: [<Amended by Presidential Decree No. 16054, Dec. 31, 1998>](#)

1. Emission facilities which produce any specified air harmful substance as prescribed in subparagraph 8 of Article 2 of the Act (hereinafter referred to as “ specified air harmful substance ”); and
2. Emission facilities to be installed in any special countermeasure area as prescribed in Article 22 of the Framework Act on Environmental Policy (hereinafter referred to as “ special countermeasure area ”): Provided, That facilities which do not emit any specified harmful substance and which are installed in fifth class workplaces as specified in Table 1 shall be excluded.

(2) The installation of any emission facility not referred to in subparagraphs of paragraph (1) above shall be reported under the provisions of Article 10 (1) of the Act.

(3) The cases in need of obtaining the permission on modification under the provisions of Article 10 (2) of the Act are as follows:

1. A modification which shall enlarge more than the 50/100 (in a case of an emission facility producing specified air harmful substance, 30/100) of the total or aggregated size of the emission facility allowed by the permission on installation (the permission of modification is included; hereinafter the same shall apply.) (The same shall be applicable to the extension of an emission facility after the report of

modification as prescribed in Article 10 (2) of the Act; the total or aggregated size of the emission facilities shall be measured per emission outlet.); and

2. A modification which shall add more to the uses endorsed by the permission of the installation of the facility.

(4) In the case of a environment - friendly enterprise designated as such by the provisions of Article 10 - 2 of the Act, the entrepreneur who desires to obtain the permission on installation of emission facility as prescribed in paragraph (1) 1 above may substitute the report of installation (or the report of modification in the case of modification of the facility) for the permission on installation.

(5) The circumstances in need of a report of modification and the steps for a report as prescribed in Article 10 (2) shall be determined by the Ordinance of the Ministry of Environment.

(6) Any person who desires to obtain the permission, or to report, on installation of emission facilities as prescribed in Article 10 (1) of the Act shall submit to the Minister of Environment the application for the permission or the report on installation of emission facilities attached with the documents as enumerated in the following subparagraphs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. A description of estimated quantities of raw material (including fuel), products and pollutants to be emitted (this shall be excepted for a report);

2. A description of installation on emission facilities and preventive facilities;

3. A general sketch of preventive facilities;

4. An annual plan of maintenance and management of preventive facilities;

5. Deleted; and <by Presidential Decree No. 15583, Dec. 31, 1997>

6. A licence for the installation of emission facilities (this shall only apply to the permission on modification).

(7) If the Minister of Environment grants permission on installation of emission facilities or receives a report on the installation of emission facilities, he shall issue a license of the installation of emission facilities, or a certificate of the report on the installation of emission facilities, to the applicant: Provided, That he grants permission on installation of emission facilities, he shall enter the permitted matters on modification in the modification column at the back of the already issued licence.

(8) If the person who has obtained the permission, or has presented a report on the installation of emission facilities as prescribed in Article 10 (1) and (2) of the Act

cannot complete the installation of emission facilities within the scheduled date of installation completion, he shall submit to the Minister of Environment, as prescribed by the Ordinance of the Ministry of Environment, an application for the extension of the period of emission facilities installation, 15 days prior to the scheduled date of the completion of the installation.

(9) The criteria for permission or permission on modification referred to in Article 10 (5) of the Act shall be as follows: <Newly Inserted by Presidential Decree No. 15583, Dec. 31, 1997>

1. It shall be possible to process the pollutants emitted from an emission facility to satisfy the permissible emission standards as referred to in Article 8 or 13 (4) of the Act (hereinafter referred to as “permissible emission standards”); and
2. It shall not be contrary to the provisions of other Acts and subordinate statutes concerning restrictions on installation of an emission facility.

Article 5 (Restriction on Installation of Emission Facilities)

The cases where the Minister of Environment may restrict the installation of emission facilities as prescribed in Article 10 (6) of the Act are as follows: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. In cases of installing facilities which would emit more than 10 ton of the same kind, or more than 25 ton of two or, more kinds, of the specified air harmful substances in an area where not less than 20,000 residents live within a radius of 1km from the planned installation site of emission facilities; and
2. In cases of installing in a special countermeasure area an emission facility which spends more than one thousand ton of solid fuel in conversion per year.

Article 6 (Conditions for Preventive Facility Exemption) (1) The term “case where it is confirmed to such standards as determined by the Presidential Decree” referred to in Article 11 (1) of the Act means any of the following subparagraphs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. Owing to the function of emission facilities and the processing, the quantity of emitted pollutants is always less than the permissible emission standards prescribed in Article 8 of the Act; and
2. In addition to emission facilities, there are some other means to ensure the proper processing of pollutants.

(2) and (3) Deleted. <by Presidential Decree No. 15583, Dec. 31, 1997>

Article 7 (Scales for Report on Commencement of Operation of Emission Facilities in Accordance with Modification Report, etc.)

The term “ an alteration not less than such scale as determined by the Presidential Decree ” referred to in Article 14 (1) of the Act means as follows:

1. A modification report pursuant to the provisions of Article 10 (2) of the Act:
 - (a) The modification which shall enlarge not less than the 20/100 of the total or aggregated size of the emission facility allowed by the permission on installation (the total or aggregated size of the emission facilities shall be measured per emission outlet.); and
 - (b) The installation of a new emission outlet; and
2. A modification report pursuant to the provisions of Article 10 (3) of the Act:
 - (a) The modification which shall enlarge not less than the 20/100 of the total size of the emission facility recorded in the report (the total size of the emission facilities shall be measured per emission outlet.); and
 - (b) The installation of a new emission outlet.

Article 8 (Scales for Confirmation on Suitability in Accordance with Modification Report, etc.)

The term “ such one [scale] as determined by the Presidential Decree ” referred to in Article 14 (2) 2 of the Act means such a scale as prescribed in items of subparagraph 1 of Article 7.

Article 9 (Person to be Entrusted)

The term “ such persons as prescribed by the Presidential Decree ” referred to in Article 14 (3) of the Act means any person who falls under any of the following categories:

1. The Environment Management Corporation established by the Environment Management Corporation Act;
2. The Environmental Preservation Association prescribed by Article 38 of the Framework Act on Environmental Policy; and
3. Any person whom the Minister of Environment designates in recognition of the person ' s ability in environment technology.

Article 10 (Business Place to be Equipped with Measuring Device and Types of

Measuring Devices) (1) An entrepreneur who operates an emission facility under Article 15 (3) and (4) of the Act shall install measuring devices for the purpose of ascertaining the quantity of emitted pollutants, or confirming whether or not the permissible emission standards are observed and preventive facilities are properly operated.

(2) The measuring devices that an entrepreneur shall install under paragraph (1) shall include an integrating wattmeter.

(3) The Minister of Environment shall, in consultation with the head of the relevant central administrative agency, publicly announce the types and installation methods of measuring devices and other necessary matters for respective scales of business place and for respective processing methods of pollutants.

(4) The Minister of Environment may utilize the data measured and recorded by measuring devices, for the purpose of confirming whether or not the permissible emission standards are observed, or calculating the emission dues as referred to in Article 19 of the Act.

[This Article Wholly Amended by Presidential Decree No. 15583, Dec. 31, 1997]

Article 11 (Causes of Report on Inappropriate Management of Emission or Preventive Facilities)

The term “ any inevitable reason as prescribed by the Presidential Decree ” in Article 15 (6) of the Act means as follows:<Amended by Act No. 15583, Dec. 31, 1997>

1. That emission and preventive facilities cannot regularly operate due to an improvement, a change, an inspection, or repair, of them;
2. That emission and preventive facilities cannot regularly operate due to unexpected major machines troubles;
3. That emission and preventive facilities cannot regularly operate due to the suspension of electricity supply or of water supply; and
4. That emission and preventive facilities cannot regularly operate due to some natural disasters, fire or other accidents.

Article 12 (Improvement Period) (1) If the Minister of Environment desires to give an order of improvement as prescribed in Article 16 of the Act, he shall take into consideration the improvement measures to be taken and the period for installation,

and determine the period of improvement which does not exceed one year.

(2) If any person who has received an order of improvement as prescribed in Article 16 of the Act but, owing to natural disasters or other irresistible forces, has not been able to carry out the order within the period as prescribed in paragraph (1) above, he may apply for an extension up to one year to the Minister of Environment before the expiration of the ordered period. <Amended by Presidential Decree No. 16054, Dec. 31, 1998>

Article 13 (Submission of Improvement Plan) (1) An entrepreneur who has been notified of an order of improvement as prescribed in Article 16 of the Act shall, by specifying the matters falling under the following subparagraphs, submit an improvement plan to the Minister of Environment within 15 days from the day of being notified of the order, in accordance with the Ordinance of the Ministry of Environment: Provided, That if deemed necessary, the Minister of Environment may, at the request of the entrepreneur, extend the period above in light of the category and scale of the emission facility concerned: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. In case where the entrepreneur intends to achieve the improvement prior to the expiration of the period of improvement prescribed in Article 16 of the Act(hereinafter referred to as the “period of improvement” in this Article), the period required for the early improvement;
2. In case where the suspension or restriction of operation of the emission facilities is required during the period of improvement, the period of suspension and the contents of restriction; and
3. In case where the entrepreneur intends to reduce the quantity of emitted pollutants by improved processing methods, the detailed contents.

(2) In the case of the entrepreneur's failure to present the improvement plan as prescribed in paragraph (1), or in the case of the entrepreneur's failure to specify in his plan any of the particulars enumerated in subparagraphs of paragraph (1), it shall be assumed that during the period of improvement, the emission facilities have been kept operated, emitting pollutants in the state of pollution as described by the order of improvement. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

Article 14 (Report and Confirmation of Execution of Order of Improvement) (1) If an entrepreneur who has received an order of improvement as prescribed in Article 16

of the Act executes such an order, he shall report the execution thereof to the Minister of Environment without delay.

(2) If the Minister of Environment receives such report as provided in paragraph (1), he shall have the public officials concerned confirm the state of the execution of the order without delay. In this case, if it is deemed necessary to examine the degree of air pollution, the Minister of Environment shall gather materials for test, and direct or request any examination agency as prescribed by the Ordinance of the Ministry of Environment to examine them.

[This Article Newly Inserted by Presidential Decree No. 16054, Dec. 31, 1998]

Article 15 (Kinds of Emission Dues) (1) Dues to impose for the emission of pollutants as prescribed in Article 19 (1) of the Act (hereinafter referred to as “dues”) are classified as excess emission dues (hereinafter referred to as “excess dues”) and basic emission dues (hereinafter referred to as “basic dues”).

(2) The excess dues as prescribed in paragraph (1) above are to impose on the emission exceeding the permissible emission standards and are calculated by the sum of, first, the class dues, an amount determined by the class of the workplace as illustrated in annexed Table 1, and second, the processing dues, an amount of the cost for the processing of emitted pollutants.

(3) The basic dues as prescribed in paragraph (1) above is the amount imposed according to the quantity and density of pollutants emitted below the permissible emission standards in the workplace of any entrepreneur who produces air pollution substances (excepting the owner, or occupant, of the facilities which are the object of the exemption of improvement dues as prescribed in Article 6 of Enforcement Decree of Environment Improvement Expenses Liability Act).

Article 16 (Kinds of Pollutants to Charge Emission Fine) (1) The kinds of pollutants that make it necessary to impose excess dues as prescribed in Article 15 (2) are as follows:

1. Sulfur oxides;
2. Ammonia;
3. Hydrogen sulfide;
4. Carbon bisulfide;

5. Dust;
6. Fluoride;
7. Hydrogen chloride;
8. Chlorine;
9. Hydrogen cyanide; and
10. Bad odor.

(2) The kinds of pollutants necessary to impose basic dues as prescribed in Article 15 (3) are as follows:

1. Sulfur oxides: and
2. Dust.

Article 17 (Methods and Principles on Calculating Amount of Excess Dues) (1) The methods of calculating the amount of class dues are given in annexed Table 2: Provided, That the entrepreneur who has made the report as prescribed in Article 15 (6) of the Act (hereinafter referred to as “an improper operation report”) shall be exempted from the imposition of class dues. [<Amended by Presidential Decree No. 15583, Dec. 31, 1997>](#)

(2) The amount of processing dues as prescribed in Article 15 (2) shall be calculated according to the methods as enumerated in the following subparagraphs:

1. In a case of improper operation report:

(a) For pollutants specified by Article 16 (1) 1 or 9:

Dues per pollutant 1 kilogram × Quantity of pollutant exceeding permissible emission standard × Local coefficient × Annual dues index;

(b) For pollutants specified by Article 16 (1) 10

Dues per pollutant 1,000 cubic meter × Quantity of pollutant × Coefficient of malodor degree × Local coefficient × Annual dues index

2. All other cases but those under subparagraph 1 of the above:

(a) For pollutants specified by Article 16 (1) 1 or 9:

Dues per pollutant 1 kilogram × Quantity of pollutant exceeding permissible emission standard × Coefficient in the ratio of excess emission over permissible emission standard × Local coefficient × Annual dues index × Coefficient of the frequency of violation

(b) For pollutants specified by Article 16 (1) 10:

Dues per pollutant 1,000 cubic meter × Quantity of pollutant × Coefficient of malodor degree × Local coefficient × Annual dues index × Coefficient of the number of cases of violation.

(3) Dues per pollutant 1 kilogram, dues per pollutant 1,000 cubic meter, coefficient of the ratio of excess emission over permissible emission standard, coefficient of malodor degree, local coefficient, which are needed for the accounting of dues as prescribed in paragraph (2) above, are given in Appendix 3.

Article 18 (Calculation on Quantity of Emitted Pollutants for Imposition of Excess Dues, etc.) (1) The quantity of pollutants exceeding the permissible emission standards

which is required to calculate the amount of excess dues as prescribed in Article 17

(2) refers to the quantity of pollutants emitted by the operation exceeding the permissible emission standards during the following emission periods, and the quantity shall be measured by means of multiplying daily pollutant emission quantity by the number of days of emission periods: [<Amended by Presidential Decree No. 15583, Dec. 31, 1997>](#)

1. In the case of improper operation report as prescribed in Article 15 (6) of the Act, the period covers from the date of commencement of improper operation indicated by the improper operation report to the last date of improvement; and

2. In cases other than those of subparagraph 1, the period covers from the date of commencement of pollutant emission (or, if the time of commencement of pollutant emission is not known, then, the day of collecting pollutant materials for the inspection of possibility of excess emission over the permissible emission standards will do) to the expected date of expiration of the order of improvement, the order of suspension of operation, the order of prohibition of use, or the order of closure as prescribed by Article 16, 17 or 21 of the Act, or to the date of revocation of license as prescribed by Article 20 of the Act.

(2) The daily quantity of emitted pollutant exceeding the permissible emission standard as prescribed in paragraph (1) is to be measured by means of multiplying the total quantity of daily gas emission (hereinafter referred to as “daily emission quantity”) figured out on the basis of the measured quantity of emitted gas at the time of surveying the excess emission degree (hereinafter referred to as

“ measured quantity ”) by the rate of excess pollutant over the permissible emission standard in time of collecting emitted pollutant, which is the cause of the order of improvement, of suspension of operation, of prohibition of use, of closure, or the revocation of license as prescribed in Article 16, 17, 20 or 21 of the Act; the quantity is to be expressed in kilograms. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

(3) Daily emission quantity and the quantity of daily excess pollutant emission over the permissible emission standard as prescribed in paragraph (2) shall be calculated according to annexed Table 4, and measured quantity by the methods of air pollution fair test prescribed in Article 7 of the Act.

(4) The emission quantity as prescribed in Article 17 (2) shall apply to the quantity of gas emitted in a period of time, measured by 1,000 cubic meters, and is calculated by means of multiplying daily emission quantity by the number of days of emission. In this case, paragraph (1) or (3) above shall apply to the calculation of emission days and measured quantity.

(5) The time of emission as prescribed in paragraph (1) shall be counted by the number of days, including the day of commencement in accordance with the Civil Act.

Article 19 (Annual Dues Index and Coefficient of Frequency of Violation) (1) Annual dues index of each year as prescribed in Article 17 (2) shall be determined by means of multiplying the annual dues index of the previous year by the price change index which the Minister of Environment announces taking into consideration the rate of price rise of the previous year, etc..

(2) As for coefficient of the frequency of violation as prescribed in Article 17 (2), 100/100 shall apply to non - violation; 105/100 to the first violation; and from then on, it shall be determined by means of multiplying the coefficient of previous violation by 105/100.

(3) The number of cases of violation as prescribed in paragraph (2) means the times the workplace is notified of the order of improvement, of suspension of operation, of prohibition of use, of closure, or the revocation of license as prescribed in Article 16, 17, 20 or 21 of the Act, for emitting pollutants subjected to dues exceeding permissible emission standards as prescribed in Article 16 of the Act. In this case, the frequency of violation is biannually counted for each outlet. <Amended by Presidential

[Decree No. 15583, Dec. 31, 1997](#) >

Article 20 (Period for Imposition of Basic Dues, etc.)

The basic dues as prescribed in Article 15 (3) shall be imposed twice per term; the record date and term for the imposition of dues are given in annexed Table 5.

Article 21 (Methods and Principles of Calculating Basic Dues) (1) The basic dues as prescribed in Article 15 (3) shall be the amount made of the quantity of pollutants emitted below the permissible emission standards multiplied by the dues per pollutant 1kg, annual dues index, local coefficient, and density coefficient.

(2) With regard to the dues per pollutant 1kg which are required for the calculation of the amount referred to in paragraph (1) above Article 17 (3) shall apply *mutatis mutandis*; the local coefficient is given in annexed Table 6, and the density coefficient in annexed Table 7.

(3) The annual dues index referred to in paragraph (1) above shall be 1 in the first year of imposition, and later on, it shall be calculated by multiplying the index of the previous year by the price change index which the Minister of Environment shall announce, after having the rate of price rise of the previous year taken into consideration.

Article 22 (Calculation on Quantity of Emitted Pollutants for Imposition of Basic Dues, etc.)

(1) The Minister of Environment may order the competent entrepreneur to present the following materials as prescribed by Article 49 (1) of the Act, if it is necessary for the measuring of the emission quantity below the permissible emission standards prerequisite to the calculation of basic dues as prescribed in Article 21

(1):

1. The material concerning an estimated emission quantity below the permissible emission standards (hereinafter referred to as “estimated emission quantity”) which shall be produced during the period of the imposition of basic dues in question (This shall be presented within 30 days from the first date of the imposition period, but the enterpriser who newly obtains permission or makes a report on the installation of emission facilities as prescribed by Article 10 of the Act may present the material within 30 days from the date of report on the commencement of operation; if the date of report on the commencement of

operation falls within 30 days ahead of the last date of the imposition period may not present the material during the imposition period.); and

2. The material concerning the emission quantity below the permissible emission standards which has actually been produced during the period of the imposition of basic dues in question (hereinafter referred to as “ actual emission quantity ”) (This shall be presented within 30 days from the last date of the imposition period, but may not be presented during the imposition period in question, if the actual emission quantity does not differ from the estimated emission quantity during the imposition period in question as prescribed in subparagraph 1 above.).

(2) An estimated emission quantity and an actual emission quantity as prescribed in paragraph (1) above shall be calculated in the manner as prescribed by the following subparagraphs: Provided, That this shall not apply to cases where the entrepreneur measures the estimated emission quantity and the actual emission quantity in the special manner as acknowledged by the Minister of Environment:

1. The calculation of an estimated emission quantity:

(a) Sulfur oxides:

The estimated emission quantity of sulfur oxides shall be expressed in kilogram and calculated by multiplying the sulfur oxides emission index, which is announced by the Minister of Environment, by the quantity per emission index (the quantities of fuel, raw material or products) to be used during the imposition period in question: Provided, That the provision of (b) below may apply mutatis mutandis to a case where a preventive facility is installed in order to reduce the emission of sulfur oxides, or a case where the production processing effectively reduces the emission of sulfuric acid.

(b) Dust:

(i) The estimated emission quantity shall be calculated by the result of self-monitoring pursuant to the provision of Article 22 (1) of the Act (hereinafter referred to as “ self - monitoring ”): Provided, That the entrepreneur who has obtained the permission or reported on the installation of emission facilities presents the material concerning the estimated emission quantity for the first time, the estimated emission quantity shall be based on the emission quantity of pollutants admitted in time of the application for the permission or of the report.

(ii) With respect to an estimated emission quantity based on self - monitoring, this shall be a quantity (hereinafter referred to as “ daily average estimated emission quantity ”) expressed in kilogram and calculated by multiplying, by the estimated number of working days, the emission quantity (hereinafter referred to as “ daily estimated emission quantity ”) which is calculated by dividing, by the number of self - monitoring prior to the imposition period, the sum of daily emission quantities of all outlets figured out by multiplying each outlet ’ s daily emission quantity by its emission density observed in time of monitoring. In this case, the calculation of a daily emission quantity shall apply mutatis mutandis to the provision of Article 18 (3): Provided, That if the entrepreneur has been advised of the result of the inspection as prescribed by Article 49 of the Act before the imposition period, the daily average estimated emission quantity shall be a quantity calculated by dividing, by the number of monitoring, the sum of daily average estimated emission quantities figured out by the entrepreneur and the advised emission quantities of pollutants.

2. The calculation of an actual emission quantity:

(a) Sulfur oxides:

The actual emission quantity shall be expressed in kilogram and calculated by multiplying the sulfur oxides emission index, which is announced by the Minister of Environment, by the quantity per emission index (the quantities of fuel, raw material or products) which has been used during the imposition period in question: Provided, That provision of (b) below may apply mutatis mutandis to a case where a preventive facility is installed in order to reduce the emission of sulfur oxides, or a case where the production processing effectively reduces the emission of sulfur oxides.

(b) Dust:

Self - monitoring shall serve as the basis of the calculation of an actual emission quantity, which is a quantity (hereinafter referred to as “ daily average emission quantity ”) expressed in kilogram and calculated by multiplying, by the number of working days, the emission quantity (hereinafter referred to as “ daily emission quantity ”) which results from dividing, by the number of self - monitoring during the imposition period in question, the sum of daily emission quantities of all outlets figured out by multiplying each outlet ’ s daily emission quantity by its emission density observed in time of monitoring. In this case, the calculation of a daily

emission quantity shall apply mutatis mutandis to the provision of Article 18 (3): Provided, That if the entrepreneur has been advised of the result of the inspection as prescribed in Article 49 of the Act before the imposition period, the daily average emission quantity shall be a quantity calculated by dividing, by the number of monitoring, the sum of daily average emission quantities measured by the entrepreneur and the advised emission quantities of pollutants.

(3) The proof concerning the material to be presented as prescribed in paragraph (1) above shall be determined by the Ordinance of the Ministry of Environment.

Article 23 (Measures on Modification of Estimated Emission Quantity, etc.) (1) If any change has occurred to the estimated emission quantity due to any of the following reasons, the entrepreneur shall indicate it at the time of presenting the material concerning the actual emission quantity:

1. Any change of the estimated emission quantity caused by the change of the emission index of sulfur oxides used during the imposition period in question;
2. Any change of the estimated emission quantity as a result of the inspection by the Minister of Environment during the imposition period in question: Provided, That this shall not apply if the emission density inspected by the Minister of Environment exceeds the permissible emission standards;
3. Any change in the estimated emission quantity due to the new or added installation, or closure, of emission facilities; and
4. Any change in the estimated emission quantity due to any change in the material which shall be the basis of the calculation of the estimated emission quantity, etc..

(2) The entrepreneur who has been advised of the result of the inspection on the material concerning the estimated emission material during the imposition period as prescribed by Article 49 of the Act and thereby has learned of the excess over the permissible emission standards, shall calculate the excess of the emission quantity below the standards which exceeds the estimated emission quantity over the basic excess emission quantity as prescribed in Article 18 (1), and add it to the report of the material concerning the actual emission quantity. The same shall apply to a case of the emission period as prescribed in Article 18 (1) exceeding the closing date of the submission of the material concerning the actual emission quantity: (the density of the permissible emission standard - the density of self - monitoring in time of the

calculation of the estimated emission quantity) × the measured quantity advised after the inspection as prescribed by Article 49 of the Act × the emission period as prescribed by Article 18 (1) (the period up to the last date of the submission of the material concerning the actual emission quantity in question in cases where the last date of emission exceeds the last date of the period for the submission of the material).

(3) If the entrepreneur has been notified of the result of the inspection by the Minister of Environment on pollution degree conducted to find out the implementation of the order or the state of improvement pursuant to the provisions of Article 32 (2) during the imposition period for the submission of the material concerning the estimated emission quantity, he shall consider the corresponding notification as an advice on the pollutant emission quantity of the competent emission facilities and reflect it in the calculation of the actual emission quantity as prescribed in Article 22 (2) 2 (b).

Article 24 (Adjustment of Emission Quantity below Permissible Emission Standards)

In a case where the material as prescribed in Article 22 is not submitted or recognized as incomplete, the Minister of Environment may adjust the emission quantity below the permissible emission standards under the conditions as prescribed in the following subparagraphs:

1. If the entrepreneur does not present the material relevant to the estimated emission quantity and the actual emission quantity as prescribed in Article 22, the Minister of Environment shall figure out the emission quantity below the permissible emission standards in consideration of the emission carried out by the maximum operation of every emission or preventive facility for 24 hours per day, at the level of the permissible emission standard density of the pollutant in question, during the imposition period;
2. If the entrepreneur presents the material concerning the actual emission quantity only without the material concerning the estimated emission quantity as prescribed in Article 22 (1), the Minister of Environment shall calculate the emission quantity below the permissible emission standards based on the actual emission quantity: Provided, That if the material concerning the actual emission quantity is found out as incorrect by the inspection of the field and the presented material, the Minister

of Environment shall figure out the emission quantity below the permissible emission standards based on the results of the inspection;

3. If the entrepreneur presents material relevant to the actual emission quantity only without the material concerning the estimated emission quantity as prescribed in Article 22 (1) 2, the Minister of Environment shall calculate the emission quantity below the permissible emission standards, regarding the estimated emission quantity as the actual emission quantity;
4. If the entrepreneur has not presented the material relevant to the actual emission quantity in spite of a change in the estimated emission caused by the reason(s) as prescribed in Article 23 (1), or has not reflected the change(s) in the presented material concerning the actual emission quantity, the Minister of Environment shall figure out the change in the estimated emission quantity, add it to the estimated emission quantity, and then, calculate the actual emission quantity, considering the 120/100 of the actual emission quantity as the emission quantity below the permissible emission standards; and
5. If the material concerning the estimated emission quantity, or the material concerning the actual emission quantity, presented by the entrepreneur as prescribed in Article 22 (1) has been proved completely false, the Minister of Environment shall calculate the actual emission quantity after the field inspection, considering the 120/100 of the actual emission quantity as the emission quantity below the permissible emission standards.

Article 25 (Submission of Material and Inspection, etc.)

In cases where the estimated emission quantity or the actual emission quantity presented by the entrepreneur as prescribed in Article 22 differs greatly from that of other enterprise(s) of a similar scale, or is deemed as incomplete, and where an adjustment of the emission quantity below the permissible emission standards is necessary as prescribed in Article 24, the Minister of Environment may order the competent entrepreneur to present related materials pursuant to the provision of Article 49 (1) of the Act.

Article 26 (Exemption of Dues, etc.) (1) With respect to the entrepreneur who, subject to the provisions of Article 19 (3) of the Act, operates an emission facility using such any fuel as enumerated in the following subparagraphs, the dues on sulfur

oxides shall be exempted: Provided, That if the facility which uses the fuel as specified in subparagraph 1 or 2 mixed with other fuel(s) and satisfies the permissible emission standards, the dues on sulfur oxides shall be exempted in relation to the quantity of the fuel so specified: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. A facility satisfying the permissible emission standards, which, if a power plant, consumes a liquid or solid fuel containing less than 0.3% of sulfur, or otherwise(including a cogeneration facility the capacity of which is less than 100 megawatt) consumes a liquid fuel containing not more than 0.5% of sulfur or a solid fuel containing less than 0.45% of sulfur(if two or more kinds of solid fuels are injected into a burner, the average sulfur percentage of all them);
2. A facility satisfying the permissible emission standards, which consumes the gas that is generated as by - product in the course of its process and contains below 0.05% of sulfur; and
3. A facility satisfying the permissible emission standards, which consumes a mixture of such fuels as specified in paragraphs (1) and (2) above.

(2) Dues on dust and sulfur oxides shall not be imposed on the entrepreneur operating emission facilities in which liquefied natural gas or liquefied petroleum gas is consumed as fuel in accordance with Article 19 (3) of the Act.<Newly Inserted by Presidential Decree No. 15583, Dec. 31, 1997>

(3) The term “ optimal preventive facilities as determined by the Presidential Decree ” referred to in Article 19 (3) of the Act means preventive facilities which are able to observe the permissible emission standards and to maintain the designed efficiency of elimination of air pollutants, and which are announced publicly by the Minister of Environment in consultations with the head of the central administrative agency concerned.

(4) The term “ emission facilities of the scale less than such one as determined by the Presidential Decree ” referred to in Article 19 (3) of the Act means the emission facilities that fall under the class 4 and the class 5 of annexed Table 1 and observe the permissible emission standards.

(5) Matters necessary for the procedures concerning the exemption or reduction of dues under Article 19 (3) of the Act shall be determined by the Ordinance of the Ministry of Environment.

Article 27 (Notification of Dues) (1) The notification of dues shall be carried out, in the case of excess dues, at the time of the occurrence of the justifiable reason(s) for the imposition, and in the case of basic dues, within 60 days from the closing date of the period for the submission of the material concerning the actual emission quantity during the imposition period in question.

(2) The Minister of Environment shall issue a written notification of dues (including adjustment dues as prescribed by Article 28) indicating the amount of dues, payment period, place of payment and other necessary matters. In this case, the payment period of dues is 30 days after the issuance of written notification.

Article 28 (Adjustment of Dues) (1) The Minister of Environment shall repeatedly calculate and adjust dues in such cases as enumerated in each of the following subparagraphs, and impose or reimburse the difference between the dues paid and the dues adjusted:

1. In cases where a change occurs in the emission period of the pollutant material, on which the calculation of excess dues are based due to the failure of the improvement or the implementation of the order before the expiration of the period, or due to the improvement or implementation of the order completed within the period under the conditions as prescribed in Article 18 (1);
2. In cases where the emission of pollutants, etc. has recognizably changed after the imposition of excess dues, resulting in the difference between the newly observed emission quantity and the previously observed emission quantity; and
3. In cases where the calculation of the actual emission quantity by the entrepreneur as prescribed by Article 22 (1), or the adjustment of the emission quantity below the permissible emission standards by the Minister of Environment as prescribed by Article 24, has turned out incorrect.

(2) In cases of adjusting excess dues pursuant to the provision of paragraph (1) 1, the period of pollutant emission for the imposition of excess dues lasts till the day of the fulfillment of improvement or the day of report on the execution of order as prescribed in Article 32 (1).

(3) In cases of adjusting excess dues under the provision of paragraph (1) 2, the imposition of dues for the time after the day of the second inspection shall be based on the newly measured emission quantity.

(4) The adjustment or reimbursement of excess dues as prescribed in paragraph (1) 1 shall be executed within 30 days after the day of examination of the completion of improvement, suspension of operation or use, or the closure of the emission or preventive facilities concerned. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

(5) With respect to the imposition of basic dues due to the reasons as specified in paragraph (1) 3, the calculation of basic dues shall be based on such materials as the material presented with an application for the permission or a report on the installation of emission facilities, the material presented with a modification report as prescribed by Article 10 (1) or (3) of the Act; the record of operation of the emission facilities and preventive facilities as prescribed by Article 15 (2) of the Act; and the result of the inspection as prescribed by Article 49 of the Act as well as the record of self - monitoring as prescribed by Article 22 (1) of the Act.

(6) In cases where the imposition or reimbursement of dues as prescribed in paragraph (1), the Minister of Environment shall send to the entrepreneur a written notification about the amount, payment period and place, and other relevant matters.

Article 29 (Application for Adjustment of Dues) (1) The entrepreneur who is ordered to pay dues (hereinafter referred to as “ dues payer ”) may apply for the adjustment of dues under the conditions as prescribed in each of subparagraphs of Article 28 (1).

(2) Application for adjustment as prescribed in paragraph (1) shall be compiled as prescribed by the Ordinance of the Ministry of Environment within 30 days after receiving a written order to pay dues.

(3) The Minister of Environment, upon receiving an application of adjustment, shall notify to the applicant the result of the business as stipulated by the Ordinance of the Ministry of Environment.

(4) Application of adjustment as prescribed in paragraph (1) does not affect the period of payment of dues.

Article 30 (Matters on Grace Period, Installment Payment, Collection of Dues) (1) In cases where the dues payer concerned is recognized as unable to pay dues within the payment period on the grounds as enumerated in the following subparagraphs, the Minister of Environment may allow him a grace period or installment payment.

The same shall be applicable to the cases of arrears:

1. Natural disaster or in incident of serious damages done to the enterpriser ' s property by other disasters;
2. In cases of crises of the enterprise owing to some big loss;
3. In cases where a grace or installment payment is deemed inevitable on other grounds similar to the provisions of subparagraphs 1 and 2; and
4. In cases of dues more than ten million won (basic dues only).

(2) The grace period and the number of installment as prescribed in paragraph (1) are as follows:

1. Excess dues: The grace period prescribed shall not exceed one year from the date of deferment, and the installment during the period shall not exceed 6 times; and
2. Basic dues: The grace period prescribed shall start from the date of deferment till a day before the commencement of the next dues imposition, and the installment during the period shall not exceed 4 times.

(3) In cases where the amount of dues is two times larger than the enterpriser ' s paid - in capital or total investment (or total assets for an individual entrepreneur), and where it is deemed that on the grounds enumerated in paragraph (1), dues are not likely to be discharged by the term as stipulated by paragraph (2), the grace period may be extended beyond the term as stipulated in paragraph (2), and installment payment of the dues may be allowed.

(4) Grace period as stipulated in paragraph (2) shall not exceed 3 years from the next day after the day of deferment, and installment payment shall not exceed 12 times.

(5) In cases where the Minister of Environment gives a grace as prescribed in paragraph (1) or (3), he may demand the entrepreneur to furnish security equivalent to the grace.

(6) In any of the cases enumerated in the following subparagraphs, the Minister of Environment may revoke the grace and collect the arrears:

1. Where the dues payer has not discharged the arrears until the designated time;
2. Where the dues payer does not comply with the Ordinance of the Minister of Environment issued to maintain or modify the security; and
3. Where the grace is deemed unnecessary, owing to the condition of property or changes of other circumstances.

(7) Any person who desires a grace period or installment payment on dues or arrears as prescribed in paragraph (1) or (3) shall present the Minister of Environment with the application for grace and installment payment of dues as prescribed by the Ordinance of the Ministry of Environment.

(8) The Minister of Environment shall designate the period and amount of installment, and matters pertaining to the imposition and collection.

Article 31 (Provision of Subsidy for Collection of Dues) (1) In cases of entrusting the collection of dues and additional dues to the Mayor/Do governors as prescribed in Article 19 (7) of the Act, the Minister of Environment shall grant them 10/100 of the dues and additional dues collected, or of the dues and additional dues adjusted as collection subsidy under the provisions of Article 28.

(2) The Minister of Environment shall settle the accounts of collection subsidy in relation to dues and additional dues collected in the special accounts on environmental improvement as prescribed in paragraph (1) every month, and deliver the collection subsidy to the Mayor/Do governors by the following month.

Article 32 Deleted. <by [Presidential Decree No. 16054, Dec. 31, 1998](#)>

Article 33 (Qualification of Environmental Manager and Assignment Term) (1) If the entrepreneur desires to report on the employment of an environmental manager as prescribed by Article 24 (5) of the Act, he shall file the report within the period as specified in each of the following subparagraphs:

1. In cases of the installation of emission facilities for the first time, concurrently with the report on the commencement of operation; and
2. In cases of the replacement of environmental managers, no later than 5 days after the date of the occurrence of the cause for the replacement: Provided, That if the workplace which requires a manager with a first - class, or second - class certificate for the qualification as environmental technician is justifiably unable to employ a qualified person, it may appoint an environmental manager for a period within 30 days by reference to the fourth or fifth class workplaces as specified in annexed Table 1.

(2) The qualifications of environmental managers to be assigned to every workplace are given in annexed Table 8.

Article 34 (Use of Low Sulfate Oil) (1) The Minister of Environment shall decide and publicly announce the area to supply the kind of oil to use as fuel with the sulfur content as prescribed by Article 26 (2) of the Act (hereinafter referred to as “ low sulfate oil ”) as well as the range of facilities to use such an oil, after having taken into consideration the state of maintenance of environmental standards as well as local characteristics as prescribed by Article 10 of the Framework Act on Environmental Policy.

(2) Under the provisions of Article 26 (3) of the Act, the Minister of Environment or the Mayor/Do governor shall order any person who supplies or sells an oil containing excess sulfur over permissible sulfur content standards in areas and to facilities proclaimed according to paragraph (1), the suspension of supply or sale and the recovery of sold oil, and also demand the user to stop using such oil. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

(3) Any person who has received an order to retrieve or discontinue using, the oil in question as prescribed in paragraph (2) above shall present to the Minister of Environment or the Mayor/Do governor the report on the execution of the order within 5 days from the date of receiving the order, indicating the particulars as enumerated in the following subparagraphs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. The period of supply or use, or quantity of supply or spending, of the oil in question;
2. The retrieved and processed quantity of the oil in question, and the method and period of retrieval and processing; and
3. Matters certifying the supply, or spending, of low sulfate oil.

(4) The term “ business place as prescribed by the Presidential Decree ” in the main text of Article 26 (3) of the Act means the business place listed in annexed Table 9. <Newly Inserted by Presidential Decree No. 15583, Dec. 31, 1997>

Article 35 (Use of Fuels Other Than Low Sulfate Oil) (1) The Minister of Environment or the relevant Mayor/Do governor may permit facilities as specified in the following subparagraphs within the supply area of low sulfate oil under Article 34 (1) to use fuels other than low sulfate oil: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. A facility which uses the gas generated as by - product as prescribed in Article 26 (1) 2, or any waste heat the use of which is approved by the Minister of Environment;
2. A facility which is exempted from the dues on the ground of installing the most effective preventive facility as prescribed in Article 26 (3); and
3. A facility which has obtained approval for the use of any fuel other than low sulfate oil from the Minister of Environment or the relevant Mayor/Do governor and which, in the course of using the same fuel, emits sulfur oxides, in a manner consistent with the permissible emission standards that would be effective if it used low sulfate oil.

(2) If the owner or occupant of such any facility as prescribed in paragraph (1) 3 desires to use a fuel(s) other than low sulfate oil, he shall submit an application for the approval of its(their) use to the Minister of Environment or the relevant Mayor/Do governor in accordance with the Ordinance of the Minister of Environment.

[<Amended by Presidential Decree No. 15583, Dec. 31, 1997>](#)

Article 36 (Prohibition of Use of Solid Fuel, etc.) (1) In order to prevent air pollution caused by the use of a particular fuel in accordance with the provisions of Article 27 of the Act, the Minister of Environment or the relevant Mayor/Do governor may restricts the use of solid fuels specified in the following subparagraphs in the area which he, in consultation with the head of the relevant central government agency, has designated, by public notice, from among certain areas which do not satisfy, or are unlikely to satisfy the environmental standards as prescribed in Article 10 of the Framework Act on Environmental Policy: Provided, That subparagraph 3 apply only in cases where the prohibition of the use of firewood and charcoal is especially required in the areas concerned: [<Amended by Presidential Decree No. 15583, Dec. 31, 1997>](#)

1. Coal;
2. Coke;
3. Firewood and charcoal; and
4. Combustible wastes, such as plastic refuse, etc. identified by the Minister of Environment, and fuels processed of these matters.

(2) The Minister of Environment or the relevant Mayor/Do governor shall prohibit entrepreneurs within the areas under paragraph (1) from using any solid fuel:

Provided, That this shall not apply to the entrepreneur equipped with such any facility as stipulated in the following subparagraphs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. Smelting furnaces, etc., used in a foundry or iron and steel mill, which need solid mineral fuel for fuel melting in its manufacturing process;
2. Plants made of cement or lime, etc. which have a capacity of suction and adsorption in manufacturing process, capable of radical reduction of pollutants produced in burning;
3. Wastes disposal facilities (including facilities utilizing energy produced from wastes) as prescribed in Article 2 of the Wastes Control Act; and
4. Facilities which emit pollutants in a manner consistent with the permissible emission standards, even if any solid fuel as referred to in paragraph (1) is used and are granted approval for the use of the solid fuel by the Minister of Environment or the relevant Mayor/Do governor.

(3) Where the owner or occupant of the facilities referred to in paragraph (2) 4 intends to use any solid fuel, he shall submit an application for approval of the use of the same fuel to the Minister of Environment or the relevant Mayor/Do governor in accordance with the Ordinance of the Ministry of Environment. <Newly Inserted by Presidential Decree No. 15583, Dec. 31, 1997>

Article 37 (Use of Clean Fuel) (1) Under the provisions of Article 27 of the Act, the Minister of Environment or the Mayor/Do governor may prohibit the use of fuels except gaseous fuels (hereinafter referred to as “ clean fuel ”), such as liquefied natural gas and liquefied petroleum gas, etc., which produce little pollutants, to the facilities and areas that he publicly announces through consultation with the head of central administrative agency concerned as facilities and areas exceeding, or potentially capable of exceeding, environmental standards as stipulated in Article 10 of the Framework Act on Environmental Policy notwithstanding the regulations on the use of fuel under the provisions of Articles 34 and 36. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

(2) The Minister of Environment or the Mayor/Do governor shall ban oil refinery entrepreneurs or dealers of oil ordained by the Petroleum Business Act from supplying or selling fuel oil to the facilities that are required to use clean fuel as

prescribed in paragraph (1). <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

(3) With respect to small - scale heat supply facilities as well as collective energy supply facilities, or power plants which are highly influential in the supply of clean fuel for its enormous fuel spending, or recognizably effective in minimizing the air pollution by means of the reduction of its energy consumption, the Minister of Environment may allow the use of such non - gaseous fuels as stipulated by the Minister of Environment.

Article 38 (Scattering Dust Producing Business)

The term “ a business . . . prescribed by the Presidential Decree ” of Article 28 (1) of the Act means a business enumerated in the following subparagraphs as prescribed by the Ordinance of the Ministry of Environment: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. Cement, lime, plastic and cement - related products manufacturing and processing industry;
2. Nonmetallic matters gathering, manufacturing and processing industry;
3. The first metallic manufacturing industry;
4. Fertilizer and fodder products manufacturing industry;
5. Construction companies (limited to projects of construction, digging, engineering, landscape architecture and demolition);
6. Business of transporting cement, coal, earth and sand;
7. Transportation equipment manufacturing industry;
8. Business requiring a coal depot;
9. Loading and unloading of scrap iron or grain business; and
10. Industry of manufacturing or processing of metallic products.

Article 39 (Regulation of Volatile Organic Compound) (1) The term “ volatile organic compounds ” referred to in Article 28 - 2 (1) of the Act means such petrochemicals, organic substances or other substances as the Minister of Environment, in consultation with the head of the relevant central government agency, has designate, by public notice, from among petrochemicals, organic substances or other substances the raid steam pressure of which is not less than 10.3 kilopascal (or 1.5psia) and which belong to the categories of hydrocarbon substances. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

(2) The term “ any facilities . . . as prescribed by the Presidential Decree ” referred to in Article 28 - 2 (1) of the Act means such facilities as enumerated in the following subparagraphs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

1. Manufacturing facilities, storage facilities and forwarding facilities related to petroleum refinery and refinery for manufacturing petrochemicals;
2. Storage facilities and forwarding facilities of an oil reservoir:
 - 2 - 2. Storage facilities of an oil station;
3. Cleaning facilities; and
4. Other volatile organic compound emission facilities, which the Minister of Environment has publicly announced in consultation with the head of the central government agency concerned.

(3) The scale of the facilities as prescribed in each of subparagraphs of paragraph (2) shall be announced publicly by the Minister of Environment in consultation with the head of the central administrative agency concerned.

Article 40 (Kinds of Exhaust Gas)

The term “ such ones[pollutants] as determined by the Presidential Decree ” referred to in Article 31 (1) of the Act means as follows:

1. In cases of automobiles using gasoline, alcohol or gas:
 - (a) Carbon monoxide;
 - (b) Hydrocarbon;
 - (c) Nitrogen oxide compound; and
 - (d) Aldehyde.
2. In cases of automobiles using light oil:
 - (a) Carbon monoxide;
 - (b) Exhaust pipe hydrocarbon;
 - (c) Nitrogen oxide compound;
 - (d) Smoke; and
 - (e) Particle matters.

Article 41 (Cars Exempted or Omitted from Authentication) (1) The kinds of motor vehicles to be exempted from the authentication under the proviso of Article 32 (1) of the Act are as follows:

1. Fire engines as well as the motor vehicles used for such special official purposes of the State as military duties and patrol service, etc.;
2. A car to be used by a foreign embassy or diplomat in Korea, or any the similarly qualified person on official purposes and duties confirmed by the Minister of Foreign Affairs;
3. A car to be used by a member of the foreign military in Korea on official purposes;
4. A car to be exported or cars temporarily imported for an exhibition by a participant in the exhibition or a similar event;
5. A car temporarily imported by tourists, etc. on condition that it shall be exported after a certain period of time;
6. A car imported by an automobile manufacturer or an automobile - related research institution for such non - driving purposes as automobile development, exhibition, etc.; and
7. A car running on such fuels as electricity, sun light, hydrogen, etc. without emitting exhaust gas as prescribed in Article 40.

(2) The kinds of motor vehicles to be omitted from the authentication under the conditions as prescribed by Article 32 (1) of the Act are as follows:

1. A car to be used by, or for the training of, a national athlete, and confirmed as such by the Minister of Culture and Sports;
2. A car donated by a foreign country as a gift to a public institution or a nonprofit organization;
3. A car imported as a personal effect by a person in moving into Korea after having resided in a foreign country more than one year;
4. A car imported to be used by the family of a foreign diplomat or a foreign soldier in Korea;
5. A car used for aircraft groundwork;
6. A car, having the same emission characteristics and producing the same exhaust gas as an authenticated automobile (hereinafter referred to as “ identical automobile type ”), imported or made with such domestic manufacturing equipments and automobile bodies as required for the production of the identical automobile type by a person who is exempted from the authentication under the conditions as prescribed by Article 32 (1) of the Act;

7. A car which may be omitted from the authentication as prescribed by an international agreement, etc.; and
8. Any other car recognized by the Minister of Environment as one which shall be omitted from the authentication.

Article 42 (Kinds of Inspection on Permissible Exhaust Standards of Manufactured

Automobile) (1) Pursuant to the provisions of Article 31 (1) of the Act, the Minister of Environment shall conduct inspections as enumerated in the following subparagraphs:

1. All Times Inspection: This inspection shall be conducted from time to time in order to find out whether or not an automobile under construction meets the permissible exhaust standards: and
2. Regular Inspection: This inspection shall be regularly conducted, taking into consideration the number of every kind of automobiles manufactured, to find out whether or not an automobile under construction meets the permissible exhaust standards: Provided, That the regular inspection may be replaced by an inspection which the manufacturer conducts by the help of the personnel and equipment as prescribed by the Ordinance of the Ministry of Environment, and which complies with the method of inspection and procedure as determined by the Minister of Environment.

(2) Any person who cannot comply with the results of the inspection conducted under the conditions as prescribed in paragraph (1) may request a reinspection as prescribed by the Ordinance of the Ministry of Environment.

Article 43 (Agency to be Entrusted with Manufactured Automobile Exhaust Inspection)

(1) Research institutes that the Minister of Environment may entrust with manufactured automobile exhaust inspection under the conditions as prescribed in Article 33 (2) of the Act shall be institutes equipped with necessary matters, such as instruments and technical personnel, etc. as prescribed by the Ordinance of the Ministry of Environment.

(2) Of such research institutes equipped with necessary matters as prescribed in paragraph (1), any institute which desires to be entrusted with the business of manufactured automobile exhaust inspection shall present to the Minister of Environment the application for the designation of automobile exhaust inspection

agency attached with necessary documents as prescribed by the Ordinance of the Ministry of Environment.

Article 44 (Cancellation of Designation of Manufactured Automobile Exhaust Inspection Agency)

The Minister of Environment may cancel the designation of a manufactured automobile exhaust inspection agency that falls under any of the following conditions:

1. In cases where the designation was obtained by means of deception or other unjust methods, violating the conditions of designation; and
2. In cases where the designated institute is incapable of attaining necessary measures, such as personnel and inspection instruments, etc. as prescribed in Article 24 (1).

Article 45 (Permissible Running Automobile Exhaust Standards)

The permissible running automobile exhaust standards as prescribed in Article 36 of the Act shall be determined by the Ordinance of the Ministry of Environment in consultation with the head of central government agency concerned, according to the types of the exhaust as specified in the following subparagraphs:

(1) A load - free test:

1. In cases of a vehicle using gasoline, alcohol or gas:

- (a) Carbon monoxide;
- (b) Exhaust pipe hydrocarbon; and
- (c) Nitrogen oxide (this refers to nitrogen oxide measured by the rate of surplus air).

2. In a case of a vehicle using light oil or light oil mixed with gas:

Smoke.

(2) A load test:

1. In cases of a vehicle using gasoline, alcohol, or gas:

- (a) Carbon monoxide;
- (b) Exhaust pipe hydrocarbon; and
- (c) Nitrogen oxide.

2. In cases of a vehicle using light oil or light oil mixed with gas:

Smoke.

Article 46 (Cooperation with Related Agency)

The term “ other matters as determined by the Presidential Decree ” referred to in Article 50 (5) of the Act means such cases as enumerated in each of the following subparagraphs:

1. The restoration of a land damaged by tourist facilities or industrial facilities, etc. to its original state;
2. The regulation of fuel spending according to the type of an automobile;
3. The regulation of motor operation according to the type of an automobile; and
4. The restriction of the source of power of an automobile, which is used in a limited area for a limited purpose, to electricity, sun light, hydrogen, or natural gas, etc..

Article 47 (Dispositions Subject to Hearing)

The Minister of Environment shall hold a hearing when he intends to make any disposition as enumerated in the following subparagraphs: [**<Amended by Presidential Decree No. 15583, Dec. 31, 1997>**](#)

1. The cancellation of the designation of an agency as prescribed in Article 44; or
2. The revocation of the registration of additives as prescribed in Article 43 of the Act.

Article 48 (Delegation and Entrustment of Authority) (1) The authority of the Minister of Environment as specified in the following subparagraphs shall be entrusted to the Mayor/Do governor under Article 54 (1) of the Act: Provided, That this shall not apply to the authority for enterprises as specified in annexed Table 9: [**<Amended by Presidential Decree No. 15583, Dec. 31, 1997>**](#)

1. Giving of an air pollution warning as prescribed by Article 7 - 2 (1) of the Act;
2. Permission on the installation and modification of emission facilities as well as the acceptance of modification report as prescribed in Article 10 of the Act;
3. through 6. Deleted; [**<by Presidential Decree No. 15583, Dec. 31, 1997>**](#)
7. Acceptance of the report on the commencement of operation of emission and preventive facilities as prescribed in Article 14 (1) of the Act;
8. and 9. Deleted; [**<by Presidential Decree No. 15583, Dec. 31, 1997>**](#)
10. Acceptance of the report on inadequate operation as prescribed in Article 15 (6) of the Act;

11. Order of improvement as prescribed in Article 16 of the Act;
 12. Order of suspension of operation of emission facilities as prescribed in Article 17 of the Act;
 13. Deleted; <by Presidential Decree No. 15583, Dec. 31, 1997>
 14. Imposition and collection of emission dues as prescribed in Article 19 of the Act;
 15. Revocation of license, closure of emission facilities, and order of suspension of operation as prescribed in Article 20 (1) of the Act;
 16. Imposition and collection of penalty as prescribed in Article 20 - 2 of the Act;
 17. Closure of illegal facilities as prescribed in Article 21 of the Act;
 18. Acceptance of the report on the appointment and change of the environmental manager as prescribed in Article 24 (1) of the Act;
 19. Order of change of the environmental manager as prescribed in Article 25 of the Act;
 20. through 23. Deleted; <by Presidential Decree No. 15583, Dec. 31, 1997>
 24. Order of report and inspection on such persons as prescribed in Article 49 (1) 1 of the Act;
 25. Hearing concerning the delegated rights among the ones as prescribed in each subparagraph of Article 52 of the Act;
 26. Imposition and collection of a fine for negligence as prescribed in Article 59 of the Act (the imposition of a fine for negligence prescribed in Article 59 (2) 10 is limited to such a person who fails to have the environmental manager receive proper training; the imposition of a fine as prescribed in Article 59 (2) 11 of the Act is limited to such a person who falls under the provisions of Article 49 (1) 1 of the Act); and
 27. through 29. Deleted. <by Presidential Decree No. 15583, Dec. 31, 1997>
- (2) In accordance with the provisions of Article 54 (1) of the Act, the Minister of Environment shall delegate the authority related to the matters as referred to in the following subparagraphs to the head of the Environmental Management Office or to the head of the Regional Environmental Management Office: <Amended by Presidential Decree No. 15583, Dec. 31, 1997>
1. Measuring networks establishment and permanent measurement of air pollution as prescribed in Article 3 (1) of the Act;

2. Expropriation and the use of land, etc. under the provisions of Article 5 (1) of the Act;
3. Initial Registration, alteration of registration, cancellation of registration, and suspension of operation, of measuring agents under the provisions of Article 23 (1) and (5) of the Act;
4. Deleted; [by Presidential Decree No. 15583, Dec. 31, 1997](#) >
5. Initial Registration, change of registration, cancellation of registration, and operation suspension of a preventive facilities business as well as designation of a supervisor of work execution under the provisions of Articles 44, 46 and 47 of the Act;
6. Order of report and inspection under the provisions of Article 49 (1) 2 and 10 of the Act;
7. Hearing on the delegated authorities among those as specified in subparagraphs of Article 52 of the Act;
8. Imposition and collection of a fine for negligence as prescribed in Article 59 (2) 10 and 11 of the Act (a fine for negligence as prescribed in Article 59 (2) 10 of the Act shall be imposed only on persons who fail to have their technical personnel engaged in the preventive facilities business or vicarious task for in-house measuring receive training; a fine for negligence as prescribed in Article 59 (2) 11 shall be imposed only on persons as prescribed in Article 49 (1) 2 and 10 of the Act); and
9. Authorities as prescribed in subparagraphs(excluding subparagraph 1) of paragraph (1) above with regard to a workplace as described in annexed Table 9 and those falling under any of the followings:
 - (a) Measures under Article 26 (3) of the Act;
 - (b) Measures under Article 27 of the Act;
 - (c) Acceptance of report on the business which produces scattering dust under Article 28 (1) of the Act;
 - (d) Order of installation or improvement under Article 28 (2) and (3) of the Act;
 - (e) Order of making report issued to the persons falling under Article 49 (1) 3, 4 and 4 - 2 of the Act and inspection thereon;
 - (f) Imposition and collection of a fine for negligence under Article 59 of the Act with respect to matters for which the authority has been delegated;

(g) Approval under Article 35 (1) 3; and

(h) Approval under Article 36 (2) 4.

(3) Under the provisions of Article 54 (1) of the Act, the Minister of Environment shall entrust the head of the National Institute of Environmental Research with the authority concerning the following affairs: <Amended by Presidential Decree No. 15583, Dec. 31, 1997; Presidential Decree No. 16054, Dec. 31, 1998>

1. and 2. Deleted; <by Presidential Decree No. 15583, Dec. 31, 1997>

3. Defect - finding inspection as prescribed in Article 34 of the Act and selection of a motor vehicle necessary for the said inspection;

4. Regulation on manufacture, sale or use of an additive as prescribed in Article 41 (2) of the Act;

5. Registration and cancellation of registration of an additive, and hearing thereof, under Article 42 (1), Article 43 and subparagraph 2 of Article 47 the Act; and

6. Order to report and inspection, etc. as prescribed in Article 49 (1) 9 of the Act.

Article 49 (Supervision of Tasks According to Delegation of Authority) (1) If the Minister of Environment recognizes the urgency to take measures to deal with a large - scale air pollution, he may have the workplace except those specified in Appendix 9, or the head of the Environmental Management Office or the head of the Regional Environmental Management Office inspect and confirm matters of violation of the law including the maintenance or infringement of the permissible emission standards, etc.

(2) Upon finding a workplace having violated the law by way of the inspection and confirmation as prescribed in paragraph (2), the Minister of Environment, the head of the Environmental Management Office or the head of the Regional Environmental Management Office shall notify the content of violation and an instruction on handling the affair to the Mayor/Do governor of the area concerned.

(3) Under the provisions of paragraph (2), the Mayor/Do governor who has been notified of the affair shall take necessary measures, and report or notify the result to the Minister of Environment, the head of the Environmental Management Office or the head of the Regional Environmental Management Office.

Article 50 (Report) (1) The Mayor/Do governor, the head of the Environmental Management Office or the head of the Regional Environmental Management Office, or

the head of National Institute of Environmental Research shall report to the Minister of Environment as stipulated by the Ordinance of the Ministry of Environment, the content of the job which he was entrusted with and has taken care of under Article 54 (1) of the Act.

(2) The Mayor/Do governor, proceeding with the order of suspension of operation, or the cancellation of license under Articles 17 and 20 of the Act, shall immediately report to the Minister of Environment and the head of central administrative agency concerned. <Amended by Presidential Decree No. 15583, Dec. 31, 1997>

Article 51 (Entrustment of Task) (1) Deleted. <by Presidential Decree No. 16054, Dec. 31, 1998>

(2) Under the provisions of Article 54 (2) of the Act, the Minister of Environment shall entrust the head of the Environmental Preservation Association delegated by Article 38 of the Framework Act on Environmental Policy with the training of environmental managers as prescribed in Article 48 of the Act.

Article 52 (Imposition of Fine for negligence) (1) The Minister of Environment or the Mayor/Do governor, in imposing a fine for negligence as prescribed in Article 59 (3) of the Act, shall first investigate and confirm the act of violation in question, and then advise the fined person to pay the fine in a written notification specifying the details of violation, the ways and period to raise an objection.

(2) The Minister of Environment or the Mayor/Do governor, in imposing a fine for negligence as prescribed in paragraph (1), shall grant the fined person more than 10 days for an opportunity to present a written or oral statement. In this case, no statement presented within the set period shall be considered as non - existence of opinion.

(3) The Minister of Environment or the Mayor/Do governor, in deciding the amount of a fine for negligence, shall take into consideration the motive and result of the act of violation in question.

(4) Procedures on the collection of a fine for negligence shall be determined by the Ordinance of the Ministry of Environment.

ADDENDA <No. 15583, 31. Dec, 1997>

(1) (Enforcement Date) This Decree shall enter into force on January 1, 1998: Provided, That the amended provisions of Article 48 (3) 1 shall enter into force on July 1, 1998.

(2) (Transitional Measures concerning Permission on Use of Fuel) In case where the use of fuels other than low sulfate oil or of solid fuel is permitted under the previous provisions at the time when this Decree enters into force, such permission shall be presumed to be obtained under the amended provisions of Article 35 (1) 3 or Article 36 (2) 4 respectively.

(3) (Transitional Measures concerning Pending Conduct) Any conduct done by or with respect to the Director of the National Institute of Environmental Research as regarding the authentication and modified authentication on the imported motor vehicle under Article 32 (1) and (2) of the Act and the test for authentication under Article 32 (3) of the Act when this Decree enters into force, shall be presumed to be done by or with respect to the Minister of Environment.

ADDENDA <No. 16054, 31. Dec, 1998>

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

(2) (Transitional Measures concerning Report of Installation of Emission Facilities) Emission facilities the installation of which has been permitted under previous provisions before this Decree enters into force and which fall under the amended provisions of proviso of Article 4 (1) 2 shall be deemed emission facilities the installation of which has been reported.