



Article Content

Title Water Pollution Control Act **Ch**

Amended Date 2016.12.07

Chapter 1 General Principles

Article 1 This Act is formulated to control water pollution and ensure the cleanliness of water resources in order to maintain ecological systems, enhance the living environment and advance public health. The regulations of other laws shall apply to those matters not regulated by this Act.

Article 2 Terminologies used in this Act are defined as follows.

I. "Water" means surface water or groundwater as it exists in any form.

II. "Surface water body" means water, in part or in whole, existing in rivers, the sea, lakes, reservoirs, ponds, irrigation canals, all classes of water drainage channels and other systems.

III. "Groundwater body" means the water existing in underground water-bearing strata.

IV. "Pollutant" means a substance, biological organism or form of energy capable of causing water pollution.

V. "Water pollution" means the introduction into water of substances, biological organisms or forms of energy that alters water quality, impacts the normal use of the water or endangers public health and the living environment.

VI. "Living environment" means property, animals, plants and their reproductive environments that are closely connected with human life.

VII. "Enterprise" means companies, factories, mines and quarries, substitute wastewater treatment enterprises, livestock enterprises and other enterprises designated by the central competent authority.

VIII. "Wastewater" means water containing pollutants produced by an enterprise through manufacturing, operating, the process of developing natural resources or the working environment.

IX. "Sewage" means water containing pollutants produced by a source other than an enterprise.

X. "Wastewater and sewage treatment facility" means a facility using physical, chemical or biological methods to treat wastewater or sewage so that it meets the control standards of this Act.

XI. "Water pollution control measure" means the installation of wastewater and sewage treatment facilities, connection to a sewage system, soil treatment, commissioning of treatment to a substitute wastewater treatment enterprise, installation of marine discharge pipelines, marine dumping and other methods of controlling water pollution permitted by the central competent authority.

XII. "Sewage system" means all types of facilities used for the collection, pumping, conveyance, treatment and final treatment of the wastewater and sewage of public sewers and special-purpose sewers.

XIII. "Discharge point" means a fixed discharge facility installed in accordance with the law through which wastewater or sewage enters a receiving water body.

XV. "Effluent" means wastewater or sewage prior to entering a

receiving XIV. water body. "Carrying capacity" means the quantity of pollutants a water body can assimilate without jeopardizing its normal uses.

XVI. "Water zone" means all or some of the water bodies within an area delineated by the competent authority.

XVII. "Water quality standard" means a quantitative value designated by the competent authority for the quality of a water body based on its optimal use.

XVIII. "Effluent standard" means a regulatory limit for the quality or composition of effluent.

Article 3 The competent authority referred to in this Act means the Environmental Protection Administration, Executive Yuan, at the central government level, the municipal government in special municipalities and the county or city government in counties or cities.

Article 4 Central government, special municipality and county and city competent authorities may designate or commission dedicated organizations to perform tasks related to water pollution research, training and control.

Chapter 2 Basic Measures

Article 5 In order to avoid jeopardizing the uses of a water body, those that use a water body to receive or convey effluent may not exceed the carrying capacity of the water body.

Article 6 The central competent authority shall delineate water zones and determine water body classifications and water quality standards based on the special characteristics and on-site conditions of water bodies.
The central competent authority may delegate the delineation of water zones and the determination of water body classifications and water quality standards in the foregoing paragraph to special municipality, county or city competent authorities.
The competent authority in consultation with units related to the use of water bodies shall make determinations for the delineation of water zones.

Article 7 Those enterprises, sewage systems or building sewage treatment facilities that discharge wastewater or sewage into surface water bodies shall comply with effluent standards.
The central competent authority in consultation with the relevant industry competent authorities shall determine the effluent standards in the foregoing paragraph; said effluent standards shall include the scope of application, control methods, items, concentration or total quantity limits, formulation criteria and other binding matters. Special municipality, county and city competent authorities may add or strengthen effluent standards regarding total quantity or concentration, control items and methods for water bodies under their jurisdictions that have special environmental characteristics or that require special protection; the central competent authority shall approve these additional or strengthened effluent standards after consultation with the relevant industry competent authorities.

Article 8 Sludge produced through wastewater or sewage treatment by enterprises, sewage systems and building sewage treatment facilities shall be properly treated and may not be arbitrarily stored or dumped.

Article 9 For a water body, in whole or in part, in one of the following

circumstances, the special municipality, county or city competent authority shall implement controls using total quantity control methods for the discharge of wastewater or sewage based on the carrying capacity of the water body.

I. Those circumstances in which the use of effluent standards still fails to meet water quality standards for said water body due to the density of enterprises or sewage systems

II. Those circumstances in which the competent authority determines that special protection is required

The total quantity control methods in the foregoing paragraph shall be drafted by the special municipality, county or city competent authority and shall be approved by the central competent authority after consultation with the relevant industry competent authority; in those circumstances in which a water body, in whole or in part, involves two special municipality, county or city competent authorities, or involves a special zone administered by more than one central industry competent authority, the central competent authority in consultation with the relevant industry competent authorities shall determine the total quantity control methods in the foregoing paragraph.

Article 10 Competent authorities at all levels shall install water quality monitoring stations, and issue official announcements of monitoring results at regular intervals and adopt appropriate measures. The sampling frequency of the water quality monitoring stations mentioned in the foregoing paragraph shall be determined in accordance with the pollution characteristics whether to be on a monthly basis or seasonal and, when necessary, shall be shortened. Locations, items, and frequency of the water samplings shall be taken into consideration by the geographic characteristics of the watersheds, the quality and current situation of the water bodies, and shall also be revised regularly by competent authorities at all levels according to the water monitoring report of every year and the need for water pollution remediation as well. The central competent authority shall establish the monitoring stations and determine the monitoring criterion mentioned in Paragraph 1. Competent authorities at all levels may commission relevant agency and analysis laboratories permitted by the central competent authority to perform water quality monitoring in Paragraph 1. Relevant industry competent authorities shall monitor the yields of heavy metal, toxic chemicals, and agricultural chemicals in edible plants, fish, shrimps, shellfish, and sediments when the official announcement of testing results in Paragraph 1 failed to meet water body classifications and water quality standards, and measures to prohibit harvest and consumption of aquatic animal and plants shall be adopted when there is concern of the endangerment of human health, agricultural or aquacultural production.

Article 11 The central competent authority shall collect water pollution control fees from enterprises, sewage systems and households that discharge wastewater or sewage into surface water bodies based on their discharge water quality and water volume or based on their discharge water quality and water volume as determined through a calculation method designated by the central competent authority. The water pollution control fees in the foregoing paragraph shall be provided exclusively for national water pollution control matters; the disbursement items of these fees shall be the following.

I. Remediation of the pollution of surface water bodies and

monitoring of water quality.

II. Improvement of water quality in drinking water source quality protection areas

III. Improvement of water quality in water pollution total quantity control zones

IV. Construction of primary and secondary public sewage system main pipes

V. Construction of wastewater treatment plants and wastewater and sewage interception facilities

VI. Construction of nightsoil dumping stations and nightsoil treatment plants

VII. Construction of centralized treatment facilities for sludge produced by wastewater and sewage treatment facilities

VIII. Water pollution control technology research and development, acquisition and strategy research and development

IX. Necessary expenditures and the employment of required personnel related to the implementation of fee collection work

X. Other relevant water pollution control work

Disbursements for Paragraph 2, Subparagraph 9 may not be higher than 10% of total disbursements.

The water pollution fees in Paragraph 1 may be collected in stages; the central competent authority shall determine collection times for each stage, collection targets, collection methods, calculation methods, fee payment procedures, fee payment deadlines, uses for each stage, and other binding fee collection regulation matters. Water pollution control implementation performance shall be reevaluated annually and reported to and filed for future reference with the Legislative Yuan.

The central competent authority, taking into consideration the water pollution control work requirements of each special municipality, county and city competent authority, shall determine the central and local government allocation principles for the water pollution control fees in Paragraph 1.

Competent authorities at all levels shall establish special funds for the water pollution control fees in Paragraph 1; the Executive Yuan and special municipality, county and city governments shall determine respectively revenue and expenditure, safekeeping and utilization regulations for these funds.

The central competent authority shall establish a fee rate review committee for water pollution control fees; the central competent authority shall determine establishment regulations for this committee.

Article 12 Sewage system infrastructure and wastewater treatment facilities shall comply with the requirements of water pollution control policies.

The central competent authority shall determine water pollution control programs in consultation with the special municipality, county and city competent authorities and report implementation progress to the Legislative Yuan annually.

Chapter 3 Control Measures

Article 13 Prior to establishment or modification, enterprises shall submit water pollution control measure plans and related documents for review and approval to the special municipality, county or city competent authority or an agency commissioned by the central competent authority.

The central competent authority in consultation with the industry competent authorities shall designate and officially announce the

type, scope and scale of enterprises in the foregoing paragraph. The central competent authority shall determine the content, required documents, application times, approval criteria and other binding matters for the water pollution control measure plans in Paragraph 1.

For those water pollution control measure plans in Paragraph 1 that use pipelines for discharge into the sea, the central competent authority shall make determinations for the installation, modification, revocation, cancellation and suspension of use of pipelines, application forms, procedures, and other binding matters.

Article 14 Those enterprises that discharge wastewater or sewage into surface water bodies shall apply to the special municipality, county or city competent authority for discharge permit or simple discharge permit document and shall obey the items registered on the document while discharging. The enterprises shall not change the items unless they have the permission from the special municipality, county or city competent authority.

When the modification of registration in the foregoing paragraph does not involve modification of the collection, treatment and discharge of wastewater, sewage, or sludge, those enterprises, designated by the central competent authority, may perform the modification of registration within prescribed period.

The central competent authority shall determine the management regulation for the applicable entities, application forms, review procedures, issuance, cancellation and other items that shall be obeyed covered in the discharge permits or simple discharge permit documents.

Article 14-1 Those enterprises designated and officially announced by the central competent authority shall, prior to the registration of the application and modification of water pollution control measure plans, discharge permit or simple discharge permit document, disclose the concentration and quantity of the pollutants their discharged wastewater or sewage may contend.

When the discharged wastewater or sewage by an enterprise contends pollutants beyond the effluent standard and the pollutant has been determined by the special municipality, county or city competent authority to be of concern of endangerment of ecology or human health, the enterprise shall submit risk assessment and management report in accordance with the format of the central competent authority regulations to explain the risk of its wastewater or sewage on the ecology and human health and risk management measures that can be adopted.

For those reports reviewed and approved of the foregoing paragraph, the special municipality, county or city competent authority shall approve, in accordance with the review results, the concentration or total quantity limit of their water pollution control measures plans, discharge permit, or simple discharge permit document. Pollutants in Paragraph 2, assessed and determined necessary by competent authorities at all levels, shall be added to the effluent standard.

Article 15 The validity period for discharge permits and simple discharge permit documents shall be five years. Those that still wish to continue to use their permits or permit documents after expiration shall, within the five-month period starting six months prior to expiration, apply to the special municipality, county or city competent authority for the approval of an extension. Each

extension may not exceed five years.

When there is concern with ecological or human health risks due to the deterioration of water quality within the validity period of a discharge permit or simple discharge permit document in the foregoing paragraph, and the special municipality, county or city competent authority consider that the items in the permit shall not be able to protect the water bodies or the risks may be harmful for the public welfare, the authority shall modify permit items or cancel a permit or permit document.

Article 16 The competent authority shall issue an official announcement for the cancellation of those discharge pipes of unknown source that are used for the discharge of industrial wastewater or sewage; for those circumstances in which no one has made a claim one week after the official announcement, the competent authority may seal or remove said discharge pipelines.

Article 17 With the exception of those connected to a sewage system, when an enterprise submits a water pollution control measure plan pursuant to Article 13 and, pursuant to Article 14, applies for the issuance of a discharge permit and performs the modification of registration, the necessary documents the enterprise is required to possess shall be signed by a legally registered and practicing environmental engineer or other relevant professional engineer. Those that meet one of the following circumstances may be exempt from obtaining the additional signature of an engineer pursuant to the foregoing paragraph.

I. Those circumstances in which the items that require the signature of an engineer for a water pollution control measure plan that is required to be submitted when applying for a discharge permit pursuant to Article 14 and for a water pollution control measure plan that has been previously reviewed and approved pursuant to Article 13 have not been modified.

II. Those circumstances in which the items that require the signature of an engineer when applying for the extension of a discharge permit pursuant to Article 15 have not been modified. Those within government agencies, public enterprises or organizations and public juridical persons subject to Paragraph 1 that have legally obtained certification as an engineer in Paragraph 1 may perform the signature work.

The central competent authority shall determine the items to be checked when an engineer performs the signature work in Paragraph 1.

Article 18 Enterprises shall adopt water pollution control measures; the central competent authority in consultation with the relevant industry competent authorities shall determine management regulations for the applicable targets, scope, conditions, necessary facilities, specifications, installation, operation, monitoring, recordkeeping, time limit in years for the preservation of monitoring data, preventive management, emergency response, the collection, treatment and discharge of wastewater and sewage, and other binding matters for water pollution control measures.

Article 18-1 Enterprises or sewage systems that discharged wastewater or sewage shall follow an approved collection, disposal unit, and flow process, drain from an approved and registered discharge point or from a discharge point authorized by the sewage management agency into a sewage system, and not reroute discharge.

The wastewater or sewage of the foregoing paragraph that require

treatment before it can meet the control standards determined of this Act shall not be diluted with non-treated water that meets the standards determined under this Act.

If in case of rescuing a personnel or regarded as a critical treatment facility, and notified the special municipality, county or city competent authority within three hours, the rerouting discharge and mixing diluting behaviors in the two foregoing paragraphs are not subject to the restriction.

Enterprises or sewage systems installed wastewater and sewage treatment/pre-treatment facilities shall be equipped with adequate functions and equipment and maintained at normal operation status.

- Article 19 The regulations of Article 14, Article 15 and Article 18 shall apply, where appropriate, to sewage systems that discharge wastewater or sewage.
- Article 20 An enterprise or sewage system shall apply to the special municipality, county or city competent authority for permission before storing or diluting the wastewater, and shall obey all the items registered on the permit. But the enterprises shall apply for dilute wastewater permit only if there are no other alternative wastewater treatment facilities or methods.
The central competent authority shall determine the management regulation for the applicable entities, application forms, review procedures, issuance, cancellation and other items that shall be obeyed covered in the storage or dilute wastewater permission in the foregoing paragraph.
Those permitted to store and diluting wastewater pursuant to Paragraph 1 shall report wastewater treatment circumstances to special municipality, county or city competent authorities in accordance with the format, content, frequency and method of competent authority regulations.
- Article 21 Enterprises or sewage systems shall establish dedicated wastewater and sewage treatment units or personnel positions.
The central competent authority shall determine management regulations for the establishment of dedicated wastewater and sewage treatment units and personnel positions; the qualifications and training of dedicated personnel; the acquisition, revocation and cancellation of qualification certificates for dedicated personnel; and other binding matters.
- Article 22 Enterprises or sewage systems shall, in accordance with the format, content, frequency and method of competent authority regulations, report the operation of wastewater and sewage treatment facilities, analysis of effluent water quality and water volume, power consumption records, and other documents related to wastewater and sewage treatment to the special municipality, county or city competent authority.
Central competent authority should determine testing and reporting items for each industry type according to the characteristics of their wastewater; special municipalities, counties or cities competent authority may, based on discharge circumstances, increase testing and reporting items.
- Article 23 An analysis laboratory that has been issued a permit by the central competent authority shall be commissioned to perform the analysis of water pollutants, water quality and water volume, with the exception of those circumstances approved by the central competent authority.
The central competent authority shall determine management

regulations for the conditions; facilities; qualifications of analysis personnel; application, review, issuance, renewal, revocation, cancellation, suspension of business, resumption of business, checking and evaluation for permits; and other binding matters, and fee collection standards for analysis laboratories.

- Article 24 Each industry competent authority shall provide guidance for the improvement of the treatment and discharge of the wastewater and sewage of enterprises and sewage systems; each industry competent authority shall determine guidance regulations for enterprises and sewage systems.
- Article 25 The owners, users and managers of building sewage treatment facilities shall perform cleaning work on their own or commission a clearance organization to perform cleaning work.
The construction, management and cleaning of building sewage treatment facilities in the foregoing paragraph shall comply with the regulations of the central competent authority and industry competent authority.
The central competent authority in consultation with the industry competent authorities shall determine management regulations for the manufacture, approval, registration and checking of those building sewage treatment facilities that are prefabricated.
- Article 26 Competent authorities at all levels may send personnel bearing identification documents to enter the premises of an enterprise, sewage system or building sewage treatment facility for each of the following verification work matters.
I. The inspection of pollutant sources and wastewater and sewage treatment and discharge circumstances
II. The requesting of relevant information
III. Sampling, flow measurements and the photography of wastewater and sewage treatment and discharge circumstances
When a competent authority at any level performs verification work pursuant to the regulations of the foregoing paragraph, it shall consult with the military authority for those circumstances that involve military secrets.
The verification work in the two foregoing paragraphs may not be evaded, obstructed or refused.
Inspection agencies and personnel shall maintain confidentiality concerning inspected industrial, commercial or military secrets.
- Article 27 When there is concern of the serious endangerment of human health, agricultural or aquacultural production, or drinking water sources due to the discharge of wastewater or sewage by an enterprise or sewage system, the statutory responsible person shall adopt emergency response measures promptly and notify the local competent authority within three hours.
The central competent authority shall determine the circumstances of the serious endangerment of human health, agricultural or aquacultural production, or drinking water sources referred to in the foregoing paragraph.
The central competent authority shall determine the content and implementation methods for the emergency response measures in Paragraph 1.
Under the circumstances in Paragraph 1, in addition to ordering the adoption of necessary control measures, the competent authority shall, for those serious circumstances, also order the suspension of business or the partial or complete suspension of work.
- Article 28 Maintenance and preventive measures shall be adopted for those

circumstances in which there is concern of the leakage through negligence of pollutants or wastewater or sewage into a water body from the conveyance or storage equipment installed by an enterprise or sewage system; for those circumstances in which leakage through negligence causes the pollution of a water body, emergency response measures shall be adopted promptly and the local competent authority notified within three hours of the occurrence of the accident. In addition to ordering the adoption of necessary control measures, the competent authority shall, for those serious circumstances, also order the suspension of business or the partial or complete suspension of work.

The central competent authority shall determine the content and implementation methods for the emergency response measures in the foregoing paragraph.

Article 29 A special municipality, county or city competent authority may, depending on water pollution conditions within its area of jurisdiction, delineate and officially announce water pollution control zones and shall report such zones to the central competent authority.

The central competent authority shall determine delineations and issue official announcements for those water pollution control zones in the foregoing paragraph that involve two or more special municipalities, counties or cities.

Article 30 The following acts are prohibited within water pollution control zones.

I. The use of agricultural chemicals or chemical fertilizers that causes concern of polluting water bodies designated by the competent authority

II. The dumping of garbage, night soil, sludge, acidic or basic liquid waste, construction waste or other pollutants in water bodies or within a designated distance from their shorelines

III. The use of toxins, drugs or electric current to catch or kill aquatic organisms

IV. The raising of poultry or livestock in water bodies designated by the competent authority or within a designated distance from their shorelines

V. Other behavior sufficient to cause water pollution officially announced as prohibited by the competent authority.

The competent authority shall, depending on actual requirements, officially announce the designated water bodies and designated distance referred to in Paragraph 1, Subparagraphs 1, 2 and 4.

However, for those circumstances in which the central competent authority has other regulations, the regulations of the central competent authority shall be followed.

Article 31 In one of the following circumstances, an enterprise or sewage system that discharges wastewater or sewage into a water body that has been delineated as a total quantity control water body shall install on its own an automatic monitoring system in order to monitor effluent water quality and water volume.

I. Those circumstances in which the daily volume of wastewater or sewage discharges exceeds 1,000 cubic meters

II. Those circumstances in which the special municipality, county or city competent authority has determined the enterprise or sewage system to be a major water pollution source

Records of the monitoring results and calibration of the monitoring instruments in the foregoing paragraph shall be maintained and reported to the special municipality, county and city competent

authority or central competent authority in accordance with regulations.

- Article 32 Wastewater or sewage may not be injected into groundwater bodies or discharged into soil. However, in one of the following circumstances, those that are reviewed and approved by the special municipality, county or city competent authority, issued a permit and reported to the central competent authority for approval shall not be subject to this restriction.
- I. That sewage that has been treated to designated standards in accordance with environmental risk assessment results and that does not contain substances harmful to health may, for the purpose of replenishing groundwater sources, be injected into groundwater bodies outside of drinking water source quality protection areas or other areas requiring protection.
- II. That wastewater or sewage that has been treated to the extent that it complies with soil treatment standards and the regulations determined pursuant to Article 18 may be discharged into soil. The central competent authority shall officially announce the designated standards and types and limits of substances harmful to health in Subparagraph 1 of the foregoing paragraph. The central competent authority in consultation with the relevant industry competent authorities shall determine the targets that may adopt soil treatment in Paragraph 1, Subparagraph 2, scope of application, items, concentration or total quantity limits, control methods and other binding matters for soil treatment standards. Those that discharge wastewater or sewage into soil in accordance with soil treatment and crop absorption testing approved by the competent authority and groundwater water quality monitoring plans shall perform testing, monitoring, recordkeeping and reporting tasks in accordance with the format, content, frequency and style designated by the competent authority. The validity period for permits issued pursuant to Paragraph 1 shall be three years. Those that still wish to continue to use their permits upon expiration shall, within the five-month period starting six months prior to expiration, apply to the special municipality, county or city competent authority for the approval of an extension. Each extension may not exceed three years.

- Article 33 When an enterprise stores substances that have been officially announced and designated by the central competent authority, the enterprise shall install facilities for preventing the pollution of groundwater bodies and monitoring equipment, and may apply for related usage matters only after filing said facilities and equipment for future reference with the special municipality, county or city competent authority. Monitoring, recordkeeping and reporting tasks for the monitoring equipment in the foregoing paragraph shall be performed in accordance with the format, content, frequency and style designated by the competent authority. The central competent authority shall determine management regulations for the types and installation of facilities for preventing the pollution of groundwater bodies and monitoring equipment in Paragraph 1.

Chapter 4 Penal Provisions

- Article 34 Those that violate Article 27, Paragraph 1, Article 28, Paragraph 1 by failure to adopt emergency response measures promptly or that fail to comply with orders issued by the competent authority

pursuant to Article 27, Paragraph 4, Article 28, Paragraph 1 or those that fails to comply with an order to suspend work or the suspend business issued by the competent authority pursuant to this Act, shall be punished by a maximum of three years imprisonment, detention and/or a fine of NT\$200,000 to NT\$5 million.

Those that fail to comply with an order to suspend activities issued by the competent authority pursuant to this Act, shall be punished by a maximum of one year imprisonment, detention and/or a fine of NT\$100,000 to NT\$500,000.

- Article 35 Those that have reporting obligations pursuant to this Act that knowingly report false information or keep false records of their operations shall be punished by a maximum of three years imprisonment, detention and/or a fine of NT\$200,000 to NT\$3 million.
- Article 36 When the concentrations of the toxic or harmful substances in the wastewater or sewage, which are injected into groundwater bodies or discharged into the soil or surface water bodies by an enterprise, exceed all kinds of regulation covered in the Act, the enterprise shall be punished by a maximum of three years imprisonment, detention and/or a fine of NT\$200,000 to NT\$5 million.
Those that violate the preceding paragraph and have one of the following circumstances, shall be punished by a maximum of five years imprisonment and/or a fine of NT\$200,000 to NT\$15 million.
I. Lacks a discharge permit or simple discharge permit document.
II. Those that violate Article 18-1, Paragraph 1.
III. Those that violate Article 32, Paragraph 1.
The central competent authority shall officially announce the types of substances harmful to health in the Paragraph 1.
The statutory responsible person, or supervisor who violated Articles 34 to Paragraph 2 of this Article shall be subject to the punishment prescribed for such an offense by increasing the penalty up to one half.
- Article 37 Those that violate Article 34, the above Article, or the wastewater or sewage discharges exceed effluent standards, and thereby cause human death, shall be punished by life imprisonment or a minimum of seven years imprisonment and may be fined a maximum of NT\$30 million; those that cause severe injury shall be punished by three to ten years imprisonment and may be fined a maximum of NT\$25 million; those that cause harm to human health such that leads to illness or severe environmental pollution shall be punished by one to seven years imprisonment and may be fined a maximum of NT\$20 million.
- Article 38 (DELETED)
- Article 39 For those circumstances in which a statutory responsible person of a juridical person, or an agent, employee or other working personnel of a juridical person or natural person, due to the performance of business activities, violates, Article 34 to 37, in addition to the perpetrator being punished pursuant to the regulations of each article violated, said juridical person or natural person shall also be fined up to ten times pursuant to the regulations of each Article violated.
- Article 39-1 Those enterprise or sewage system may not discharge, transfer, reduce in wage or otherwise taken any adverse sanction against its dedicated enterprise or sewage system personnel or other employee for disclosing an action which violates this Act to the competent authority or judicial authority, becomes witness of a litigation

process or refuses to participate in an action which violates this Act.

Any dismissal, demotion or reduction of wage imposed by the enterprise or sewage system manager or employee who exercises the managerial authority on behalf of the employer for reasons as prescribed in the preceding paragraph shall be null and void.

If those enterprise or sewage system personnel or employer were penalized by the employer for the reason prescribed in Paragraph 1, the enterprise or the sewage system has the duty to prove whether the violation is true.

For those enterprise or sewage system dedicated personnel and other employer other than the employer who had participated in actions violating the provisions of this Act and under criminal responsibility but who discloses such action to the competent authority or judicial authority assisting the authority to uncover the violation of the employer, the penalty for such person shall be reduced or exempted.

- Article 40 Those enterprises or sewage systems that discharge wastewater or sewage in violation of Paragraph 1 of Article 7 or Article 8 shall be fined NT\$60,000, to NT\$20 million and shall be notified to make improvements within a limited period. Those that still fail to complete improvements by the deadline shall be subject to an additional fine imposed for each violation. In severe circumstances, the enterprise or sewage system may be ordered to suspend work or suspend business and, when necessary, may have its water pollution control permit(document) cancelled or be ordered to terminate business.
Livestock enterprises that violate the Paragraph 1 of Article 7 or Article 8 shall be fined NT\$6,000 to NT\$600,000, and notified to make improvements within a limited period. Those that still fail to complete improvements by the deadline shall be subject to an additional fine imposed for each violation. In severe circumstances, orders shall be issued for the suspension of work or suspension of business and, when necessary, may have its water pollution control permit (document) cancelled or be ordered to terminate business.
- Article 41 Those building sewage treatment facilities that violate Paragraph 1 of Article 7 or Article 8 shall be fined NT\$3,000 to NT\$300,000.
- Article 42 For those sewage systems or building sewage treatment facilities that violate Article 7, Paragraph 1 or Article 8, the owner, user or manager shall be punished. For those sewage systems or building sewage treatment facilities that are jointly owned or jointly used, and for which there is no manager, the joint owners or joint users penalties shall be punished.
- Article 43 Those enterprises or sewage systems that violate the total quantity control methods determined pursuant to Article 9, Paragraph 2 shall be fined NT\$30,000 to NT\$3 million and shall be notified to make improvements within a limited period. Those that still fail to complete improvements by the deadline shall be subject to an additional fine imposed for each violation. In severe circumstances, the enterprise or sewage system shall be ordered to suspend work or suspend business and, when necessary, may have its water pollution control permit (document) cancelled or be ordered to terminate business.
- Article 44 Those that violate regulations determined pursuant to Article 11, Paragraph 4 by failure to pay fees by the deadline shall pay, in

addition to said fees, interest that shall accrue daily based on the fixed annual interest rate for a one-year postal savings time deposit on the day of the payment deadline. Additionally, for those that still fail to make payments 90 days after the payment deadline, enterprises or sewage systems shall be fined NT\$6,000 to NT\$300,000, and households shall be fined NT\$1,500 to NT\$30,000.

- Article 45 Those that violate Article 14, Paragraph 1 for without valid permission a discharge permit or simple discharge permit document and discharge wastewater or sewage shall be fined NT\$60,000 to NT\$6 million and whole enterprise ordered to suspend work or suspend of business by the central competent authority; when necessary, orders shall be issued to terminate business.
Those that violate Article 14, Paragraph 1, by failure to operate with the registration items of a discharge permit or simple discharge permit document, shall be fined NT\$60,000 to NT\$6 million and shall be notified to make corrections within a limited period. Those that still fail to make corrections by the deadline shall be subject to an additional fine imposed for each violation. In severe circumstances, the enterprise or sewage system may be ordered to suspend work or suspend business and, when necessary, may have its water pollution control permit (document) cancelled or be ordered to terminate business.
Those that violate Article 14, Paragraph 2 shall be fined NT\$10,000 to NT\$600,000, and shall be notified to make corrections within a limited period. Those that still fail to make corrections by the deadline shall be fined per violation.
- Article 46 Those that violate the regulations determined pursuant to Paragraph 4 of Article 13 or Article 18 shall be fined NT\$10,000 to NT\$6 million and shall be notified to make corrections or improvements within a limited period. Those that still fail to make corrections or complete improvements by the deadline shall be fined per violation. In severe circumstances, orders may be issued for the suspension of work or suspension of business and, when necessary, water pollution control permits (documents) may be cancelled or be ordered to terminate business.
- Article 46-1 Those that discharge wastewater or sewage in violation of Paragraph 1, Paragraph 2 or, Paragraph 4 of Article 18-1, shall be fined NT\$60,000 to NT\$20 million and shall be notified to make improvements within a limited period. Those that still fail to complete improvements by the deadline shall be fined subject to an additional fine imposed for each violation. In severe circumstances, the enterprise or sewage system shall be ordered to suspend work or suspend business and, when necessary, may have its water pollution control permit (document) cancelled or be ordered to terminate business.
- Article 47 Those sewage systems that violate Article 19 shall be fined NT\$60,000 to NT\$6 million and shall be notified to make corrections or improvements within a limited period. Those that still fail to make corrections or complete improvements by the deadline shall be fined per violation.
- Article 48 Those enterprises or sewage systems that violate Article 20, Paragraph 1, without valid permission the store or dilute wastewater permit but store or dilute wastewater or sewage shall be fined NT\$30,000 to NT\$3 million, whole enterprise ordered to suspend work or suspend of business by the central competent authority; when necessary, orders shall be issued to terminate

business.

Those enterprises or sewage systems that violate Article 20, Paragraph 1, by failure to operate with registration items of a store or dilute wastewater permit, shall be fined NT\$30,000 to NT\$3 million and, shall be notified to make corrections within a limited period. Those that still fail to make corrections by the deadline shall be subject to an additional fine imposed for each violation. In severe circumstances, the enterprise or sewage system may be ordered to suspend work or suspend business and, when necessary, may have its water pollution control permit (document) cancelled or be ordered to terminate business.

Those enterprises or sewage systems that violate Article 21, Paragraph 1 or regulations determined pursuant to Article 21, Paragraph 2 shall be fined NT\$10,000 to NT\$100,000, and notified to make corrections or make improvements within a limited period. Those that still fail to make corrections or complete improvements by the deadline shall be fined per violation.

Those dedicated wastewater or sewage treatment personnel that violate the regulations determined pursuant to Article 21, Paragraph 2 shall be fined NT\$10,000 to NT\$100,000 and, when necessary, have their dedicated wastewater treatment personnel qualification certificates cancelled.

- Article 49 Those that violate Article 23, Paragraph 1 or the management regulations determined pursuant to Article 23, Paragraph 2 shall be fined NT\$30,000 to NT\$3 million and shall be notified to make corrections or improvements within a limited period. Those that still fail to make corrections or complete improvements by the deadline shall be subject to an additional fine imposed for each violation. In severe circumstances, orders shall be issued for the suspension of work or suspension of business and, when necessary, permits may be cancelled or orders issued for the termination of business.
- Article 50 Those that evade, obstruct or refuse verification work in Article 26, Paragraph 1 shall be fined NT\$30,000 to NT\$3 million and may be fined per violation and subject to the compulsory enforcement of verification work.
- Article 51 Those that violate Article 27, Paragraphs 1 and 4 shall be fined NT\$60,000 to NT\$6 million; when necessary, discharge water pollution control permits (documents) may be cancelled or orders issued for the termination of business.
Those that violate Article 28, Paragraphs 1 shall be fined NT\$10,000 to NT\$6 million and notified to make corrections or improvements within a limited period. Those that still fail to make corrections or complete improvements by the deadline shall be subject to an additional fine imposed for each violation. When necessary, water pollution control permits (documents) may be cancelled or orders issued for the termination of business.
- Article 52 Those that violate one of the subparagraphs of Paragraph 1 of Article 30 or Paragraph 1 of Article 31 shall be fined NT\$30,000 to NT\$3 million and shall be notified to make improvements within a limited period. Those that have still failed to complete improvements by the deadline shall be subject to an additional fine imposed for each violation. In severe circumstances, orders shall be issued for the suspension of activities, the suspension of work or the suspension of business and, when necessary, water pollution

control permits (documents) may be cancelled or orders issued for the termination of business.

- Article 53 Those that violate Article 32, Paragraph 1 without valid permission the permit to inject into groundwater bodies or discharge soil treatment but inject or discharge wastewater or sewage shall be fined NT\$60,000 to NT\$6 million and shall be ordered by the competent authority to suspend work or suspend of business; when necessary, orders shall be issued to terminate business. Those that violate Article 32, Paragraph 1, by failure to operate with registration items of the injection into groundwater bodies or discharge soil treatment permit, shall be fined NT\$60,000 to NT\$6 million and shall be notified to make corrections within a limited period. Those that still fail to make corrections by the deadline shall be subject to an additional fine imposed for each violation. In severe circumstances, the enterprise or sewage system may be ordered to suspend work or suspend business and, when necessary, may have its water pollution control permit (document) cancelled or be ordered to terminate business.
- Article 54 Those that violate Article 33, Paragraph 1 and 2 shall be fined NT\$60,000 to NT\$6 million and shall be notified to make improvements within a limited period. Those that still fail to complete improvements by the deadline shall be subject to an additional fine imposed for each violation. In severe circumstances, orders shall be issued for the suspension of storage, the suspension of work or the suspension of business and, when necessary, orders may be issued for the termination of business.
- Article 55 For those circumstances that have been determined to be severe, the competent authority may, pursuant to this Act, directly order the suspension of activities, the suspension of storage, the suspension of work or the suspension of business; and, when necessary, orders be issued for the termination of business.
- Article 56 Those that have reporting obligations pursuant to Article 20, Paragraph 3, Article 22, Article 31, Paragraph 2, Article 32, Paragraph 4 or Article 33, Paragraph 2 and that fail to report shall be fined NT\$6,000 to NT\$ 3 million and shall be notified to report within a limited period. Those that still fail to report or that report incompletely by the deadline shall be subject to an additional fine imposed for each violation.
- Article 57 The central competent authority shall determine the principle, which covers the deadline for improvements and corrections within limited period, verification methods for checking the improvements, enforcement rules of the regulations and other binding matters, of the punishment for those that fail to make corrections or complete improvements within the limited period regulated in this Act each time.
- Article 58 For those circumstances in which a single enterprise installs multiple discharge points, or in which multiple enterprises jointly install wastewater treatment facilities or use a single discharge point, and discharged wastewater fails to meet effluent standards or other regulations of this Act, each enterprise shall be fined separately.
- Article 59 When wastewater and sewage treatment facilities malfunction, those that comply with the following regulations may, within the 24 hours after the occurrence of the malfunction, be not subject to the

standards determined by the competent authority.

I. Promptly make repairs or start the use of backup equipment, and adopt response measures including the reduction or suspension of production or service volume or other measures.

II. Promptly record the name of the malfunctioning facilities and the time of malfunction in a malfunction record book, make a report by phone or facsimile to the local competent authority and record the names and titles of the calling and receiving persons.

III. Resume normal operation within 24 hours after the occurrence of the malfunction or reduce or suspend production and service prior to the resumption of normal operation.

IV. Submit a written report to the local competent authority within five days.

V. Those for which there is a direct relationship between the malfunction and the effluent standard that is violated

VI. An identical malfunction has not occurred within six months

The content of the written report in Subparagraph 4 of the foregoing paragraph shall include the following items.

I. Name of the facilities and time of malfunction

II. Reason for occurrence and repair methods

III. Pollution control measures adopted during the period of the malfunction

IV. Methods for the prevention of the recurrence of a similar malfunction in the future

V. Verification information related to Subparagraphs 1 and 2 of the foregoing paragraph

VI. Other items designated by the competent authority

Article 60 Those enterprises that fail to submit identification documents demonstrating compliance with standards and other regulations determined by the competent authority to the competent authority by the deadline for the notifications to make improvements issued pursuant to Article 40, Article 43, Article 46 and Article 53 shall be considered to have failed to complete improvements.

Article 61 The period for making corrections, making improvements or reporting for those notified pursuant to this Act to make corrections, make improvements or report within a limited period may not exceed ninety days.

Article 62 Those enterprises, sewage systems or building sewage treatment facilities that are unable to complete improvements by the improvement deadline due to natural disaster or other force majeure shall continue to make improvements after the reason ends and shall, within fifteen days, apply to the local competent authority for the approval of a starting date for the remaining period by submitting a written explanation of cause and relevant identification documents.

Article 63 Those enterprises that have suspended business or partially or completely suspended work shall, prior to the resumption of business or work, submit water pollution control measures and sludge treatment improvement plans and apply for trial operation, and may only perform trial operation in accordance with plans after passing a review. This also applies to those that have been ordered by the competent authority to make improvements within a limited period and that voluntarily report the suspension of work or business.

The deadline for the trial operation in the foregoing paragraph may not exceed three months and the enterprise shall apply for the

resumption of work or business before the trial operation deadline. During the period in which the competent authority is reviewing applications for trial operation or the resumption of work or business, with the approved by the competent authority, the enterprise may continue to operate provided that its wastewater or sewage output volume remains within the volume it has reported as being able to treat to the extent that it meets control standards. For the applications for the resumption of work or business in the foregoing paragraph, the competent authority shall perform fifteen days or more of checking and evaluation within a one-month period; only then may the wastewater or sewage output volume when checking and evaluation results all meet control standards be adopted as the basis for the approval of the conditions for manufacturing processes and operations for the resumption of work or business. The enterprise shall also perform the modification of registration for discharge permit registration matters based on checking and evaluation results.

Those enterprises for whom checking and evaluation reveals noncompliance and that resume work or business without approval shall suspend operations and make improvements, and may not reapply for trial operation within one month.

The competent authority shall issue fines per violation or order the suspension of operation pursuant to this Act for those enterprises that violate this Act during the application period for trial operation or the resumption of work or business.

- Article 63-1 The water pollution control measures and sludge treatment improvement plans prescribed in Paragraph 1 of the preceding Article, shall be published by enterprises on the designated website for public inquiry.
For the documents review referred to in Paragraph 1 of the preceding Article, prior to the completion of the review, central competent authority shall give to stakeholders and public interest groups to express their opinion as the reference for the review. The review meeting record shall be published by enterprises on the designated website mentioned in the preceding paragraph.
- Article 64 Unless other regulations apply, the penalties determined in this Act shall be assessed by the Environmental Protection Administration, Executive Yuan, at the central government level, the municipal government in special municipalities and the county or city government in counties and cities.
- Article 65 (DELETED)
- Article 66 The competent authority shall enforce the suspension of work, suspension of business and revocation or cancellation of permits in this Act; the industry competent authority, following notification by the competent authority, shall enforce orders for the termination of business.
- Article 66-1 The amount of fines for those fined pursuant to this Act shall be determined in accordance with the pollution characteristics and the circumstances of the violation.
The central competent authority shall determine the fine determination criteria in the foregoing paragraph.
- Article 66-2 For those benefited from violating this Act, fine may be increased to the extent appropriate within the scope of the benefit gained. A person who, having made another person liable for penalty in consequence of an act in breach of duty under administrative law committed by him for the benefit of such person, has nevertheless

received no penalty himself despite the fact that he has gained benefits in property as a result of such act, may be demanded to have such benefits in property returned to a certain extent within the scope of the value of the benefits which he has gained. If a person is liable for penalty by reason of his commission of an act in breach of duty under administrative law, but another person who, despite the fact that he has gained benefits in property as a result of such act, has received no penalty therefor, the latter may be demanded to have such benefits in property returned to a certain extent within the scope of the value of the benefits which he has gained.

The demand for returning of benefits under the three preceding paragraphs shall be made in the form of an administrative disposition to be delivered by the competent agency imposing the sanction; the benefit mentioned before must include conspicuous benefits and inconspicuous benefits; inconspicuous benefits are the costs that should have been made but were avoided. The central competent authority shall determine the method to calculate the amount of returning benefit.

Article 66-3 Authorities of each level of government shall set up a special fund according to Article 11, Paragraph 6. The source of this fund, besides the payment received from the waste water prevention fee, shall also include the additional fines received from the previous Act.

If the source of the fund in the preceding paragraph comes from additional fines, the money shall be prioritized to be used in fixing the waterbody that the polluter paid for.

Article 66-4 The public may address detailed facts or submit proof to inform a special municipality city or county competent authority. The competent authority of the province level city or county shall keep the identity of the informant confidential. If the competent authority or enforcement authority verifies that the information is true and impose fines; as the fines reach specific amounts, the authority may allot specific percentage of the actual collected fines as reward for the informants. The competent authority shall determine the qualification of the informant mentioned in the preceding paragraph, the specific percentage of the collected fines to be awarded, and other related matters.

Chapter 5 Supplementary Provisions

Article 67 Competent authorities at all levels shall collect such official fees as review fees, testing fees and certificate fees for the issuance of permits, the acceptance of modifications of registration, and the review of and permitting for all applications accepted pursuant to this Act.

The central competent authority in consultation with the relevant agencies shall determine fee collection standards for the foregoing paragraph.

Article 68 The central competent authority shall designate and officially announce methods and quality control items for all testing determined in this Act.

Article 69 Enterprises and sewage systems shall publish the approval documents on the website designated by the central competent authority, which include the water pollution control permit (document) approved by the competent authority, documents declared based on this Act and the ID information of environmental engineers, dedicated wastewater

treatment personnel and environmental inspection and testing institutions.

Competent authorities at all levels may, based on the requirements for water pollution control research, provide individual or statistical data of enterprises, sewage systems and building sewage treatment facilities that is related to research to academic research agencies and organizations, environmental protection enterprises, technical consulting organizations and juridical associations. The central competent authority shall officially announce the principles for the provision of such data.

Competent authorities at all levels may, when necessary, publish the individual and statistical information of the checking and punishing of enterprises, sewage systems, building sewage treatment facilities, environmental engineers, dedicated wastewater treatment personnel and environmental inspection and testing institutions on the website designated by the central competent authority.

Article 70 Victims of water pollution may apply to the competent authority for appraisal of the reason for being victimized; the competent authority may, after investigating in conjunction with the relevant agencies, order those that discharge water pollutants to make improvements promptly and the victims may seek appropriate compensation.

Article 71 The competent authority shall be order the polluter to perform clearance and disposal within a limited period for the occurrence of a pollution incident on a surface water body; when the clearance and disposal is not performed by the deadline, the competent authority may perform clearance and disposal in place of the polluter and seek compensation from the polluter for necessary clearance and disposal, improvement and derivative expenses. The right to seek compensation for necessary expenses of the foregoing paragraph shall take precedence over all creditor rights and collateral rights.

Article 71-1 In order to secure the compulsory enforcement of the payment of necessary expenses as mentioned in the preceding article and the gained benefits from Article 66-2, the competent authority may enforce provisional seizure and provisional seizure of debtor property.

Article 72 When an enterprise or sewage system violates this Act or related orders determined pursuant to the authorization of this Act and the competent authority is negligent in enforcement, victims or public interest groups may notify the competent authority in writing of the details of the negligent enforcement. For those competent authorities that have still failed to carry out enforcement in accordance with the law within sixty days after receipt of the written notification, the victims or public interest groups may name the competent authority at issue as a defendant and directly file a lawsuit with a high administrative court based on the negligent behavior of the competent authority in the execution of its duties in order to seek a ruling ordering the competent authority to execute its duties.

When issuing a verdict on the lawsuit in the foregoing paragraph, the high administrative court pursuant to its authority may order the defendant agency to pay the appropriate lawyer fees, monitoring and appraisal fees and other litigation costs to plaintiffs that have made specific contributions to the maintenance of the quality of water bodies.

The central competent authority in consultation with the relevant agencies shall determine the format of the written notification in Paragraph 1.

- Article 73 The severe circumstances referred in Article 40, Article 43, Article 46, Article 46-1, Article 49, Article 52, Article 53, and Article 54 mean one of the following:
- I. Circumstances in which a pollution source that fails to legally register or obtain permission violates the regulations of this Act.
 - II. Circumstances in which a violator, after punishment, voluntarily reports the suspension of work and the implementation of improvements, and verification checks prove this to be untruthful.
 - III. Circumstances in which a violator, having been notified twice within one year to make improvements within a limited period, still continues to violate the regulations of this Act.
 - IV. Circumstances in which an enterprise within an industrial park that treats its wastewater or sewage through the sewage system of the industrial park violates relevant sewer regulations and orders and, having been notified by the sewage organization pursuant to the Sewer Act to suspend use due to severe circumstances, still continues to discharge wastewater or sewage.
 - V. Circumstances in which the competent authority determines that a discharge of large quantities of pollutants has seriously impacted the quality of nearby water bodies.
 - VI. Circumstances in which the competent authority determines that there is concern of the endangerment of public health due to the discharge of wastewater or sewage that contains substances harmful to human health.
 - VII. Other acts that the competent authority has determined to have seriously impacted the quality of nearby water bodies.
- The competent authority shall publish enterprises that have been determined to be severe circumstances in the foregoing paragraph. The relevant industry or legislation competent authorities in charge of providing preferential treatment shall terminate the incentive and recover the benefits to which the enterprises were originally entitled for the year(s) in which the violation occurred and shall not entitled these enterprises with government preferential treatment within 3 years thereafter. The term "preferential treatment" depicted in the preceding paragraph includes industry incentive, subsidy, donation, the reduction of tax, rent, fee and any kind of preferential treatment providing by central or local government according to law or administrative actions.
- Article 74 The central competent authority shall determine the enforcement rules of this Act.
- Article 75 This Act shall take effect on the date of promulgation.