

## Law Viewer

## WASTES CONTROL ACT

Wholly Amended by Act No. 8371, Apr. 11, 2007

Amended by Act No. 8466, May 17, 2007

Act No. 8486, May 25, 2007

Act No. 8613, Aug. 3, 2007

Act No. 8789, Dec. 21, 2007

Act No. 9770, Jun. 9, 2009

Act No. 9931, Jan. 13, 2010

Act No. 10219, Mar. 31, 2010

Act No. 10389, Jul. 23, 2010

Act No. 10615, Apr. 28, 2011

Act No. 10888, Jul. 21, 2011

Act No. 11998, Aug. 6, 2013

Act No. 12321, Jan. 21, 2014

Act No. 13038, Jan. 20, 2015

Act No. 13411, Jul. 20, 2015

Act No. 14476, Dec. 27, 2016

Act No. 14532, Jan. 17, 2017

Act No. 14783, Jan. 18, 2017

Act No. 15103, Nov. 28, 2017

## CHAPTER I GENERAL PROVISIONS

## Article 1 (Purpose)

The purpose of this Act is to contribute to environmental conservation and the enhancement of the people's quality of life by reducing the generation of wastes to the maximum extent possible and treating generated wastes in an environment-friendly manner. <Amended by Act No. 10389, Jul. 23, 2010>

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No. 8466, May 17, 2007; Act No. 9770, Jun. 9, 2009; Act No. 9931, Jan. 13, 2010; Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 14532, Jan. 17, 2017>

1. The term "wastes" means such materials as garbage, burnt refuse, sludge, waste oil, waste acid, waste alkali, and carcasses of animals, which have become no longer useful for human life or business activities;
2. The term "household wastes" means any wastes other than industrial wastes;
3. The term "industrial wastes" means any wastes generated from places of business with discharge or emission facilities installed and managed in accordance with the Clean Air Conservation Act, the Water Environment Conservation Act, or the Noise and Vibration Control Act, or any other places of business specified by Presidential Decree;
4. The term "designated wastes" means the industrial wastes specifically enumerated by Presidential Decree as harmful substances, such as waste oil and waste acid which may contaminate the surrounding environment, or medical wastes which may cause harm to human bodies;
5. The term "medical wastes" means the wastes specifically enumerated by Presidential Decree among the wastes discharged from public health and medical institutions,

- veterinary clinics, testing and inspection institutions and other similar institutions, which may cause harm to human bodies by infection or otherwise and need to be specially controlled for public health and environmental conservation such as parts and extracts of human bodies and carcasses of laboratory animals;
- 5-The term "medical waste-only container" means a container used to collect, transport, or store any medical wastes to prevent infection or other hazards caused by medical wastes;
- 5- The term "treatment" means the collection, transportation, storage, recycling, and disposal of wastes;
- 6.The term "disposal" means both interim treatment, such as incineration, neutralization, fragmentation and solidification, and terminal treatment, such as landfill and discharging into the sea;
- 7.The term "recycling" means any of the following activities:
- (a) Reusing or reclaiming wastes or making wastes reusable or reclaimable;
- (b) Recovering energy prescribed in subparagraph 1 of Article 2 of the Energy Act or making such energy recoverable from wastes, or using wastes as fuel, as prescribed by Ordinance of the Ministry of Environment;
- 8.The term "waste treatment facilities" means both interim and terminal waste disposal facilities and waste recycling facilities, as specified by Presidential Decree;
- 9.The term "waste minimization facilities" means facilities specified by Presidential Decree for minimizing discharge of wastes by reducing the quantity of wastes generated in a manufacturing process and by recycling wastes within a place of business.

#### Article 2-2 (Detailed Classification of Wastes)

Detailed classification of wastes concerning the kinds and recycling types of wastes shall be prescribed by Ordinance of the Ministry of Environment in consideration of the generation source, constituents, harmfulness, etc. of wastes.

[This Article Newly Inserted by Act No. 13411, Jul. 20, 2015]

#### Article 3 (Scope of Application)

- (1) This Act shall not apply to the following substances: <Amended by Act No. 8466, May 17, 2007; Act No. 8789, Dec. 21, 2007; Act No. 10389, Jul. 23, 2010; Act No. 10888, Jul. 21, 2011; Act No. 10911, Jul. 25, 2011; Act No. 13038, Jan. 20, 2015; Act No. 14532, Jan. 17, 2017>
1. A radioactive substance prescribed in the Nuclear Safety Act or a material contaminated by such substance;
  2. A gaseous substance not contained in a container;
  3. Wastewater flowing into, or discharged into public waters from, a facility established for the prevention of water contamination prescribed in the Water Environment Conservation Act;
  4. Livestock excreta prescribed in the Act on the Management and Use of Livestock Excreta;
  5. Sewage and excreta prescribed in the Sewerage Act;
  6. A livestock carcass, a polluted thing, a thing subject to ban on importation, or a thing rejected in a quarantine inspection under Article 22 (2), 23, 33 or 44 of the Act on the Prevention of Contagious Animal Diseases;

7. A carcass of an aquatic animal, a polluted facility or thing, a thing subject to ban on importation, and a thing rejected in a quarantine inspection, to which Articles 17 (2), 18 and 34 (1) and each subparagraph of Article 25 (1) of the Aquatic Life Disease Control Act apply;
8. Ammunitions scrapped pursuant to Article 13-2 of the Act on the Management of Military Supplies;
9. A carcass of an animal treated at an animal cemetery established and operated by a person registered for funeral services for animals prescribed in Article 32 (1) of the Animal Protection Act.

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

#### Article 3-2 (Basic Principles of Waste Management)

- (1) Every business entity shall reduce the generation of wastes to the maximum extent possible by improving the manufacturing process, etc. of products and minimize the discharge of wastes by recycling his/her own wastes.
- (2) Every person shall take prior appropriate measures with respect to the discharge of wastes to prevent any harm to environs or the health of residents.
- (3) Waste treatment shall be properly managed in a manner that reduces their quantities and degree of hazard or otherwise is consistent with environmental conservation and the protection of the people's health.
- (4) Any person who causes environmental pollution by discharging wastes shall be responsible for restoring the affected environs and bear the expenses incurred in restoring the damage caused by such pollution.
- (5) To the extent possible, wastes generated domestically shall be treated within the Republic of Korea and the importation of wastes shall be restrained.
- (6) Wastes shall be recycled rather than incinerated, buried, or disposed of in another way, in order to contribute to the improvement of resource productivity.

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

#### Article 4 (Duties of State and Each Local Government)

- (1) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu (the head of a Gu refers to the head of an autonomous Gu; hereinafter the same shall apply) shall verify the current status of wastes discharged and treated within his/her jurisdiction; install and operate waste treatment facilities so that wastes can be properly treated; conduct affairs relating to waste treatment efficiently by improving the methods of treating wastes and raising the skills and quality of the persons in charge; and endeavor to remind residents and business entities of the importance of protecting the environment and to restrain the generation of wastes. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>
- (2) The Mayor of the Special Metropolitan City Mayor, Mayors of Metropolitan Cities, and Governors of Dos shall provide the heads of Sis/Guns/Gus with technical and financial assistance to help them fulfill their duties prescribed in paragraph (1) and shall also coordinate waste treatment services within their jurisdiction. <Amended by Act No. 8613, Aug. 3, 2007>

- (3)The State shall verify the current status of designated wastes discharged and treated, and take measures necessary for proper treatment of such wastes.
- (4)The State shall support research on and development of technology for waste treatment, provide the Mayor of the Special Metropolitan City, Mayor of each Metropolitan City, Mayor of each Special Self-Governing City, Governor of each Do, and Governor of each Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") and the head of each Si/Gun/Gu with technical and financial assistance necessary for them to fulfill their duties prescribed in paragraphs (1) and (2), and shall also coordinate waste treatment services with the Special Metropolitan City, Metropolitan Cities, Special Self-Governing Cities, Dos, and Special Self-Governing Provinces (hereinafter referred to as "City/Do"). <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

#### Article 5 (Multi-Regional Waste Management)

- (1)If the Minister of Environment, the Mayor/Do Governor or the head of a Si/Gun/Gu deems it necessary to treat wastes generated from at least two Cities/Dos or Sis/Guns/Gus with an integrated system for a multiple number of regions, he/she may solely or jointly install and operate multi-regional waste treatment facilities (including public treatment facilities for designated wastes).
- (2)The Minister of Environment, the Mayor/Do Governor, or the head of a Si/Gun/Gu may entrust a person designated by Ordinance of the Ministry of Environment to install or manage the multi-regional treatment facilities prescribed in paragraph (1).

#### Article 6 (Charges for Waste Treatment in Waste Treatment Facilities)

- (1)An institution that has installed and operates a waste treatment facility prescribed in Article 4 (1) or 5 (1) may charge expenses incurred in treating wastes brought into the facility (hereinafter referred to as the "waste treatment charge") on persons who bring wastes into such facility.
- (2)In cases falling under paragraph (1), where a waste treatment facility has been installed and is operated jointly by at least two local governments, the waste treatment charge shall be determined by an agreement between the local governments.
- (3)The amount of waste treatment charge shall be prescribed by Ordinance of the Ministry of Environment if the State is responsible for collecting it, while such amount shall be prescribed by municipal ordinance if a local government is responsible for collecting it.

#### Article 7 (Citizens' Duties)

- (1)Every citizen shall keep natural and living environments clean and endeavor to reduce and recycle wastes.
- (2)Every owner, occupant, and manager of a parcel of land or a building shall endeavor to keep clean the parcel of land or building owned, occupied, or managed by him/her, and shall implement general clean-up in accordance with the plan prepared by the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

#### Article 8 (Prohibition against Dumping Wastes)

- (1)No one shall dump wastes in any area other than the places and facilities provided for the collection of wastes by the Mayor of a Special Self-Governing City Mayor, the

Governor of a Special Self-Governing Province, the head of a Si/Gun/Gu, or the manager of a facility, such as a public park or road. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

- (2) No one shall bury or incinerate wastes in any area other than the landfill sites permitted, approved or reported under this Act: Provided, That the foregoing shall not apply to incineration at places specified under the proviso to Article 14 (1), as prescribed by ordinance of the competent Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>
- (3) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may order the owner, occupant, or manager of a parcel of land or building to take necessary measures in compliance with the relevant ordinance of the competent local government, if the owner, occupant, or manager fails to keep clean the property under his/her control pursuant to Article 7 (2). <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

Articles 9 through 11 Deleted. <by Act No. 15103, Nov. 28, 2017>

Article 12 Deleted. <by Act No. 13038, Jan. 20, 2015>

## CHAPTER II DISCHARGE AND TREATMENT OF WASTES

Article 13 (Standards, etc. for Waste Treatment)

- (1) Anyone who intends to treat wastes shall comply with the standards and methods prescribed by Presidential Decree: Provided, That with respect to wastes that are made readily recyclable in view of the principles of recycling wastes and matters to be observed under Article 13-2 (hereinafter referred to as "intermediately processed wastes"), relaxed standards and methods may separately be prescribed by Presidential Decree. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13411, Jul. 20, 2015>
- (2) Medical wastes shall be treated only by using medical waste-only containers that have passed inspections conducted in accordance with Article 25-2 (6) (hereinafter referred to as "exclusive container"). <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

Article 13-2 (Principles of Recycling Wastes and Matters to Be Observed)

- (1) Anyone may recycle wastes unless he/she violates any of following:
1. The wastes shall not cause harm to living environment by discharging fugitive dust, bad odor, volatile organic compounds, air pollutants, etc.;
  2. The wastes shall not contaminate soil, hydroecological system, or underground water by leaking harmful substances, such as leachate, or heavy metals;
  3. The wastes shall not cause harm to humans by generating noise or vibration;
  4. He/she shall comply with the matters prescribed by Presidential Decree, such as the prevention of harm to humans or the environment, in the course of using wastes as recycling products or raw materials by eliminating or stabilizing harmful substances including heavy metals;
  5. He/she shall comply with the recycling standards prescribed by Ordinance of the Ministry of Environment.
- (2) Notwithstanding paragraph (1), any of the following wastes shall be prohibited or restricted from recycling:

1. Asbestos wastes;
  2. Wastes containing polychlorinated biphenyls (PCBs) in at least the concentration prescribed by Ordinance of the Ministry of Environment;
  3. Medical wastes (excluding placenta);
  4. Wastes prescribed by Presidential Decree among the wastes highly likely to cause harm to human bodies and the environment, such as toxic wastes.
- (3) The types and level of methods to prevent and reduce contamination and the matters to be observed, such as the standards, methods, etc. of dealing with wastes, to comply with the principles prescribed in the subparagraphs of paragraph (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 13411, Jul. 20, 2015]

Article 13-3 (Environmental Assessment when Recycling Wastes)

- (1) Notwithstanding Article 13-2 (1), any of the following persons shall undergo assessment of the methods to evade or eliminate harmful effects caused by recycling of the relevant wastes on human health or the environment by examining and predicting such effects and of the adequacy of recycling technology (hereinafter referred to as "environmental assessment of recycling"), conducted by an environmental assessment institute under Article 13-4 (1). The same shall also apply where he/she modifies any of the significant matters prescribed by Ordinance of the Ministry of Environment, including the kinds of wastes and the types of recycling:
1. A person who intends to recycle wastes or any material made from mixing wastes with soil, etc., in the amount of at least that prescribed by Ordinance of the Ministry of Environment, for any of the uses, including cover soil, fill material, and road substratum material, or by any of the methods prescribed by Ordinance of the Ministry of Environment, by bring them into contact with soil, underground water, surface water, etc. (including where at least two persons intend to recycle them jointly);
  2. A person who intends to recycle wastes for which such principles of recycling wastes and matters to be observed as prescribed in Article 13-2 are not determined.
- (2) Notwithstanding paragraph (1), a person who intends to manufacture any fertilizers, the legal standards for which have been formulated under Article 4 of the Fertilizer Control Act, or a person who intends to recycle wastes by the methods prescribed by Ordinance of the Ministry of Environment, may recycle the relevant wastes without undergoing an environmental assessment of recycling.
- (3) A person who has undergone an environmental assessment of recycling under paragraph (1) shall submit the results thereof to the Minister of Environment and obtain approval for the recycling of the relevant wastes.
- (4) After examining whether the applicant meets the requirements for approval prescribed by Presidential Decree in consideration of the results of the environmental assessment of recycling received pursuant to paragraph (3), the Minister of Environment may grant approval under paragraph (3).
- (5) In granting approval pursuant to paragraph (4), the Minister of Environment may impose conditions prescribed by Ordinance of the Ministry of Environment, such as the term of validity of the approval and the quantity of wastes, to reduce harm, etc. to be caused to public health or the environment.

(6) Where a person who has obtained approval under paragraph (3) falls under any of the following, the Minister of Environment shall revoke such approval. In such cases, if the approval is revoked, the recycling of the relevant wastes shall be suspended without delay:

1. Where he/she recycles the relevant wastes differently from the matters approved pursuant to paragraph (3);
  2. Where he/she submits the results of an environmental assessment of recycling pursuant to paragraph (3) by deceit or other wrongful means;
  3. Where he/she violates any condition of approval imposed pursuant to paragraph (5).
- (7) Except as otherwise prescribed in paragraphs (1) through (6), matters necessary for procedures and methods of environmental assessment of recycling, procedures for approval, etc. shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 13411, Jul. 20, 2015]

Article 13-4 (Designation, etc. of Environmental Assessment Institutes)

(1) The Minister of Environment shall, for the specialized and technical environmental assessment of recycling, designate an environmental assessment institute, from among the following institutions or organizations and issue a certificate of designation:

1. National or public research institutes;
2. The Korea Environment Corporation under the Korea Environment Corporation Act;
3. Other institutes or organizations prescribed by Presidential Decree.

(2) A person who intends to be designated as an environmental assessment institute shall file an application with the Minister of Environment meeting the requirements for technical personnel, facilities, equipment, etc. prescribed by Ordinance of the Ministry of Environment. The same shall also apply where he/she intends to modify any of the significant matters prescribed by Ordinance of the Ministry of Environment.

(3) Upon receipt of a request for an environmental assessment of recycling, an environmental assessment institute shall prepare a report on environmental assessment of recycling, including the following matters, in accordance with the standards and methods prescribed by Ordinance of the Ministry of Environment:

1. Current status of the area subject to environmental assessment;
2. Prediction and assessment of environmental effects pertaining to the recycling of wastes, including the effects of wastes or materials made by adding wastes on soil, underground water, surface water, etc. when they leach out;
3. Means for preventing and eliminating environmental risks;
4. Plans for monitoring environmental change;
5. Matters prescribed by Ordinance of the Ministry of Environment for the environmental assessment of recycling of wastes for which such principles or matters to be observed as prescribed in Article 13-2 are not formulated.

(4) No environmental assessment institute shall allow a third party to conduct any environmental assessment of recycling using its name or trade name or lend its certificate of designation as an environmental assessment institute.

(5) The Minister of Environment shall periodically examine whether the operation of an environmental assessment institute is appropriate.

(6) Where an environmental assessment institute falls under any of the following, the

Minister of Environment may revoke the designation or order to suspend business fixing a period not exceeding six months: Provided, That in cases falling under subparagraph 1 or 2, such designation shall be revoked:

1. Where it has obtained the designation or designation with modification by deceit or other wrongful means;
  2. Where it has conducted any environmental assessment of recycling during the business suspension period;
  3. Where it has failed to meet the requirements for designation prescribed in the former part of paragraph (2);
  4. Where it has modified any significant matters without obtaining designation with modification, in violation of the latter part of paragraph (2);
  5. Where it has prepared a report on environmental assessment of recycling under paragraph (3) by deceit or other wrongful means;
  6. Where it has allowed a third party to conduct any environmental assessment of recycling using its name or trade name or has lent its certificate of designation as an environmental assessment institute, in violation of paragraph (4).
- (7) Except as otherwise prescribed in paragraphs (1) through (6), necessary matters concerning the standards and procedures for designation of an environmental assessment institute, periodic inspection, etc. shall be prescribed by Ordinance of the Ministry of Environment.
- (8) Subparagraphs 1 through 4 and 6 of Article 26 shall apply mutatis mutandis to the grounds for disqualification of an environmental assessment institute referred to in paragraph (1). In such cases, "waste management business" shall be construed as "environmental assessment institute" and "permission" as "designation".

[This Article Newly Inserted by Act No. 13411, Jul. 20, 2015]

Article 13-5 (Hazard Criteria of Recycled Products or Materials)

- (1) Where the Minister of Environment deems that any products or materials that are produced by recycling wastes may cause harm to human health or the environment, he/she shall formulate and publicly notify the hazard criteria of such recycled products or materials (hereinafter referred to as "Hazard Criteria") after consulting with the heads of relevant central administrative agencies.
- (2) No person shall manufacture or distribute recycled products or materials using wastes that fail to meet the Hazard Criteria.
- (3) The Minister of Environment may test, analyze, or investigate the actual conditions of manufacturing or distribution of any products or materials produced by recycling wastes in order to verify whether they are in compliance with the Hazard Criteria.
- (4) Matters necessary for the testing, analysis, and investigation of actual conditions under paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment.
- (5) If, as a result of the testing, analysis or investigation of actual conditions under paragraph (3), a person is found to have manufactured or distributed any products or materials in violation of the Hazard Criteria, the Minister of Environment may order him/her to take necessary measures, such as the recalling and destruction of the relevant products or materials.
- (6) Where the Minister of Environment deems that any products or materials, the Hazard



Criteria of which are publicly notified pursuant to paragraph (1) and which are manufactured by recycling wastes require a certain control, he/she may enter into an agreement with the head of the relevant local government, the manufacturer, etc. of the said products or materials that requires them to disclose the purposes of use and quantities of each type of wastes, the heavy metal contents of such wastes, and other relevant information.

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

Article 14 (Treatment, etc. of Household Wastes)

- (1) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall be responsible for treating household wastes discharged within his/her jurisdiction: Provided, That a specific area designated by the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment, shall be excluded from his/her jurisdictional areas. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>
- (2) The Mayor of a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may authorize a person specified by Presidential Decree to treat household wastes prescribed in paragraph (1) on his/her behalf, as prescribed by ordinance of the competent local government. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>
- (3) Notwithstanding the main sentence of paragraph (1), and paragraph (2), any person who has filed a report on waste treatment pursuant to Article 46 (1) (hereinafter referred to as "person who has filed a report on waste treatment") may collect, transport, or recycle the wastes specified by Ordinance of the Ministry of Environment, such as waste paper, scrap metal, and waste cooking oil (only permitted where waste cooking oil classified as household wastes is collected and transported by a special storage tank or container sealed with no chance of leakage), among household wastes. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>
- (4) A person who collects and transports household wastes prescribed in paragraph (3) may transfer the wastes specified by Ordinance of the Ministry of Environment, among household wastes collected by him/her, to any of the following persons: <Newly Inserted by Act No. 11914, Jul. 16, 2013>
  1. A person who directly collects and recycles wastes generated from products and packing materials manufactured, imported, or sold by him/her (including persons specified by Ordinance of the Ministry of Environment, among persons entrusted with recycling), among manufacturers or importers of products and packing materials specified in Article 16 (1) of the Act on the Promotion of Saving and Recycling of Resources;
  2. A person who has obtained permission for waste recycling business specified in Article 25 (5) 5 or 7;
  3. A person who has filed a report on waste treatment;
  4. Any other persons specified by Ordinance of the Ministry of Environment.
- (5) The Mayor of a Special Self-Governing City Mayor, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may collect service charges for the

treatment of household wastes pursuant to paragraph (1), depending on the kind, quantity, etc. of the household wastes discharged. In such cases, the service charges shall be collected in the manner of selling standard waste bags, waste marks, etc. (hereinafter referred to as "standard waste bags and marks"), as prescribed by ordinance of the competent local government; but the service charges for food wastes may be collected in the manner of charging an amount calculated according to the discharged quantity. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013>

- (6) When the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to impose and collect service charges for the treatment of food wastes pursuant to paragraph (5), he/she may use the electronic information processing program under Article 45 (2). In such cases, information required for calculating service charges shall be entered in the electronic information processing program prescribed in Article 45 (2), as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11914, Jul. 16, 2013>
- (7) The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may authorize a person to produce, distribute, or sell standard waste bags and marks on his/her behalf, as prescribed by municipal ordinances. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>
- (8) When the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to authorize a person to collect and transport household wastes on his/her behalf pursuant to paragraph (2), he/she shall comply with the following: <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015>
1. The cost shall be calculated in accordance with the standards prescribed by Ordinance of the Ministry of Environment, and the initial calculation thereof shall be entrusted to any cost accounting service agency provided for in Article 9 of the Enforcement Rule of the Act on Contracts to which a Local Government Is a Party;
  2. The standards for evaluating the performance of persons authorized to collect and transport household wastes on behalf of local authorities (including the levels of resident satisfaction and the working conditions of street cleaners) shall be prescribed by ordinance of each local government, and the performance shall be evaluated at least once a year according to the evaluation standards. In such cases, each local government shall organize an evaluation team with civilian experts, etc. to evaluate the performance of such persons;
  3. If the evaluation of performance is completed pursuant to subparagraph 2, the results shall be posted on the website of the relevant local government for at least six months from the date of such evaluation, and if the results of such evaluation reveal that the standards prescribed by ordinance of the relevant local government are not met, measures, such as business suspension and the cancellation of the contract for collection and transportation of household wastes on behalf of local authorities shall be taken, as prescribed by Ordinance of the Ministry of Environment;

4. If a contract for collection and transportation of household wastes on behalf of local authorities is concluded, the terms and conditions of such contract shall be posted on the website of the relevant local government for at least six months from the date of such conclusion;
5. Upon the expiration of a contract for collection and transportation of household wastes on behalf of local authorities under subparagraph 4, the details of expenditure incurred in such collection and transportation shall be posted on the website of the relevant local government within six months from the date of such expiration, for at least six months;
6. If a person (including the representative of a corporation) who collects and transports household wastes on behalf of local authorities is sentenced to any of the following punishments, the contract for vicarious execution shall be cancelled without delay:
  - (a) Where he/she is sentenced to a fine or greater punishment by committing a crime that falls under Article 133 of the Criminal Act;
  - (b) Where he/she is sentenced to a fine or greater punishment (in cases of punishment of a fine, limited to a fine of at least three million won) by committing a crime that falls under Article 347, 347-2, 356, or 357 of the Criminal Act (in cases falling under Article 347 or 356, including cases where he/she is aggravatingly punished under Article 3 of the Act on the Aggravated Punishment, etc. of Specific Economic Crimes);
7. No person who has been sentenced to punishment that falls under any item of subparagraph 6 in relation to a contract to collect and transport household wastes on behalf of local authorities, and for whom three years have yet to elapse from the date of such sentence shall not be entitled to enter into any contract to collect and transport household wastes.
- (9) If the Minister of Environment deems it necessary in relation to collection and transportation of household wastes on behalf of local authorities, he/she may require the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu to submit necessary data or to take corrective measures, and may inspect and verify whether standards for the collection and transportation of household wastes are complied with. Upon receipt of a request from the Minister of Environment to submit necessary data or to take corrective measures in such cases, the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall comply therewith, in the absence of special circumstances. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014>

Article 14-2 (Imposition of Penalty Surcharges on Persons Authorized to Collect and Transport Household Wastes)

- (1) Where the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to order any person authorized to collect and transport household wastes on behalf of local authorities to suspend the business under Article 14 (8) 3, he/she may impose a penalty surcharge not exceeding 100 million won on such person in lieu of the suspension of business, as prescribed by Presidential Decree, if the suspension of business is likely to result in the accumulation of wastes not properly treated, and consequently causes or is likely to cause harm to the health of local residents.
- (2)

Unpaid penalty surcharges imposed under paragraph (1) shall be collected in the same manner as delinquent local taxes are collected.

- (3) Penalty surcharges collected under paragraphs (1) and (2) shall become the revenues of the relevant Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gun, and shall be used for the purposes of use specified by Presidential Decree, including the expansion of multi-regional waste treatment facilities.

[This Article Newly Inserted by Act No. 11914, Jul. 16, 2013]

Article 14-3 (Formulation, etc. of Plans to Restrain Generation of Food Wastes)

- (1) In order to reduce the generation of food wastes (including agricultural, fishery, and livestock wastes; the same shall apply hereinafter) to the maximum extent possible within the jurisdiction of the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, and properly treat food wastes generated, he/she shall formulate and implement a plan to restrain the generation of food wastes, including the following matters, and shall annually evaluate the outcomes of implementation thereof:

1. The current status of the generation and treatment of food wastes;
2. The estimated quantity of food wastes generated in the future and a plan for proper treatment of the wastes;
3. The targets goals for restraining the generation of food wastes and a strategic plan for achieving the target goals;
4. The current status of food wastes treatment facilities installed and a plan to install such facilities;
5. A strategic plan for technical and financial assistance in restraining the generation of food wastes and properly treating such wastes (including a plan for securing funds therefor).

- (2) The interval for formulating a plan under paragraph (1), the method of evaluation, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 11914, Jul. 16, 2013]

Article 14-4 (Formulation, etc. of Plans for Treatment of Daily-Life Hazardous Wastes)

- (1) The Special Metropolitan City Mayor, the Special Self-Governing Province Governor, and the heads of Sis/Guns/Gus shall formulate and implement plans for treatment of daily-life hazardous waste including the following matters to safely and appropriately treat wastes that may cause damage to human health, such as causing illness or bodily injury (hereinafter referred to as "daily-life hazardous wastes"), and surrounding environment among the household wastes in the district under their respective jurisdictions; and shall evaluate the outcomes of the promotion thereof:

1. Status of generation and treatment of daily-life hazardous wastes;
2. Status of installation of facilities for collecting daily-life hazardous wastes and plans for future installation;
3. Technological and financial support measures for the appropriate treatment of daily-life hazardous wastes (including plans for securing financial resources).

- (2) Types of daily-life hazardous wastes, cycles and procedures for formulating treatment plans under paragraph (1), methods of evaluating the outcomes of the promotion, and

other relevant matters shall be prescribed by Ordinance of the Ministry of the Environment.

[This Article Newly Inserted by Act No. 15103, Nov. 28, 2017]

Article 15 (Cooperation, etc. of Household Waste Dischargers in Treatment)

- (1) The owner, occupant, or manager of a parcel of land or a building from which household wastes are discharged (hereinafter referred to as "household waste discharger") shall either treat such wastes directly in a manner to avoid any harm to the conservation of the living environment or reduce the discharged quantity of wastes, as prescribed by ordinance of the competent Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>
- (2) Each household waste discharger shall separate household wastes that he/she is unable to treat directly under paragraph (1) and shall separately keep such wastes by type, nature, and condition, as prescribed by ordinance of the competent Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>
- (3) Deleted. <by Act No. 11914, Jul. 16, 2013>
- (4) The Special Metropolitan City Mayor, the Special Self-Governing Province Governor, and the heads of Sis/Guns/Gus may fully or partially subsidize the expenses incurred by domestic waste dischargers who intend to install a facility for discharging food wastes after reducing their quantities pursuant to paragraph (1); and may prescribe detailed matters concerning the types of facilities to be supported, standards for installation and management, scope of support, and other relevant matters by municipal ordinance. <Newly Inserted by Act No. 15103, Nov. 28, 2017>

Article 15-2 (Obligations, etc. of Persons Discharging Food Wastes)

- (1) Any of the persons specified by Presidential Decree, among persons who discharge large quantities of food wastes, shall comply with rules prescribed by ordinance of the competent Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu, for restraining the generation of food wastes and properly treating such wastes.
- (2) A person discharging food wastes under paragraph (1) shall report on his/her plan to restrain the generation of food wastes and properly treat such wastes to the competent local authority, such as the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to modifications to any reported matters specified by Ordinance of the Ministry of Environment.
- (3) Notwithstanding Article 14 (1) or 18 (1), a person discharging food wastes under paragraph (1) shall collect, transport, or recycle generated food wastes directly or entrust any of the following persons with the collection, transportation, or recycling of such wastes:
  1. A person who has installed and operates a waste treatment facility under Article 4 or 5;
  2. A person who has obtained permission for waste collection and transportation business under Article 25 (5) 1;
  3. A person who has obtained permission for waste recycling business under any provision of Article 25 (5) 5 through 7;

4. A person who has filed a report on waste treatment (limited to the persons who have filed a report on the treatment of food wastes for recycling).
- (4) Persons discharging food wastes under paragraph (1) may jointly collect, transport, or recycle food wastes generated from each place of business, as prescribed by Ordinance of the Ministry of Environment, or may jointly install and operate waste treatment facilities. In such cases, they shall establish a joint operating organization, and appoint one representative of the organization.

[This Article Newly Inserted by Act No. 11914, Jul. 16, 2013]

Article 16 (Conclusion of Agreements)

- (1) The Mayor/Do Governor or the head of a Si/Gun/Gu may enter into agreements with persons who discharge wastes within his/her jurisdiction or an organization of such persons in order to restrain the generation of wastes and properly treat such wastes.
- (2) Matters necessary for the objectives of the agreement under paragraph (1) and the method of and procedure for performance of such agreements shall be prescribed by ordinance of the competent local government.
- (3) The Mayor/Do Governor or the head of a Si/Gun/Gu may provide a person who enters into agreements with the competent local government under paragraph (1) with such support as necessary for performing such agreements.

Article 17 (Obligations, etc. of Industrial Waste Dischargers)

- (1) A person who discharges wastes from his/her place of business (hereinafter referred to as "industrial waste discharger") shall comply with the following provisions: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>
1. He/she shall request a waste analysis agency prescribed in Article 17-2 (1) to verify in advance whether any wastes which can be classified as designated wastes depending on the content of toxic substances prescribed by Ordinance of the Ministry of Environment, among wastes generated from his/her place of business, fall under designated wastes;
  - 1- He/she shall treat all wastes generated from his/her place of business in compliance
  2. with the standards and methods for waste treatment under Article 13 and the principles of recycling wastes and matters to be observed under Article 13-2;
  2. The generation of industrial wastes shall be reduced to the maximum extent possible by installing waste-reducing facilities in a manufacturing process, developing technology, recycling wastes, and in any other way;
  3. An industrial waste discharger who intends to entrust waste treatment to someone under Article 18 (1) shall verify whether the entrusted person has the capability to treat wastes in compliance with the standards for and methods of waste treatment under Article 13 or in view of the principles of recycling wastes and matters to be observed under Article 13-2 before such entrustment: Provided, That the foregoing shall not apply where he/she entrusts waste treatment to a person who has installed and operates waste treatment facilities under Article 4 or 5.
- (2) Industrial waste dischargers specified by Ordinance of the Ministry of Environment shall report on the types and quantity of industrial wastes generated, to the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the

head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to any modification to reported matters specified by Ordinance of the Ministry of Environment. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

- (3)The Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall notify a person who has filed a report or a report on modification, of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (2). <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (4)If the Mayor of a Special Self-Governing City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph (3), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (5)A business entity that discharges designated wastes prescribed by Ordinance of the Ministry of Environment shall submit each of the following documents to the Minister of Environment for verification before processing such wastes under Article 18 (1): Provided, That where persons prescribed by Ordinance of the Ministry of Environment, including those operating a motor vehicle maintenance business as defined in subparagraph 8 of Article 2 of the Motor Vehicle Management Act, collect and transport designated wastes together with other persons, their representative shall submit such documents to the Minister of Environment for verification: <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 13038, Jan. 20, 2015>
- 1.Waste treatment plans including the following matters:
    - (a)Trade name, locations of the places of business, and category of business;
    - (b)Types and volume of wastes to be discharged, and interval for discharge;
    - (c)Plan for transport and treatment of wastes;
    - (d)Plan for joint treatment of wastes (applicable only to cases of joint treatment);
    - (e)Other matters prescribed by Ordinance of the Ministry of Environment;
  - 2.Waste analysis reports prepared by a waste analysis agency prescribed in Article 17-2 (1);
  - 3.If the treatment of designated wastes is entrusted, documents attesting the acceptance of entrustment from a person entrusted with such affairs.
- (6)If a person who has obtained verification under paragraph (5) falls under any of the following cases, he/she shall submit relevant documents to the Minister of Environment and obtain the verification of such modification: <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>
- 1.Where he/she intends to change his/her trade name;
  - 2.Where he/she intends to change the location of his/her place of business;
  - 3.Where the monthly average volume of designated wastes discharged (which shall be calculated based on the quantity discharged for one year after obtaining verification or

- verification of modification) is at least 10/100 and is increasing by at least the percentage prescribed by Ordinance of the Ministry of Environment;
4. Where the volume of designated wastes newly or additionally discharged (in cases of additional discharge, the quantity shall be calculated by adding the quantity previously discharged) falls under a case subject to the verification of a plan for treatment of controlled wastes referred to in paragraph (3);
  5. Where he/she intends to change the treatment method by kind of designated wastes or a person who treats such wastes;
  6. Where he/she intends to modify the number of places of business for joint treatment or the kinds of wastes jointly treated (applicable only to cases of joint treatment).
- (7) Industrial waste dischargers operating any of the types of business prescribed by Presidential Decree in excess of any of the scales prescribed by Presidential Decree comply with the guidelines publicly notified by the Minister of Environment and the heads of relevant central administrative agencies jointly in accordance with the basic policy and procedure prescribed by Ordinance of the Ministry of Environment in order to restrain the generation of industrial wastes under paragraph (1) 2. <Amended by Act No. 8613, Aug. 3, 2007>
- (8) If an industrial waste discharger transfers his/her business to another person or dies, or a corporation discharging industrial wastes is merged with another corporation, the transferee or heir, or the corporation surviving the merger or resulting from the consolidation shall succeed to the rights and obligations relating to such industrial wastes. <Amended by Act No. 8613, Aug. 3, 2007>
- (9) A person who has taken over the whole or any part of the place of business of an industrial waste discharger by an auction under the Civil Execution Act; the realization of property under the Debtor Rehabilitation and Bankruptcy Act; the sale of seized property under the National Tax Collection Act, the Customs Act or the Local Tax Collection Act; or other procedures corresponding thereto, shall succeed to the rights and obligations relating to such industrial wastes. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10219, Mar. 31, 2010; Act No. 10389, Jul. 23, 2010; Act No. 14476, Dec. 27, 2016>

#### Article 17-2 (Designation of Official Test Facilities of Wastes)

- (1) In order to perform specialized affairs relating to the testing and analysis of wastes, the Minister of Environment may designate any of the following institutes as a specialized agency for testing and analysis of wastes (hereinafter referred to as "official test facility of wastes"):
1. The Korea Environment Corporation under the Korea Environment Corporation Act (hereinafter referred to as the "Korea Environment Corporation");
  2. The Sudokwon Landfill Site Management Corporation under the Act on the Establishment and Management of Sudokwon Landfill Site Management Corporation;
  3. The Public Health and Environment Research Institute under the Public Health and Environment Research Institute Act;
  4. Other institutes deemed by the Minister of Environment as having capability in the testing and analysis of wastes.
- (2) If any institute under paragraph (1) 4 intends to be designated as an official test facility



of wastes, it shall file an application for designation with the Minister of Environment after being equipped with facilities, equipment, and technical capability prescribed by Presidential Decree.

- (3) If an institute designated as an official test facility of wastes under paragraph (1) 4 intends to modify any of the significant matters prescribed by Ordinance of the Ministry of Environment, among the already designated matters, it shall obtain designation with modification of such matter from the Minister of Environment.
- (4) When designating an institute referred to in any subparagraph of paragraph (1) as an official test facility of wastes, or designating with modification, the Minister of Environment shall issue a certificate of designation to the relevant agency and publicly announce the details thereof by publishing them in the Official Gazette or posting them on its website, etc.
- (5) Article 26 shall apply mutatis mutandis to disqualifications for an official test facility of wastes referred to in paragraph (1) 4. In such cases, "waste management business" shall be construed as "official test facility of wastes", "permission" as "designation", and "Article 27 (excluding paragraphs (1) 2 and (2) 20)" as "Article 17-5 (excluding paragraphs (1) 2 and (2) 6)", respectively.

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 17-3 (Matters to Be Observed by Professional Waste Analysis Agencies)

- (1) No official test facility of wastes shall allow another person to use its name or trade name in performing any affairs relating to the testing and analysis of wastes nor shall it lend its certificate of designation to another person.
- (2) Each official test facility of wastes shall comply with the standards for fair testing of environmental pollution in the field of wastes under Article 6 of the Environmental Testing and Inspection Act.
- (3) In addition to the matters to be observed under paragraphs (1) and (2), each official test facility of wastes shall comply with the matters to be observed, prescribed by Ordinance of the Ministry of Environment, including keeping records of, preservation, etc. of the results of testing and analysis.

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 17-4 (Evaluation of Official Test Facilities of Wastes)

- (1) The Minister of Environment may evaluate testing and analysis capabilities of official test facilities of wastes.
- (2) Items to be evaluated, standards, methods, etc. for the evaluation under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 17-5 (Revocation, etc. of Designation of Official Test Facilities of Wastes)

- (1) If any official test facility of wastes falls under any of the following cases, the Minister of Environment shall revoke its designation:
1. Where the designation has been obtained by fraudulent or other wrongful means;
  2. Where it falls under any of the disqualifications prescribed in subparagraphs of Article 26 which applies mutatis mutandis under Article 17-2 (5): Provided, That where any executive officers of a corporation falls under subparagraph 6 of Article 26, the same

- shall not apply if another executive officer is appointed to replace him/her within two months from the date the ground for disqualification has occurred;
3. Where it performs any affairs relating to testing or analysis during a period of business suspension.
- (2) If any official test facility of wastes falls under any of the following cases, the Minister of Environment may revoke the designation or order to fully or partially suspend its business for a fixed period not exceeding six months:
1. Where it fails to meet the standards for facilities, equipment and technical capacity referred to in Article 17-2 (2);
  2. Where it modifies any designated matter without obtaining designation with modification under Article 17-2 (3);
  3. Where it violates any of the matters to be observed under Article 17-3;
  4. Where the result of evaluation conducted under Article 17-4 fails to meet any of the standards prescribed by Ordinance of the Ministry of Environment;
  5. Where it issues any waste analysis report, the content of which is different from the fact, intentionally or by gross negligence;
  6. Where it fails to commence its business within one year after being designated, or suspends its business continuously for at least one year without just cause.
- (3) Upon revoking designation or ordering business suspension under paragraph (1) or (2), the Minister of Environment shall publicly announce the details thereof in the way of publishing them in the Official Gazette, posting on website, etc.

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 18 (Treatment of Industrial Wastes)

- (1) Every industrial waste discharger shall either treat wastes generated from his/her place of business by him/herself or entrust the treatment of such wastes to a person who has obtained permission for waste treatment business under Article 25 (3), a person who has filed a report on waste treatment, a person who has installed and operates a waste treatment facility under Article 4 or 5, a person who has obtained permission for construction waste treatment business under Article 21 of the Construction Waste Recycling Promotion Act, or a person who has filed for registration of the business of discharging wastes into the sea under Article 70 (1) 1 of the Marine Environment Management Act. <Amended by Act No. 10389, Jul. 23, 2010>
- (2) Deleted. <by Act No. 13411, Jul. 20, 2015>
- (3) A person who discharges, collects, transports, recycles, or disposes of any industrial wastes specified by Ordinance of the Ministry of Environment shall record matters concerning the delivery and receipt of wastes on the electronic information processing program under Article 45 (2), as prescribed by Ordinance of the Ministry of Environment, whenever he/she discharges, collects, transports, recycles, or disposes of such wastes: Provided, That in cases of medical wastes, such matters shall be recorded in the electronic information processing program under Article 45 (2), as prescribed by Ordinance of the Ministry of Environment, by means of radio frequency. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>
- (4) The Minister of Environment shall make information on delivery and receipt of wastes recorded under paragraph (3) available to, and printable by a person who discharges,

collects, and transports, recycles, or disposes of such wastes, and the process of discharging, collecting and transporting, recycling, or treating such wastes searchable and verifiable by the head of the competent Si/Gun/Gu or the Mayor/Do Governor having jurisdiction over the person who discharges, collects and transports, recycles, or disposes of such wastes. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(5) At least two industrial waste dischargers as specified by Ordinance of the Ministry of Environment may jointly collect, transport, recycle or disposes of wastes generated from their places of business, as prescribed by Ordinance of the Ministry of Environment. In such cases, such industrial waste dischargers may establish a joint operating organization, appoint one of them as the representative of such joint operating organization, and jointly install and operate waste treatment facilities. <Amended by Act No. 10389, Jul. 23, 2010>

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

#### Article 18-2 (Obligations to Prepare and Provide Hazards Information Data)

(1) An industrial waste discharger who discharges any industrial waste prescribed by Ordinance of the Ministry of Environment, shall prepare hazards information data including the following matters (hereinafter referred to as "hazards information data") by himself/herself or by entrusting to a specialized institution designated by Ordinance of the Ministry of Environment, as prescribed by Ordinance of the Ministry of Environment:

1. Kinds of industrial wastes;
2. Physical and chemical properties of industrial wastes and handling precautions;
3. Measures to be taken to control, etc. a fire or any other accident when it occurs due to industrial wastes;
4. Other matters prescribed by Ordinance of the Ministry of Environment.

(2) Where any significant matter prescribed by Ordinance of the Ministry of Environment, such as the production process or the raw materials for use, is modified after preparing the hazards information data pursuant to paragraph (1), the hazards information data shall be reprepared by the industrial waste discharger himself/herself or by entrusting to an institution prescribed by Ordinance of the Ministry of Environment, reflecting the matters modified, as prescribed by Ordinance of the Ministry of Environment.

(3) Where an industrial waste discharger treats the relevant industrial wastes by entrustment pursuant to Article 18 (1), he/she shall provide the entrusted person with the hazards information data prepared pursuant to paragraphs (1) and (2).

(4) An industrial waste discharger and the entrusted person shall post or keep hazards information data prepared or received pursuant to paragraphs (1), (2) and (3) in each motor vehicle that collects and transports industrial wastes, wastes storage places, and waste treatment facility.

[This Article Newly Inserted by Act No. 14783, Apr. 18, 2017]

#### Article 19 (Obligations of Industrial Waste Treatment Business Entities)

(1) A person who transports industrial wastes pursuant to Article 18 (3) shall be well aware of a delivery number needed to verify information concerning the delivery and receipt

of wastes recorded on the electronic information processing program under Article 45 (2) while transporting such wastes, and notify the competent administrative agencies or their public officials of such delivery number upon their request. <Amended by Act No. 10389, Jul. 23, 2010>

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

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

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

Article 24 Deleted. <by Act No. 13411, Jul. 20, 2015>

Articles 24-2 and 24-3 Deleted. <by Act No. 14783, Apr. 18, 2017>

CHAPTER III Deleted.

#### CHAPTER IV WASTE TREATMENT BUSINESSES, ETC.

##### Article 25 (Waste Treatment Business)

- (1) Any person (excluding any person who intends to recycle household wastes, other than food wastes, and any person who has filed a report on waste treatment) who intends to engage in the collection, transportation, recycling, or treatment of wastes (hereinafter referred to as "waste treatment business") and to treat designated wastes shall submit a waste treatment business plan to the Minister of Environment, while such person who intends to treat any wastes, other than designated wastes, shall submit such plan to the competent Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to any modification to the significant matters specified by Ordinance of the Ministry of Environment. <Amended by Act No. 10389, Jul. 23, 2010>
- (2) The Minister of Environment or the relevant Mayor/Do Governor shall examine a waste treatment business plan submitted under paragraph (1) in view of the following matters, and notify the person who has submitted such plan the acceptability thereof: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>
1. Whether the person who intends to obtain permission for waste treatment business (including an executive officer, in cases of a corporation) is disqualified under Article 26;
  2. Whether the location, etc. of waste treatment facilities violates other Acts;
  3. Whether facilities, equipment or technical capability stated in the waste treatment business plan meets the criteria for permission under paragraph (3);
  4. Whether the installation and operation of waste treatment facilities have an impact on human health or the surrounding environment, such as causing deterioration of the quality of water in a water-source protection area referred to in Article 7 of the Water Supply and Waterworks Installation Act or causing difficulty in fulfilling the Environmental Quality Standards established under Article 12 of the Framework Act on Environmental Policy.
- (3) A person, in receipt of a notice of acceptability pursuant to paragraph (2) shall, within two years (six months, in cases of the waste collection and transportation business

under paragraph (5) 1; three years, in cases of the waste treatment business that requires the installation of incinerators and landfill facilities) from the date of receipt of such notice, be equipped with such facilities, equipment, and technical capability in compliance with the standards prescribed by Ordinance of the Ministry of Environment, and shall thereby obtain permission for each business type, type of waste, and area of treatment from the Minister of Environment with respect to designated wastes, and from the Mayor/Do Governor with respect to other wastes. In such cases, if a person who has received a notice of acceptability pursuant to paragraph (2) files an application for permission upon being equipped with securing facilities, equipment, and technical human resources in compliance with the relevant business plan, the Minister of Environment or the Mayor/Do Governor shall grant such permission without delay. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(4)The Minister of Environment or the relevant Mayor/Do Governor may extend the period of application for permission up to one year (six months, in cases of the waste collection and transportation business under paragraph (5) 1; two years, in cases of the terminal waste treatment business under subparagraph 3 of the same paragraph and the general waste treatment business under subparagraph 4 of the same paragraph), upon request, for persons who have failed to file an application within the period referred to in paragraph (3) due to a natural disaster or any other unavoidable cause. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(5)The classification and operational details of waste treatment business shall be as follows: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13411, Jul. 20, 2015>

- 1.Waste collection and transportation business: A business that either collects wastes and transports them to a recycling or treatment facility or collects and transports wastes to export them;
- 2.Interim waste disposal business: A business that specializes in interim disposal wastes, such as disposal by incineration, physical, chemical or biological disposal, or any other disposal in a manner acknowledged and publicly notified by the Minister of Environment as a safe way to intermediately dispose of wastes, with facilities for interim disposal of wastes;
- 3.Terminal waste disposal business: A business that specializes in final disposal of wastes, such as landfills (excluding discharging into the sea) with facilities for final disposal of wastes;
- 4.General waste disposal business: A business that performs both interim and final disposal of wastes with facilities for interim and final disposal of wastes;
- 5.Interim waste recycling business: A business that manufactures intermediately processed wastes with facilities for recycling of wastes;
- 6.Terminal waste recycling business: A business that performs the recycling of intermediately processed wastes in accordance with the principles of recycling wastes or matters to be observed under Article 13-2, with facilities for recycling of wastes;
- 7.General waste recycling business: A business that conducts both interim recycling business and terminal recycling business with facilities for recycling of wastes.

(6)A person who has obtained permission for waste treatment business under any of

paragraph (5) 2 through 7 may directly collect and transport wastes for treatment without permission for waste collection and transportation business under subparagraph 1 of the said paragraph. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

- (7)When the Minister of Environment or a Mayor/Do Governor grants permission under paragraph (3), he/she may add necessary conditions thereto in order to promote the living convenience of residents, protect the neighboring environment, and efficiently manage the relevant waste treatment businesses: Provided, That the condition that restricts the business territory may be added to permission for the business of collecting and transporting household wastes, in which case the Mayor/Do Governor may not restrict the business territory to an administrative unit smaller than a Si/Gun/Gu. <Amended by Act No. 10389, Jul. 23, 2010>
- (8)Any person who has obtained permission for waste treatment business under paragraph (3) (hereinafter referred to as "waste treatment business entity") shall neither allow another person to use his/her name or trade name in waster treatment nor lend his/her permit to another person. <Amended by Act No. 10389, Jul. 23, 2010>
- (9)Each waste treatment business entity shall comply with the following matters to be observed: <Amended by Act No. 13038, Jan. 20, 2015>
- 1.He/she shall store wastes at an adequate place, such as a storage facility located within its place of business permitted or temporary storage facility approved, as prescribed by Ordinance of the Ministry of Environment;
  - 2.He/she shall not store wastes in excess of the volume or period prescribed by Ordinance of the Ministry of Environment;
  - 3.He/she shall not accept entrustment of the treatment of wastes if it is impracticable to treat them at his/her own treatment facility or exceeds his/her disposal capacity;
  - 4.In contracting for treatment of wastes, he/she shall comply with the matters to be observed, prescribed by Ordinance of the Ministry of Environment, such as the preparation and keeping of the contract.
- (10)Any person who intends to engage in a business collecting, transporting, or disposing of medical wastes shall install and operate such facilities, equipment, and place of business as required for collecting, transporting, or disposing of such wastes separately from other wastes. <Amended by Act No. 10389, Jul. 23, 2010>
- (11)When a person who has obtained permission under paragraph (3) intends to modify any of the significant matters prescribed by Ordinance of the Ministry of Environment, he/she shall obtain permission for such modification, and shall also file a report on modification, if the modification involves any matter other than the significant matters specified by Ordinance of the Ministry of Environment. <Amended by Act No. 13411, Jul. 20, 2015>
- (12)The Minister of Environment or a Mayor/Do Governor shall notify a person who has filed a report on modification of whether his/her report is accepted, within 20 days from the date such report on modification is received pursuant to paragraph (11). <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (13)If the Minister of Environment or a Mayor/Do Governor fails to notify a person who has filed a report on modification of whether his/her report is accepted or whether

the processing period is extended pursuant to Acts or subordinate statutes related to processing of civil petitions within the period prescribed in paragraph (12), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

- (14) If any of the following applies to a person who intends to treat both designated wastes and any wastes, other than designated wastes, in the same treatment facility, such person shall be deemed to have obtained a notice of acceptability, permission, or permission for modification from the Mayor/Do Governor or have filed a report on modification to the Mayor/Do Governor in relation to such non-designated wastes: <Amended by Act No. 8613, Aug. 3, 2007>
1. Where he/she has been notified by the Minister of Environment that his/her waste treatment plan is acceptable under paragraph (2);
  2. Where he/she has obtained permission for waste treatment business granted by the Minister of Environment pursuant to paragraph (3);
  3. Where he/she has obtained permission for modification of waste treatment business granted by the Minister of Environment or has filed a report on modification to the Minister of Environment pursuant to paragraph (11).
- (15) Any person who seeks entitlement to the constructive notice of acceptability, permission, permission for modification, or report on modification from or to the Mayor/Do Governor under paragraph (14) in connection with any wastes other than designated wastes shall submit relevant documents prescribed by Ordinance of the Ministry of Environment simultaneously at the time he/she submits a waste treatment business plan or files an application for permission, permission for modification, or a report on modification to or with the Minister of Environment. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 14783, Apr. 18, 2017>
- (16) The Minister of Environment shall, upon receiving the relevant documents under paragraph (15), hear the opinion of the competent Mayor/Do Governor, while he/she shall, upon dispatching a notice of acceptability, granting permission or permission for modification, or receiving a report on modification, inform the competent Mayor/Do Governor of the contents thereof. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 14783, Apr. 18, 2017>
- (17) Any of the following persons who intends to operate a waste treatment business may file an application for permission under paragraph (3) without undergoing the procedures set forth in paragraphs (1) and (2): <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>
1. A person who intends to operate a waste treatment business within an industrial complex as defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act;
  2. A person who intends to operate a waste treatment business within a recycling complex under Article 34 of the Act on the Promotion of Saving and Recycling of Resources;
  3. A person who intends to operate a waste recycling business under any of paragraph (5) 5 through 7.
- Article 25-2 (Exclusive Container Manufacturing Business)
- (1) A person who intends to engage in manufacturing of exclusive containers as a

business (hereinafter referred to as "exclusive container manufacturing business") shall be registered with the Minister of Environment meeting the requirements for facilities, equipment, etc. enumerated in the standards prescribed by Ordinance of the Ministry of Environment; where he/she intends to modify any of the significant matters prescribed by Ordinance of the Ministry of Environment among the registered matters, he/she shall be subject to modification of registration; and where he/she intends to modify any of the matters prescribed by Ordinance of the Ministry of Environment among other matters, he/she shall file a report on modification.

- (2)The Minister of Environment shall notify a person who has filed a report on modification of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (1). <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (3)If the Minister of Environment fails to notify a person who has filed a report on modification of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph (2), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (4)Matters necessary for the procedures, etc. for registration, modification of registration, or reporting on modification under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.
- (5)Matters necessary for the standards, etc. for the structure, specification, quality, and indication of exclusive containers that a person registered under paragraph (1) (hereinafter referred to as "exclusive container manufacturer") is eligible to manufacture shall be prescribed by Ordinance of the Ministry of Environment.
- (6)Each exclusive container manufacturer shall undergo an inspection on whether the structure, specification, quality, and indication of manufactured exclusive containers comply with the standards referred to in paragraph (5), as prescribed by Ordinance of the Ministry of Environment. In such cases, matters necessary for inspection institutions, methods and procedures for inspection, etc. shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 14783, Apr. 18, 2017>
- (7)No exclusive container manufacturer shall allow another person to use his/her name or trade name in manufacturing exclusive containers nor lend his/her certificate of registration to another person.
- (8)Each exclusive container manufacturer shall comply with the matters to be observed, prescribed by Ordinance of the Ministry of Environment, such as manufacturing of the exclusive containers conforming to the standards referred to in paragraph (5). <Amended by Act No. 14783, Apr. 18, 2017>

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

#### Article 26 (Disqualifications)

None of the following persons shall be granted permission for a waste management business or registered for an exclusive container manufacturing business: <Amended by Act No. 13038, Jan. 20, 2015>

- 1.A minor, a person under adult guardianship, or a person under limited guardianship;
- 2.A person who has been declared bankrupt, but not yet reinstated;
- 3.



- A person in whose case two years have not yet passed since his/her sentence for imprisonment with labor or greater punishment declared by a court was completely fulfilled, or an exemption from the execution of the sentence was made definite;
4. A person who was sentenced to a suspended sentence of imprisonment with labor or greater punishment and is still under the period of suspension;
  5. A person in whose case two years have yet to elapse since his/her permission to operate waste management business was revoked under Article 27 (excluding paragraphs (1) 2 and (2) 20) or his/her registration for an exclusive container manufacturing business was revoked under Article 27-2 (excluding paragraphs (1) 2 and (2) 2);
  6. A corporation in whose case one of its executive officers falls under any provision of subparagraphs 1 through 4.

#### Article 27 (Revocation, etc. of Permission)

- (1) If a waste treatment business entity falls under any of the following cases, the Minister of Environment or the competent Mayor/Do Governor shall revoke permission for the waste treatment business: <Amended by Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>
  1. Where he/she has obtained permission by fraudulent or any other wrongful means;
  2. Where he/she falls under any of the disqualifications prescribed in the subparagraphs of Article 26: Provided, That the following cases where measures are taken as classified below shall be excluded:
    - (a) Where a person among executive officers of the corporation falls under subparagraph 6 of Article 26: To appoint an executive to replace him/her, within two months from the date a ground for disqualification occurred;
    - (b) Where an inheritor who has succeeded to the rights and obligations under Article 33 (1) falls under any subparagraph of Article 26: To transfer the relevant rights and obligations to another person within six months from the date the inheritance has commenced;
  3. Where he/she fails to take measures required under the main sentence of Article 40 (1);
  4. Where he/she fails to comply with an order for renewal issued under Article 40 (8);
  5. Where he/she operates business while the business is suspended.
- (2) If a waste treatment business entity falls under any of the following cases, the Minister of Environment or the relevant Mayor/Do Governor may revoke permission for his/her business or may order suspension of the whole or a part of his/her business specifying a period not exceeding six months: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015; Act No. 14783, Apr. 18, 2017>
  1. Where he/she dumps, buries, or incinerates industrial wastes, in violation of Article 8 (1) or (2);
  2. Where he/she treats wastes, in violation of Article 13 or 13-2;
  - 2-2. Where he/she fails to take measures as ordered under Article 13-5 (5);
  3. Where he/she fails to record matters concerning the delivery and receipt of waste on the electronic information processing program, in violation of Article 18 (3);
  - 3-2. Where he/she fails to post hazards information data, in violation of Article 18-2 (4);
  4. Where he/she fails to carry documents, etc. or notify the competent administrative

- agencies or public officials of the delivery number despite their request while transporting wastes, in violation of Article 19 (1);
5. Where he/she conducts business that exceeds the extent of types or details of business under Article 25 (5);
  6. Where he/she violates conditions imposed under Article 25 (7);
  7. Where he/she allows another person to use his/her name or trade name in waste treatment, or lends his/her permit to another person, in violation of Article 25 (8);
  8. Where he/she stores wastes or violates rules, in violation of Article 25 (9);
  9. Where he/she fails to install and operate separate facilities, equipment or place of business to collect, transport, or treat wastes, in violation of Article 25 (10);
  10. Where he/she modifies matters that require permission or reporting without obtaining permission for modification or filing a report on modification under Article 25 (11);
  11. Where he/she fails to undergo inspections in violation of Article 30 (1) or (2), or operates waste treatment facilities without obtaining an acceptability decision, in violation of Article 30 (3);
  12. Where he/she operates waste treatment facilities, not meeting standards for its maintenance under Article 31 (1);
  13. Where he/she fails to comply with an order for correction or suspension of use issued under Article 31 (4);
  14. Where he/she fails to comply with an order for closure issued under Article 31 (5);
  15. Where he/she fails to comply with an order for measurement or inspection issued under Article 31 (7);
  16. Where he/she fails to report on the succession to rights or obligations under Article 33 (3);
  17. Where he/she fails to record and keep books, in violation of Article 36 (1);
  18. Where he/she fails to comply with an order issued under Article 39-3, 40 (2) and (3), or 48;
  19. Where he/she fails to reserve in advance a performance guarantee bond under Article 52 (1);
  20. Where he/she fails to open business within one year after obtaining permission, or suspends such business closed for at least one year consecutively without just cause.

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

Article 27-2 (Revocation, etc. of Registration of Exclusive Container Manufacturing Business)

(1) If an exclusive container manufacturer falls under any of the following cases, the Minister of Environment shall revoke his/her registration:

1. Where he/she has been registered by fraudulent or any other wrongful means;
2. Where he/she falls under any of the disqualifications prescribed in subparagraphs of Article 26: Provided, That where there is any person who falls under subparagraph 6 of Article 26 from among executive officers of a corporation, the same shall not apply if the executive officer is replaced within two months;
3. Where he/she performs business during a period of business suspension prescribed in paragraph (2).

(2) If an exclusive container manufacturer falls under any of the following cases, the Minister of Environment may revoke his/her registration or order to fully or partially suspend his/her business for a fixed period not exceeding six months: <Amended by Act No. 14783, Apr. 18, 2017>

1. Where he/she modifies any registered matter without making modification to registration or filing a report on modification, in violation of Article 25-2 (1), or makes modification to registration or files a report on modification by wrongful means;
2. Where he/she fails to commence business or has no business performance within one year after the registration was made (excluding cases where the report on business suspension has been filed);
3. Where he/she manufactures exclusive containers by using facilities and equipment of another person which are not registered under Article 25-2 (1);
4. Where he/she manufactures exclusive containers other than those registered under Article 25-2 (1);
5. Where he/she fails to meet any of the standards for registration referred to in Article 25-2 (1);
6. Where he/she manufactures and distributes any exclusive containers not in compliance with the structure, specification, quality or indication referred to in Article 25-2 (5) or fails to undergo an inspection under Article 25-2 (6);
7. Where he/she allows another person to use his/her name or trade name in operating business by using his/her name or trade name or lends his/her certificate of registration, in violation of Article 25-2 (7);
8. Where he/she fails to comply with matters to be observed, in violation of Article 25-2 (8);
9. Where he/she refuses, obstructs, or evades an inspection of relevant documents, facilities, equipment, etc. conducted under Article 39.

[This Article Newly Inserted by Act No. 13038, Jan. 20, 2015]

Article 28 (Imposition of Penalty Surcharges on Waste Treatment Business Entities)

(1) If the Minister of Environment or the relevant Mayor/Do Governor intends to order the suspension of business to a waste treatment business entity under Article 27, but he/she finds that the suspension of business falls under any of the following cases, he/she may impose a penalty surcharge not exceeding 100 million won, in lieu of the suspension of business, as prescribed by Presidential Decree: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

1. Where the suspension of business prevents a customer of the business from entrusting waste treatment to the business, resulting in wastes accumulated in the customer's place of business, so that the customer's business is likely to suffer enormous impediment;
2. Where environmental pollution caused by wastes stored by the relevant waste treatment business entity, or wastes accumulated by a customer of the business, poses or is likely to pose a health hazard to local residents;
3. Where it is deemed necessary to require the waste treatment business entity to continue his/her business due to a natural disaster or other inevitable circumstances.

(2) The amount of a penalty surcharge to be imposed under paragraph (1) based on each type and degree of violation and other necessary matters, shall be prescribed by

Presidential Decree.

(3) If a penalty surcharge imposed under paragraph (1) is not paid, the Minister of Environment shall collect the penalty surcharge in the same manner as delinquent national taxes are collected, while a Mayor/Do Governor shall collect such penalty surcharge in accordance with the Act on the Collection, etc. of Local Non-Tax Revenue. <Amended by Act No. 11998, Aug. 6, 2013>

(4) Penalty surcharges collected under paragraphs (1) and (3) shall be spent by each collecting authority for any of the purposes prescribed by Presidential Decree, including expansion of multi-regional waste treatment facilities.

#### Article 29 (Installation of Waste Treatment Facilities)

(1) Waste treatment facilities shall be installed in compliance with the standards prescribed by Ordinance of the Ministry of Environment, but no waste incineration facility shall be installed or operated, if its size is smaller than that prescribed by Ordinance of the Ministry of Environment.

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

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

(3) A person who intends to modify any of such significant matters specified by Ordinance of the Ministry of Environment, among the matters approved or reported under paragraph (2), shall obtain approval for such modification or submit a report on such modification, as applicable.

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

1. For a waste treatment facility installed by a waste management business entity: The administrative agency responsible for licensing under Article 25 (3);
2. For any waste treatment facility other than those falling under subparagraph 1: The administrative agency responsible for approval or reporting under Article 29 (2).

(5) The Minister of Environment or the head of the competent administrative agency shall notify a person who has filed a report or a report on modification of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (2), (3) or (4). <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(6) If the Minister of Environment or the head of the competent administrative agency fails to notify a person who has filed a report or a report on modification of whether his/her

report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph (5), the report shall be deemed accepted on the day following the last day of such period.

<Newly Inserted by Act No. 14783, Apr. 18, 2017>

#### Article 30 (Inspection of Waste Treatment Facilities)

- (1) A person who has completed the installation of any of the waste treatment facilities specified by Ordinance of the Ministry of Environment shall undergo an inspection conducted by any of the inspection agencies designated by Ordinance of the Ministry of Environment. The foregoing shall also apply to cases prescribed by Ordinance of the Ministry of Environment in which approval for, or a reporting on, modification thereof has been obtained or filed pursuant to Article 29 (3).
- (2) A person who has installed and operates a waste treatment facility under paragraph (1) shall undergo an inspection conducted by an inspection agency under paragraph (1) at a regular interval prescribed by Ordinance of the Ministry of Environment. In such cases, such waste treatment facility shall be deemed to have undergone a periodic inspection if it has undergone a technical diagnosis under Article 13 of the Environmental Technology and Industry Support Act within the period set for such inspection (excluding failure to comply with a request made under Article 13 (3) of the Environmental Technology and Industry Support Act). <Amended by Act No. 10615, Apr. 28, 2011; Act No. 11465, Jun. 1, 2012>
- (3) No one may use any waste treatment facility that has failed to pass an inspection under paragraph (1) or (2): Provided, That the foregoing shall not apply where such facility is operated for the purposes of inspection.
- (4) Procedures and standards for the inspection conducted under paragraphs (1) and (2), guidelines for the management of inspection institutions, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

#### Article 31 (Management of Waste Treatment Facilities)

- (1) Anyone who has installed and operates a waste treatment facility shall maintain and manage such facility in compliance with the standards for the management, as prescribed by Ordinance of the Ministry of Environment.
- (2) Anyone who has installed and operates a waste treatment facility specified by Presidential Decree shall take measurements of pollutants emitted or discharged from the waste treatment facility or arrange for a measuring institution specified by Ordinance of the Ministry of Environment to take such measurements, and shall submit a report on the results thereof to the Minister of Environment.
- (3) Anyone who has installed and operates a waste treatment facility specified by Presidential Decree shall examine the impact that the installation and operation of such waste treatment facility has on the neighboring area every three years, and shall submit a report on the results thereof to the Minister of Environment.
- (4) If a waste treatment facility fails to meet the standards for installation under Article 29 (1) or the standards for management under paragraph (1) of this Article in its installation, maintenance or management or fails to pass an inspection conducted pursuant to Article 30 (1) or (2), the Minister of Environment may order the person who has installed and operates the facility to take measures for improving the facility within

- such period as prescribed by Ordinance of the Ministry of Environment or suspend the operation of such facility (excluding cases where such facility fails to pass an inspection conducted pursuant to Article 30 (1) or (2)). <Amended by Act No. 10389, Jul. 23, 2010>
- (5) If a person to whom an order to improve or suspend the operation has been issued pursuant to paragraph (4) fails to perform as ordered or if it is found that such person is unable to perform as ordered, the Minister of Environment may order him/her to close the facility permanently. <Amended by Act No. 8613, Aug. 3, 2007>
- (6) If a person who has installed a landfill facility for wastes fails to close his/her facility permanently within the fixed period even after receiving an order for permanent closure under paragraph (5), the Minister of Environment may require a person prescribed by Presidential Decree to take procedures for the permanent closure, such as final soil covering, on his/her behalf and use, for such expenses, advance reserve of performance guarantee bond for follow-up management deposited by the person who has installed the landfill facility for wastes under Article 52 (1). In such cases, if the amount of expenses exceeds the amount of advance reserve of performance guarantee bond for follow-up management, the amount of excess may be collected from the person who has received such order. <Newly Inserted by Act No. 13038, Jan. 20, 2015>
- (7) If a person who has installed and operates a waste treatment facility fails to perform his/her obligation to take measurements of pollutants as required under paragraph (2) or fails to examine its impact on its neighboring areas as required under paragraph (3), the Minister of Environment may order the person to take such measurements of pollutants or to examine such impact within a period prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8613, Aug. 3, 2007>
- (8) The pollutants that shall be measured in accordance with paragraph (2), the cycle of such measurements, the reporting on the results thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.
- (9) The method and scope of examinations made under paragraph (3), the report on the results thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.
- (10) The Minister of Environment shall disclose the results of measurements taken under paragraph (2) and the results of examinations made under paragraph (3) to the public, as prescribed by the Official Information Disclosure Act.

Article 32 (Constructive Permissions, Reports, etc. under Other Statutes)

- (1) Where a person who intends to install a waste treatment facility has obtained approval under Article 29 (2) or has filed a report thereon, where he/she installs a waste treatment facility under subparagraph 1 of the said paragraph, or where he/she has obtained permission for a waste treatment business under Article 25 (3), he/she shall be deemed to have obtained or filed the following permission or reports in relation to the waste treatment facility: <Amended by Act No. 8466, May 17, 2007; Act No. 9770, Jun. 9, 2009; Act No. 10389, Jul. 23, 2010; Act No. 14532, Jan. 17, 2017>
1. Permission for, or reporting on, the installation of emission facilities under Article 23 (1) and (2) of the Clean Air Conservation Act;
  2. Permission for, or reporting on, the installation of discharge facilities under Article 33

- (1) and (2) of the Water Environment Conservation Act;
3. Permission for, or reporting on, the installation of emission facilities under Article 8 (1) and (2) of the Noise and Vibration Control Act.
- (2) Where a person who intends to install a waste treatment facility specified by Ordinance of the Ministry of Environment in order to concurrently treat food waste and livestock excreta obtains permission for a waste treatment business under Article 25 (3) or has obtained approval or has filed a report under Article 29 (2) and installs a waste treatment facility under Article 29 (2) 1, he/she shall be deemed to have obtained the following approval or permission in relation to the waste treatment facility: <Newly Inserted by Act No. 11465, Jun. 1, 2012>
1. Approval for the installation of a public treatment facility under Article 24 (3) of the Act on the Management and Use of Livestock Excreta;
  2. Permission for livestock excreta treatment business under Article 28 of the Act on the Management and Use of Livestock Excreta.
- (3) Where a person who has installed a waste treatment facility files a report under Article 29 (4), he/she shall be deemed to have filed each of the following reports: <Amended by Act No. 8466, May 17, 2007; Act No. 10389, Jul. 23, 2010; Act No. 14532, Jan. 17, 2017>
1. A report on the commencement of operation of emission facilities under Article 30 of the Clean Air Conservation Act;
  2. A report on the commencement of the operation of discharging facilities under Article 37 of the Water Environment Conservation Act;
  3. Deleted. <by Act No. 9770, Jun. 9, 2009>
- (4) Whenever the Minister of Environment or a Mayor/Do Governor intends to grant approval for the installation of a waste treatment facility or permission for a waste treatment business, he/she shall consult with the heads of relevant administrative agencies, if such facility or business involves any of the matters set forth in the subparagraphs of paragraphs (1) through (3). <Amended by Act No. 11465, Jun. 1, 2012>
- (5) The Minister of Environment shall establish and publicly notify the standards for processing constructive permission, approval, or reports under paragraphs (1) through (3). <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 11465, Jun. 1, 2012>
- Article 33 (Succession to Rights and Obligations, and Relevant Matters)
- (1) Where a waste treatment business entity, a person who has obtained approval for the installation of a waste treatment facility or has filed a report thereon under Article 29, or a person who has filed a report on waste treatment, or an exclusive container manufacturer transfers the waste treatment business, the waste treatment facility, a facility under Article 46 (1), or an exclusive container manufacturing business to another person, where such person dies; or where the corporation has merged with another corporation if such person is a corporation, the transferee, the heir, or the corporation surviving the merger or resulting from the consolidation shall succeed to the rights and obligations relating to such permission, approval, registration, or report. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>
- (2) Any person who has taken over a waste treatment facility, etc. from a waste treatment

business entity, a person who has obtained approval for the installation of such waste treatment facility or has filed a report thereon under Article 29, a person who has filed a report on waste treatment, or an exclusive container manufacturer by an auction under the Civil Execution Act; the realization of property under the Debtor Rehabilitation and Bankruptcy Act; the sale of seized property under the National Tax Collection Act, the Customs Act or the Local Tax Collection Act; or other procedures corresponding thereto, shall succeed to the rights and obligations relating to the relevant permission, approval, registration, or report. In such cases, permission or approval granted to the former waste treatment business entity or the person who has installed the waste treatment facility, the report filed by the person who has filed a report on waste treatment, or the registration of the exclusive container manufacturer, becomes void. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 14476, Dec. 27, 2016>

- (3) A person who has succeeded to the rights and obligations under paragraph (1) or (2) shall report the fact to the Minister of Environment or the competent Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 10389, Jul. 23, 2010>
- (4) Upon receipt of a report under paragraph (3), the Minister of Environment or a Mayor/Do Governor shall verify whether the reported fact is legitimate. <Newly Inserted by Act No. 11914, Jul. 16, 2013>
- (5) The Minister of Environment or a Mayor/Do Governor shall notify a person who has filed a report of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (3). <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (6) If the Minister of Environment or a Mayor/Do Governor fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to Acts or subordinate statutes related to processing of civil petitions within the period prescribed in paragraph (5), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (7) When the Minister of Environment or a Mayor/Do Governor intends to access the electronic computer network or data concerning criminal history records and certification of family relation in order to verify the legitimacy under paragraph (4), he/she may request cooperation from the head of the relevant agency, and the head of the relevant agency shall comply therewith, in the absence of just cause. <Newly Inserted by Act No. 11914, Jul. 16, 2013>

#### CHAPTER V GUIDANCE FOR AND SUPERVISION OVER WASTE TREATMENT BUSINESS ENTITIES, ETC.

##### Article 34 (Technical Manager)

- (1) A person who has installed and manages a waste treatment facility specified by Presidential Decree shall employ a technical manager who shall take charge of technical affairs relating to the maintenance and management of such facility (including where the person him/herself holds qualifications as a technical manager and takes charge of such technical management) or shall make a contract on technical



management services with a person specified by Presidential Decree as capable of taking charge of technical management.

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

Article 35 (Training Courses for Persons in Charge of Waste Treatment and Relevant Persons)

(1)Any of the following persons shall take training courses provided by an educational institution designated by Ordinance of the Ministry of Environment: <Amended by Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1.Any of the following persons in charge of waste treatment:

(a)Technical personnel who engage in waste treatment business;

(b)Technical managers of a waste treatment facility;

(c)Any other persons prescribed by Presidential Decree;

2.Technical personnel of an official test facility of wastes;

3.Technical personnel of an environmental assessment institute designated under Article 13-4.

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

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

Article 36 (Keeping of Books and Records)

(1)The following persons shall keep books, as prescribed by Ordinance of Ministry of Environment, to record the details of the wastes generated, discharged, and treated (which refer to the quantity of wastes generated, the status of recycled wastes, the performance of treatment, etc., in cases of persons referred to in subparagraph 1-2; refer to the record, etc. of production, sales volume, and quality inspection of exclusive containers, in cases of persons referred to in subparagraph 4-2; or refer to the quantity of products, containers, etc. generated, imported, and sold and the quantity retrieved and treated, in cases of persons referred to in subparagraph 7), and shall retain the records for three years (two years in cases falling under subparagraph 1) from the date of the last entry: Provided, That this may not apply where the electronic information processing program is used under Article 45 (2): <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

1.A person obligated to report his/her plan to restrain the generation of food wastes and properly treat such wastes under Article 15-2 (2);

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

1-3.A person obligated to obtain verification under Article 17 (5);

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

3.Deleted; <by Act No. 14783, Apr. 18, 2017>

4.A waste treatment business entity;

- 4-2. An exclusive container manufacturer;
- 5. A person who has installed and operates a waste treatment facility;
- 6. A person who has filed a report on waste treatment;
- 7. A manufacturer or an importer referred to in Article 47 (2).

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

(3) Whenever a person who operates the business referred to in Article 25 (5) 6 or 7 or a person falling under Article 46 (1) 1 supplies recycled products or materials to his/her client, he/she shall enter the information on the supplied quantity, the client, etc. into the electronic information processing program established and operated under Article 45 (2), as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 15103, Nov. 28, 2017>

#### Article 37 (Reporting on Shutdown, Closure, etc. of Business)

(1) When a waste treatment business entity, a person who has filed a report on waste treatment, an official test facility of wastes, or an exclusive container manufacturer temporarily shuts down, permanently closes down, or resumes his/her business, he/she shall file a report thereon with the competent administrative agency for the related permission, reporting, designating or registering as prescribed by Ordinance of the Ministry of Environment. The same shall also apply to an environmental assessment institute. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

(2) The Minister of Environment or a Mayor/Do Governor shall notify a person who has filed a report of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (1). <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(3) If the Minister of Environment or a Mayor/Do Governor fails to notify a person who has filed a report of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph (2), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>

(4) A person who intends to file a report on temporary shutdown or permanent closedown of his/her business under paragraph (1) (limited to a waste treatment business entity and a person who has filed a report on waste treatment) shall treat all the wastes stored by him/her, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>

#### Article 38 (Submission of Reports)

(1) The following persons shall submit an annual report on the wastes generated and treated, to the head of the competent administrative agency for the related permission, approval, reporting, or verification by no later than the end of February of the following year, as prescribed by Ordinance of the Ministry of Environment:  
<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 14783, Apr. 18, 2017>

- 1. A person who has installed and operates a waste treatment facility under Article 4 or 5;
- 1- A person who has reported his/her plan to restrain the generation of food wastes and
- 2. properly treat such wastes under Article 15-2 (2);

- 2. A person who has filed a report as an industrial waste discharger under Article 17 (2);
  - 3. A person who has obtained verification under Article 17 (5);
  - 3-2. Deleted; <by Act No. 14783, Apr. 18, 2017>
  - 4. A waste treatment business entity;
  - 5. A person who has filed a report on waste treatment.
- (2) A person registered for exclusive container manufacturing business under Article 25-2 (1) shall submit a report on the production, delivery from warehouses, and quality inspection of exclusive containers to the head of the registration agency by no later than the end of February, the following year, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13038, Jan. 20, 2015>
- (3) If a person obligated to submit a report under paragraph (1) or (2) fails to submit it within the prescribed period, the Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order the person to submit it within the prescribed period. <Amended by Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>
- (4) A person obligated to submit a report under paragraph (1) or (2) may request in writing, by no later than January 15 of each year, the person to whom he/she has entrusted to treat industrial wastes to provide him/her with data and information necessary for preparing the report under paragraph (1), and the person so entrusted shall, upon receiving such request, provide him/her with such data and information in writing by no later than January 31 of the year. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>
- (5) An official test facility of wastes shall submit an annual report on the testing and analysis of wastes by the end of February, the following year to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13038, Jan. 20, 2015>

#### Article 39 (Reporting, Inspection, etc.)

- (1) The Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu may require relevant persons to submit such report or data as prescribed by Ordinance of the Ministry of Environment within the extent necessary for the enforcement of this Act, and may also assign public officials in charge to enter an office or a place of business of such persons or a bonded area under Article 154 of the Customs Act to inspect the documents, facilities, equipment, etc. therein. <Amended by Act No. 10389, Jul. 23, 2010>
- (2) Public officials who enter an office or a place of business for the purpose of an inspection under paragraph (1) shall carry with them identification verifying their authority and show it to interested persons.
- (3) In cases of an inspection under paragraph (1), an inspection plan including the date and time, purpose, objects, etc. of the inspection shall be notified to the business entity subject to such inspection by no later than seven days prior to the inspection: Provided, That this shall not apply where the inspection is urgently required or it is deemed that a prior notice may make it impracticable to attain the objective of the inspection. <Newly Inserted by Act No. 10389, Jul. 23, 2010>

#### Article 39-2 (Issuance of Order for Treatment of Wastes to Waste Dischargers)

- (1) Where an industrial waste discharger keeps wastes in excess of the period of storage

set out in the standards for and methods of waste treatment under Article 13, the Minister of Environment or the Mayor/Do Governor may order such industrial waste discharger to treat such wastes within a specified period.

- (2) Where some wastes still remain not properly treated even after an order for treatment has been issued under paragraph (1) to the industrial waste discharger, the Minister of Environment or the Mayor/Do Governor may order a person who succeeds to the rights and obligations pursuant to Article 17 (8) or (9) to treat such wastes within a specified period. <Amended by Act No. 14783, Apr. 18, 2017>

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

Article 39-3 (Issuance of Order for Treatment of Wastes to Waste Treatment Business Entities, etc.)

The Minister of Environment or a Mayor/Do Governor who seeks to issue an order for the revocation of permission or suspension of business under Article 27 to a waste treatment business entity or to issue an order for the closedown of facilities or prohibition of waste treatment under Article 46 (7) to a person who has filed a report on waste treatment shall order the waste treatment business entity or the person who has filed a report on waste treatment to treat the wastes kept by him/her within a specified period.

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

Article 40 (Treatment of Abandoned Wastes by Waste Treatment Business Entities, etc.)

- (1) Upon obtaining permission under Article 25 (3) or completing a report under Article 46 (1), waste treatment business entities specializing in industrial wastes and persons who have filed a report on waste treatment shall take any of the following measures before the commencement of business to prevent wastes from remaining abandoned: Provided, That the foregoing shall not apply to persons specified by Ordinance of the Ministry of Environment, among persons who have filed a report on waste treatment, in consideration of the possibility of abandonment of wastes, etc.: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

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

- (2) If a waste treatment business entity or a person who has filed a report on waste treatment under paragraph (1) suspends his/her business or discontinues operation of his/her business due to the closure, etc. of business (excluding the discontinuance of operation following an order for the revocation of permission or suspension of business under Article 27 or for the closure of facilities or prohibition of waste treatment under Article 46 (7)) in excess of the period prescribed by Presidential Decree, the Minister of Environment or the Mayor/Do Governor may order the waste treatment business entity or the person who has filed a report on waste treatment to treat the wastes in his/her possession within a given period. <Amended by Act No. 10389, Jul. 23, 2010>

- (3) If some wastes remain untreated even after an order for treatment has been issued under paragraph (2) or Article 39-3 to a waste treatment business entity or a person who has filed a report on waste treatment, the Minister of Environment or the

competent Mayor/Do Governor may order a person who has succeeded to the rights and obligations pursuant to Article 33 (1) or (2) to treat those wastes within a given period. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(4) If a person in receipt of an order issued under paragraph (2) or (3) fails to comply with the order, the Minister of Environment or the Mayor/Do Governor may take any of the following measures for the treatment of the wastes in his/her possession (hereinafter referred to as "abandoned wastes"): Provided, That the foregoing shall not apply where a person who falls under the proviso to paragraph (1) fails to comply with such order: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

1. If he/she has paid a certain amount of contribution under paragraph (1) 1: To issue an order to treat the abandoned waste to the mutual aid association for waste treatment business under Article 41;

2. If he/she has purchased an insurance policy under paragraph (1) 2: To treat the abandoned wastes and request the insurer to pay the insurance proceeds;

3. Deleted. <Amended by Act No. 8613, Aug. 3, 2007>

(5) The effective term of the insurance policy, the timing for purchasing such insurance policy, the guidelines for calculation of insurance amount under paragraph (1) 2, and any other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 8613, Aug. 3, 2007>

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

(7) If any of the following applies to a person who has taken a measure under paragraph (1) 2, he/she shall renew the insurance policy under subparagraph 2 of the said paragraph (hereinafter referred to as "performance guarantee insurance"), as prescribed by Presidential Decree: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

1. When the effective term of the performance guarantee insurance expires;

2. When it is necessary to change the insured amount of coverage of the performance guarantee insurance because the type or permissible quantity of possession of wastes subject to waste treatment as permitted under Article 25 (3) or the unit price for such waste treatment is changed or the quantity of wastes in his/her possession exceeds that under paragraph (9) of the said Article.

(8) If any person obligated to renew the performance guarantee insurance policy under paragraph (7) fails to do so, the Minister of Environment or the Mayor/Do Governor may order the person to renew the performance guarantee insurance policy. <Amended by Act No. 8613, Aug. 3, 2007>

(9) Any person who has purchased a performance guarantee insurance policy or has renewed it in accordance with paragraph (7) or (8) shall submit the original copy of insurance policy proving the renewal to the Minister of Environment or the Mayor/Do Governor, as prescribed by Presidential Decree.

(10) Any person who intends to substitute any of the measures under the subparagraphs of paragraph (1) for any other measure under the said subparagraphs shall notify the Minister of Environment or the Mayor/Do Governor of his/her substituting measure without delay after he/she takes such measure.

(11)When the Minister of Environment or the Mayor/Do Governor orders the mutual aid association for waste treatment business to treat abandoned wastes pursuant to paragraph (4) 1, he/she shall issue such order to the extent prescribed by Presidential Decree in regard to their quantity and the period of time for such treatment.  
<Amended by Act No. 10389, Jul. 23, 2010>

(12)If the mutual aid association for waste treatment business under Article 41 has treated wastes in excess of the contribution paid by any waste treatment business entity or any person who has filed a report on waste treatment pursuant to paragraph (1) 1, it may exercise the right to demand a reimbursement as regards the amount in excess against the waste treatment business entity, the person who has filed a report on waste treatment, or the person who has succeeded to the rights and obligations pursuant to Article 33 (1) or (2). <Newly Inserted by Act No. 10389, Jul. 23, 2010>

#### Article 41 (Establishment of Mutual Aid Associations for Waste Treatment Business)

(1)Waste treatment business entities and persons who have filed a report on waste treatment may establish a mutual aid association for the waste treatment business (hereinafter referred to as the "Association") in order to underwrite various guarantees to waste treatment businesses and to guarantee the treatment of abandoned wastes.  
<Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 15103, Nov. 28, 2017>

(2)The Association shall be a corporation.

(3)The Association shall be duly formed upon the completion of registration for its establishment with the registry office having jurisdiction over its principal place of business.

#### Article 42 (Affairs of Association)

The Association may perform the following affairs: Provided, That an association established by waste treatment business entities specializing in treatment of domestic wastes and persons who have filed a report on waste treatment shall be eligible to perform only the affairs prescribed in subparagraph 2: <Amended by Act No. 15103, Nov. 28, 2017>

1. Mutual aid business to treat wastes abandoned by its members;
2. Affairs to provide bid bonds, performance bonds, and advance payment bonds necessary for its members to operate waste treatment business.

[This Article Wholly Amended by Act No. 11914, Jul. 16, 2013]

#### Article 43 (Contributions)

- (1)Each member of the Association shall pay such contribution required for the mutual aid business under Article 42 to the Association.
- (2)The guidelines for computing a contribution under paragraph (1), the procedure for the payment of such contribution, and other necessary matters shall be stipulated by the Association's articles of association.
- (3)No member of the Association may get a refund of his/her contribution paid under Article 40 (1) 1 if he/she has any abandoned wastes, in violation of an order issued under Article 40 (2): Provided, That this shall not apply where he/she treats such abandoned wastes before the Minister of Environment or the competent Mayor/Do

Governor issues an order for the treatment thereof pursuant to Article 40 (4) 1. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012>

Article 44 (Application Mutatis Mutandis of the Civil Act)

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

#### CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 45 (Electronic Processing of Waste Delivery and Receipt)

(1)The Minister of Environment shall establish and operate an electronic information processing organization (hereinafter referred to as "electronic information processing organization") to manage the following information and records (hereinafter referred to as "electronic information"): <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013; Act No. 14783, Apr. 18, 2017>

- 1.Information entered under Article 14 (6) and required for the calculation of charges for food wastes;
- 2.Information entered under Article 18 (3) about the transfer and receipt of wastes;
- 3.Records entered under paragraph (3).

(2)The Minister of Environment shall establish and operate an electronic information processing program (hereinafter referred to as "electronic information processing program") to efficiently process electronic information. In such cases, the costs necessary for electronic information processing may be wholly or partially collected from users of such program. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(3)When an industrial waste discharger has recorded the details of affairs prescribed by Presidential Decree, such as reports, on the electronic information processing program, as prescribed by Ordinance of the Ministry of Environment, such duties are deemed performed. <Amended by Act No. 8613, Aug. 3, 2007>

(4)The Minister of Environment shall retain electronic information for three years from the date it is recorded. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(5)The Minister of Environment, the Mayor/D<sup>o</sup> Governor, or the person who has transmitted an electronically processed record relating to affairs under paragraph (3) may request the head of the electronic information processing organization in writing to provide him/her with the data relevant to the electronically processed records concerned, and the head of the electronic information processing organization shall, upon receipt of such request, then provide such data within the period prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 8613, Aug. 3, 2007>

Article 46 (Reporting on Waste Treatment)

(1)Any of the following persons shall have facilities and equipment meeting the standards prescribed by Ordinance of the Ministry of Environment and file a report thereon with the competent Mayor/D<sup>o</sup> Governor: <Amended by Act No. 10389, Jul. 23, 2010>

- 1.A person who recycles wastes, such as animal or vegetable remnants in a manner that they are used as compost for his/her own farmland, as prescribed by Ordinance of the Ministry of Environment;
- 2.A person who collects or transports waste papers, steel scrap, or other wastes prescribed by Ordinance of the Ministry of Environment or recycles them in the manner

- prescribed by Ordinance of the Ministry of Environment, with a place of business of such size as prescribed by Ordinance of the Ministry of Environment;
3. A person who collects or transports waste tires, waste home appliances, or other wastes prescribed by Ordinance of the Ministry of Environment.
- (2) If a person who has filed a report on waste treatment intends to modify any of the matters prescribed by Ordinance of the Ministry of Environment, he/she shall file a report thereon with the competent Mayor/Do Governor. <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (3) A Mayor/Do Governor shall notify a person who has filed a report or a report on modification of whether his/her report is accepted, within 20 days from the date his/her report is received pursuant to paragraph (1) or (2). <Amended by Act No. 14783, Apr. 18, 2017>
- (4) If a Mayor/Do Governor fails to notify a person who has filed a report or a report on modification of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph (3), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (5) A person who has filed a report on waste treatment under paragraph (1) 1 or 2 may collect and transport wastes for recycling without obtaining permission for waste collection and transportation business under Article 25 (3) or filing a report under paragraph (1) 2. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>
- (6) A person who has filed a report on waste treatment shall comply with the rules prescribed by Ordinance of the Ministry of Environment, such as the treatment of wastes in the manner reported. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>
- (7) A Mayor/Do Governor may issue an order to close related facilities or to prohibit carrying-in or treating wastes (hereinafter referred to as "prohibition of treatment") for a period not exceeding six months, if a person who has filed a report on waste treatment falls under any of the following circumstances: <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13411, Jul. 20, 2015>
1. Where he/she fails to comply with the rules under paragraph (6);
  2. Where he/she fails to comply with the standards for and methods of waste treatment under Article 13 or the principles of recycling wastes and matters to be observed under Article 13-2;
  3. Where he/she fails to take any of the measures required under the main sentence of Article 40 (1).
- (8) No person on whom a disposition for closure of facilities has been issued pursuant to paragraph (7) shall file a report on waste treatment under paragraph (1) again within one year from the date such disposition has been issued. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

#### Article 46-2 (Imposition of Penalty Surcharges on Persons who Have Reported on Waste Treatment)

(1)



Where a person who has filed a report on waste treatment falls under any subparagraph of Article 46 (7) so the competent Mayor/Do Governor shall order him/her to prohibit waste treatment, and the Mayor/Do Governor deems that the prohibition of waste treatment falls under any of the following subparagraphs, the Mayor/Do Governor may impose a penalty surcharge not exceeding 20 million won, in lieu of the prohibition of waste treatment, as prescribed by Presidential Decree:  
<Amended by Act No. 10389, Jul. 23, 2010>

1. Where the prohibition of waste treatment concerned prevents a customer of the relevant treatment from entrusting waste treatment to a waste treatment business entity, resulting in wastes accumulated in the customer's place of business, so the customer's business is likely to suffer enormous impediment;
  2. Where a health hazard occurs, or is likely to occur, to the neighboring residents due to environmental pollution caused by wastes stored by the person who has filed a report on waste treatment, or wastes left stored by a customer of the relevant treatment;
  3. Where it is deemed necessary to allow the waste treatment business entity to continue his/her business due to a natural disaster or any other unavoidable cause.
- (2) The amount of a penalty surcharge, based on each type and degree of violation, subject to the imposition of a penalty surcharge under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.
- (3) If a penalty surcharge imposed under paragraph (1) is not paid, the penalty surcharge shall be collected in accordance with the Act on the Collection, etc. of Local Non-Tax Revenue. <Amended by Act No. 11998, Aug. 6, 2013>
- (4) Penalty surcharges collected under paragraph (1) and (3) shall become the revenue of the relevant City/Do, and shall be used only for any of the purposes of use prescribed by Presidential Decree, such as the expansion of multi-regional waste treatment facilities.

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

Article 47 (Measures for Retrieving Wastes)

- (1) In manufacturing, processing, importing, or selling products, the materials, containers, and products which have been used in such manufacturing, processing, importation, or sale become wastes, every business entity shall ensure that such wastes are easily retrieved and treated.
- (2) Where any material, container, or product referred to in paragraph (1) contains any substance specified by Ordinance of the Ministry of Environment among the air pollutants, water contaminants, and toxic substances as defined in Article 2 of the Clean Air Conservation Act, Article 2 of the Water Environment Conservation Act, and Article 2 of the Chemicals Control Act, or where wastes are generated from any material, container, or product manufactured, processed, or sold in large quantities, the relevant business entity shall retrieve and treat such material, container, or product in accordance with methods publicly notified by Ordinance of the Ministry of Environment for retrieving and treating such wastes. In this regard, when the Minister of Environment intends to publicly notify such methods, he/she shall consult in advance with the heads of relevant central administrative agencies. <Amended by Act No. 8466, May 17, 2007; Act No. 11862, Jun. 4, 2013; Act No. 14532, Jan. 17, 2017>

(3) If a business entity fails to retrieve and treat wastes in accordance with methods publicly notified under paragraph (2), the Minister of Environment may recommend him/her to take measures necessary for retrieving and treating them within a given period.

(4) If a person in receipt of such recommendation under paragraph (3) fails to do as recommended, the Minister of Environment may order him/her to take measures required for retrieving and treating such wastes properly.

#### Article 48 (Orders to Take Measures for Treatment of Wastes)

If it is discovered that wastes have been treated in a manner inconsistent with the standards for and methods of waste treatment under Article 13 or the principles of recycling wastes and matters to be observed under Article 13-2, or have been treated or buried, in violation of Article 8 (1) or (2), the Minister of Environment, the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu may order any of the following persons to change the method of treating such wastes, to suspend the treatment or carrying-in of wastes, or to take any other necessary measures, specifying a period: <Amended by Act No. 13411, Jul. 20, 2015>

1. The person who has treated such wastes;
2. The person who has entrusted another person to treat such wastes without verification required under Article 17 (1) 3;
3. The owner of the land in which such wastes have been dumped or buried, if the landowner him/herself has treated such wastes in the land or has allowed another person to use the land for treatment of such wastes.

[This Article Wholly Amended by Act No. 10389, Jul. 23, 2010]

#### Article 48-2 (Presentation of Opinions)

When the Minister of Environment, a Mayor/Do Governor or the head of a Si/Gun/Gu intends to issue an order under Article 39-2, 39-3, 40 (2) or (3), or 48, he/she shall notify the relevant person in advance of the grounds for the order to give him/her an opportunity to present his/her opinion about it: Provided, That the foregoing shall not apply where such order is urgently required for the protection of water supply sources or the conservation of environment.

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

#### Article 49 (Vicarious Execution)

Where a person to whom an order has been issued to take a measure under Article 39-2, 39-3, 40 (2) or (3), or 48 fails to comply with such order, the Minister of Environment, the competent Mayor/Do Governor, or the head of the competent Si/Gun/Gu may take such measures vicariously in accordance with the Administrative Vicarious Execution Act and recover the expenses incurred in taking such measures. <Amended by Act No. 10389, Jul. 23, 2010>

#### Article 50 (Follow-Up Management of Waste Treatment Facilities)

(1) If a person who has installed a waste treatment facility upon obtaining approval for installation or filing a report on installation under Article 29 (2) (including persons who have obtained permission for waste management business under Article 25) intends to discontinue the operation of the facility installed thereby or close such facility, he/she shall file a report thereon with the Minister of Environment, as prescribed by Ordinance

- of the Ministry of Environment. In such cases, where a person intends to discontinue the operation of a landfill facility for wastes or close such facility, he/she shall successfully pass an inspection conducted by an inspection agency under Article 30 (1), as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013>
- (2) Upon receipt of a report pursuant to the former part of paragraph (1), the Minister of Environment shall notify a person who has filed the report of whether his/her report is accepted, within the period prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (3) If the Minister of Environment fails to notify a person who has filed a report or a report on modification of whether his/her report is accepted or whether the processing period is extended pursuant to statutes related to processing of civil petitions within the period prescribed in paragraph (2), the report shall be deemed accepted on the day following the last day of such period. <Newly Inserted by Act No. 14783, Apr. 18, 2017>
- (4) Where the result of an inspection conducted under paragraph (1) turns out to be a failure, the Minister of Environment may order the person who has installed and operates the relevant facility to improve the facility within a fixed period, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13038, Jan. 20, 2015>
- (5) Any of the following persons shall implement follow-up management, such as installation and operation of facilities for the treatment of leachate, as prescribed by Ordinance of the Ministry of Environment, in order to prevent such facility from causing hazards to the health or property of residents or its surrounding environment: <Amended by Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>
1. A person who has filed a report under paragraph (1) and discontinues the operation of any of the landfill facilities for wastes prescribed by Presidential Decree or closed down such facility permanently;
  2. A person who has received an order to close down the facility permanently pursuant to Article 31 (5) while using landfill facilities for wastes prescribed by Presidential Decree.
- (6) A person obligated to implement follow-up management under paragraph (5) shall undergo a periodic inspection conducted by an inspection agency under Article 30 (1) on whether follow-up management has been properly implemented, as prescribed by Ordinance of the Ministry of Environment. In such cases, a waste treatment facility shall be deemed to have passed a periodic inspection if it has undergone a technical diagnosis under Article 13 of the Environmental Technology and Industry Support Act (excluding where a person fails to comply with a request made under Article 13 (3) of the Environmental Technology and Industry Support Act). <Newly Inserted by Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>
- (7) If a person obligated to implement follow-up management under paragraph (5) fails to perform his/her obligations properly or fails to pass a periodic inspection conducted under paragraph (6), the Minister of Environment may order the person to take corrective measures within a given period, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>
- (8)

If the person to whom an order has been issued under paragraph (7) fails to take any corrective measure within the given period, the Minister of Environment may assign a person designated by Presidential Decree to take the corrective measures on behalf of the person, and may spend the performance bond for follow-up management, the performance guarantee insurance money, or the advance reserve for the follow-up management guarantee bond paid under Article 51 or 52 (hereinafter referred to as "performance bond for follow-up management or similar") for expenses incurred in taking such measures. In such cases, if such expenses exceed the amount of the performance bond for follow-up management or similar, the Minister of Environment may collect the excess from the person to whom such order has been issued.

<Amended by Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

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

(1) If it is found that a landfill facility for wastes subject to follow-up management under Article 50 (5) may cause serious hazards to the health or property of residents or its surrounding environment due to leakage of leachate, etc. after the discontinuance of its operation or permanent closure of the facility, the Minister of Environment may, in order to secure the guarantee for discontinuance of its operation (including permanent closure) and the performance of the follow-up management (hereinafter referred to as "follow-up management, etc."), require the person who installed such facility to deposit all the necessary expenses incurred in relation to follow-up management, etc. in the Environment Reconstruction Special Account under the Framework Act on Environmental Policy, as prescribed by Presidential Decree: Provided, That in any of the following cases, the person may be exempted from the obligation to deposit necessary follow-up management expenses or may be allowed to substitute such deposit of all or some of the follow-up management expenses, as prescribed by Presidential Decree:  
<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

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

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

(3) The performance guarantee bond for follow-up management under paragraph (2) shall be collected in the same manner as delinquent national taxes are collected if it has not been paid on or before the deadline for payment.

(4) If a person who installed a waste landfill facility has completely or partially performed his/her obligations for follow-up management, which he/she is obligated to perform each year, the Minister of Environment shall refund a portion of the performance

guarantee bond for follow-up management, equivalent to the amount calculated according to the guidelines prescribed by Presidential Decree in proportion to the amount of his/her performance. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

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

(1)The Minister of Environment may require, as prescribed by Presidential Decree, a person who has installed a landfill facility for wastes as prescribed by Presidential Decree to deposit, in advance, all the necessary expenses for the follow-up management, etc. in the Environment Reconstruction Special Account under the Framework Act on Environmental Policy, as prescribed by Presidential Decree, before the volume of buried wastes exceeds 50/100 of the permitted disposal capacity or the modification thereto granted under Article 25 (3) and (11) or in the approval or the modification thereto granted under Article 29 (2) and (3): Provided, That the advance deposit of performance guarantee bond for follow-up management may be substituted by any of the following cases: <Amended by Act No. 13038, Jan. 20, 2015>

1. Where an insurance for guarantee of follow-up management, etc. is purchased;
2. Where any collateral (excluding landfill facilities for wastes) corresponding to all or part of expenses required for follow-up management, etc. is provided.

(2)If the amount of an advance reserve deposited by a person who has installed a facility under paragraph (1) exceeds the performance guarantee bond for follow-up management under Article 51 (1), the Minister of Environment shall refund the difference, as prescribed by Presidential Decree. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

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

The performance guarantee bond for follow-up management and an advance reserve under Articles 51 and 52 shall be used for the following purposes: <Amended by Act No. 13038, Jan. 20, 2015>

1. Refunding the performance guarantee bond for follow-up management and the advance reserve for follow-up management of a landfill facility;
2. Vicariously executing the follow-up management of a landfill facility;
3. Vicariously executing the final soil covering referred to in Article 31 (6);
4. Other purposes of use prescribed by Presidential Decree.

Article 54 (Restrictions, etc. on Use of Land Subsequent to Discontinuance of Operation or Closure)

If it is found that a landfill facility for wastes subject to follow-up management under Article 50 (5) is likely to cause a serious hazard to the health or property of residents or its surrounding environment because leachate leaks therefrom, embankments are washed away, or any other event occurs after the operation of the facility is discontinued or it is closed, the Minister of Environment may place a restriction on the use of the land on which the facility is situated, as prescribed by Presidential Decree, by requiring the person who holds the ownership in, or any right, other than the ownership in, the land to use the land only for growing trees, developing grasslands, or installing park facilities under subparagraph 4 of Article 2 of the Act on Urban Parks, Green Areas, Etc., sports facilities

under subparagraph 1 of Article 2 of the Installation and Utilization of Sports Facilities Act, cultural facilities under Article 2 (1) 3 of the Culture and Arts Promotion Act, or new and renewable energy facilities under subparagraph 3 of Article 2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy during the period set by Presidential Decree. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11965, Jul. 30, 2013; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

#### Article 55 (Coordination in Waste Treatment Services)

- (1) Whenever the Minister of Environment or the Mayor/Do Governor coordinates waste management services with local governments pursuant to Article 4 (2) or (4), he/she may request them to jointly use a certain waste treatment facility, including a waste landfill facility, if necessary to do so, and may also request them to prepare support measures necessary for conserving and improving the living environment of the area in which such facility is installed. In such cases, the relevant local government shall comply with such requests, in the absence of special circumstances.
- (2) In order to efficiently coordinate waste treatment services with local governments pursuant to paragraph (1), the Minister of Environment may inspect and evaluate the actual status of waste treatment services and the installation and operation of waste treatment facilities. <Newly Inserted by Act No. 11914, Jul. 16, 2013>
- (3) Further details about the methods and procedures for evaluations conducted under paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11914, Jul. 16, 2013>

#### Article 56 (State Subsidies, etc.)

- (1) The State may fully or partially subsidize local governments, within budgetary limits, for expenses incurred in installing waste treatment facilities.
- (2) The Minister of Environment may consider the results of the evaluation conducted under Article 55 (2) when he/she intends to subsidize expenses pursuant to paragraph (1). <Newly Inserted by Act No. 11914, Jul. 16, 2013>

#### Article 57 (Assistance for Expenses to Be Incurred for Installation of Waste Treatment Facilities)

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

#### Article 58 (Reporting on Performance of Waste Management)

- (1) The Mayors/Do Governors shall report the performance of waste management conducted within their jurisdiction during the preceding year to the Minister of Environment by no later than March 31 as prescribed by Ordinance of the Ministry of Environment.
- (2) The Minister of Environment may require the Mayors/Do Governors or the heads of Sis/Guns/Gus to report the performance of guidance and control conducted in relation to the affairs of waste management within the extent required for the enforcement of this Act.

#### Article 58-2 (Korea Waste Association)

- (1) Persons specified by Presidential Decree, including persons who have installed and operate waste treatment facilities, waste treatment businesses, and waste-related organizations, may establish the Korea Waste Association (hereafter referred to as the "Association") with approval from the Minister of Environment in order to facilitate the

development of the waste-related industry, including surveys and research on wastes, the development of technologies, and the dissemination of information. <Amended by Act No. 11914, Jul. 16, 2013>

(2)The Association shall be incorporated as a corporation.

(3)The Association shall perform the following affairs: <Newly Inserted by Act No. 11914, Jul. 16, 2013>

- 1.Guidance, surveys, and research for the development of the waste industry;
- 2.Public relations activities, education, and training regarding wastes;
- 3.Any other affairs specified by Presidential Decree.

(4)The organization and management of the Association and other necessary matters shall be prescribed by Presidential Decree to the extent necessary for achieving the objectives of its establishment. <Amended by Act No. 11914, Jul. 16, 2013>

(5)Except as otherwise provided for in this Act, the provisions concerning incorporated associations in the Civil Act shall apply mutatis mutandis to the Association.

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

#### Article 59 (Fees)

(1)Any of the following persons shall pay a fee, as prescribed by Ordinance of the Ministry of Environment: <Amended by Act No. 13411, Jul. 20, 2015; Act No. 14783, Apr. 18, 2017>

- 1.A person who intends to undergo an environmental assessment of recycling under Article 13-3 (1);
- 1- A person who intends to entrust the preparation of hazards information data pursuant to Article 18-2 (1) and (2);
- 2.A person who intends to obtain permission under Article 25 (3);
- 3.A person who intends to have his/her exclusive container manufacturing business registered under Article 25-2 (1);
- 4.A person who intends to undergo an inspection under Article 30 (1) or (2).

(2)Any of the following institutions may collect a fee, as determined and publicly notified by the Minister of Environment, from persons prescribed in the relevant subparagraph: <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>

- 1.An inspection institution under Article 25-2 (6): Persons who intends to undergo an inspection of exclusive containers;
- 2.An official test facility of wastes: Persons who intend to entrust the testing and analysis of wastes.

#### Article 60 (Criteria for Administrative Dispositions)

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

#### Article 61 (Hearing)

The Minister of Environment or the Mayor/Do Governor shall, whenever he/she intends to make any of the following dispositions, hold a hearing: <Amended by Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

- 1.To revoke approval under Article 13-3 (6);

- 2.To revoke designation of an environmental assessment institute under Article 13-4 (6);
- 3.To revoke designation of an official test facility of wastes under Article 17-5;
- 4.To revoke permission under Article 27;
- 5.To revoke registration under Article 27-2;
- 6.To issue an order to close down a waste treatment facility under Article 31 (5);
- 7.To order to close down waste treatment facilities under Article 46 (7).

#### Article 62 (Delegation and Entrustment of Authority or Affairs)

- (1)Part of the authority vested by the Minister of Environment under this Act may be delegated to each Mayor/Do Governor or the head of an affiliated agency, as prescribed by Presidential Decree. <Amended by Act No. 11465, Jun. 1, 2012>
- (2)Duties of the Minister of Environment or the head of a local government under this Act may be partially entrusted to the Korea Environment Corporation, associations, or other relevant specialized institutions, as prescribed by Presidential Decree. <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>
- (3)The Minister of Environment or the head of a local government may, if deemed necessary for the efficient management and operation of a waste treatment facility or similar installed under this Act, entrust a person capable of managing and operating it to implement such management and operation, as prescribed by Ordinance of the Ministry of Environment (ordinance of the relevant local government where the head of the local government entrusts such management and operation). <Amended by Act No. 10389, Jul. 23, 2010>

#### Article 62-2 (Legal Fiction as Public Officials for Purposes of Penalty Provisions)

Any person, other than a public official from among those who perform the duties entrusted pursuant to Article 62 (2) or (3) shall be deemed a public official for the purposes of the penalty provisions of Articles 129 through 132 of the Criminal Act.

[This Article Newly Inserted by Act No. 10389, Jul. 23, 2010]

#### Article 62-3 (Regulatory Review)

The Minister of Environment shall examine the appropriateness of the following matters every third anniversary counting from the following base dates (referring to the period that ends on the day immediately before each relevant base date of every third year) from each relevant base date, and take measures for improvement, etc.:

- 1.Matters concerning the approval for recycling of wastes under Article 13-3 (3): July 1, 2016;
- 2.Matters concerning the revocation of approval for recycling of wastes under Article 13-3 (6): July 1, 2016.

[This Article Newly Inserted by Act No. 13411, Jul. 20, 2015]

### CHAPTER VII PENALTY PROVISIONS

#### Article 63 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than seven years, or by a fine not exceeding 70 million won. In such cases, imprisonment with labor and a fine may be imposed concurrently: <Amended by Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13411, Jul. 20, 2015>

- 1.A person who treats industrial wastes in violation of Article 8 (1);
- 2.A person who buries or incinerates industrial wastes, in violation of Article 8 (2);



3. A person who recycles any wastes without obtaining approval for recycling of wastes, in violation of Article 13-3 (3).

Article 64 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than five years, or by a fine not exceeding 50 million won: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. A person who continues to recycle wastes in spite of the revocation of approval under Article 13-3 (6);
2. A person who obtains designation or designation with modification by deceit or other wrongful means;
3. A person who conducts any environmental assessment of recycling without obtaining designation required under Article 13-4 (1);
4. A person who manufactures or distributes standard waste bags and marks without a contract executed for vicarious implementation under Article 14 (7);
5. A person who operates a waste treatment business without permission under Article 25 (3);
6. A person who has obtained permission for a waste treatment business under Article 25 (3) by fraudulent or other wrongful means;
7. A person who manufactures exclusive containers without being registered under Article 25-2 (1);
8. A person who are registered for exclusive container manufacturing business under Article 25-2 (1) by fraudulent or other wrongful means;
9. A person who fails to comply with an order for closure issued under Article 31 (5).

Article 65 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 30 million won: Provided, That imprisonment with labor and a fine may be imposed concurrently in cases falling under subparagraph 1, 6 or 11: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. A person who buries wastes, in violation of Article 13;
2. A person who prepares a report on environmental assessment of recycling by deceit or other wrongful means and submits it to the Minister of Environment, in violation of Article 13-3 (3);
3. A person who modifies any significant matters without obtaining designation with modification, in violation of Article 13-4 (2);
4. A person who allows another person to conduct an environmental assessment of recycling by using his/her name or trade name or lends a certificate of designation as an environmental assessment institute, in violation of Article 13-4 (4);
5. A person who conducts an environmental assessment of recycling by using another person's name or trade name or borrows a certificate of designation as an environmental assessment institute;
6. A person who collects, transports, or recycles food wastes among industrial wastes, in

- violation of Article 15-2 (3);
7. A person who obtains designation or designation with modification as an official test facility of wastes by deceit or other wrongful means;
  8. A person who performs affairs of an official test facility of wastes without obtaining designation or designation with modification under Article 17-2 (1) or (3);
  9. An official test facility of wastes that conducts testing and analysis of wastes during a period of business suspension fixed under Article 17-5 (2);
  10. An official test facility of wastes that intentionally issues a report on the results of analysis of wastes differently from the fact;
  11. A person who treats industrial wastes, in violation of Article 18 (1);
  12. and 13. Deleted; <by Act No. 14783, Apr. 18, 2017>
  14. A person who amends permitted matters of waste treatment business without obtaining permission for modification under Article 25 (11);
  15. A person who fails to undergo an inspection, in violation of Article 25-2 (6);
  16. A person who performs business during a period of business suspension fixed under Article 27;
  17. A person who performs business during a period of business suspension fixed under Article 27-2 (2);
  18. A person who installs a waste treatment facility without approval, in violation of Article 29 (2);
  19. A person who operates a waste treatment facility without an inspection or verification on conformity, in violation of Article 30 (1) through (3);
  20. A person who fails to comply with an order for improvement or for suspension of operation issued under Article 31 (4);
  21. A person who fails to comply with an order issued under Article 39-2, 39-3, or 40 (2), (3) or (4) 1;
  22. A person who fails to comply with an order to take measures under Article 47 (4);
  23. A person who fails to comply with an order to take measures under Article 48;
  24. A person who discontinues the operation of a landfill facility for wastes or closes down such facility without passing an inspection, in violation of the latter part of Article 50 (1);
  25. A person who fails to comply with an order for improvement issued under Article 50 (4);
  26. A person who fails to undergo a periodic inspection, in violation of Article 50 (6);
  27. A person who fails to comply with an order to take corrective measures issued under Article 50 (7).

#### Article 66 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than two years, or by a fine not exceeding 20 million won: <Amended by Act No. 8613, Aug 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. A person who contaminates the surrounding environment in the course of waste treatment, in violation of Article 13 or 13-2 (excluding a violation of subparagraph 1 of Article 65);

- 1- A person who recycles any wastes, in violation of the conditions for approval imposed
2. under Article 13-3 (5);
- 1-3.A person who fails to comply with an order to take measures under Article 13-5 (5);
- 2.A person who fails to file a report or who files a false report, in violation of Article 46 (1);
- 3.Deleted; <by Act No. 8613, Aug. 3, 2007>
- 4.A person who fails to obtain verification under Article 17 (5) or verification on modification under Article 17 (6) (excluding modification of trade name under subparagraph 1), or who discharges, transports, or treats designated wastes in a manner different from the details verified or the modification made thereto;
- 4-An official test facility of wastes which allows another person to use his/her name in
- 2.performing any affairs relating to the testing and analysis of wastes or lends its certificate of designation to another person, in violation of Article 17-3 (1);
- 4- An official test facility of wastes which issues, by gross negligence, a waste analysis
3. report, the details of which are different from the fact;
- 5.Deleted; <by Act No. 13038, Jan. 20, 2015>
- 6.A person who conducts his/her business in deviation from the type and scope of business under Article 25 (5);
- 7.A person who breaches a condition under Article 25 (7);
- 8.A person who allows another person to use his/her name or trade name in waste treatment or who lends his/her permit to another person, in violation of Article 25 (8);
- 9.A person who stores wastes, in violation of Article 25 (9) 1 or 2;
- 9-A person who fails to obtain registration for modification required under Article 25-2 (1)
- 2.or who has deceptively obtained registration for modification and modifies registered matters;
- 9-A person who lets another person manufacture exclusive containers by using his/her
- 3.name or trade name or lends his/her certificate of registration to another person, in violation of Article 25-2 (7);
- 9- A person who distributes exclusive containers which fail to meet the standards referred
4. to in Article 25-2 (5), in violation of Article 25-2 (8);
- 10.A person who installs or operates a waste incineration facility, although the installation of which is prohibited, in violation of Article 29 (1);
- 11.A person who installs a waste treatment facility without filing a report in violation of Article 29 (2);
- 12.A person who modifies any of the matters approved without approval for such modification in violation of Article 29 (3);
- 13.A person who maintains and manages a waste treatment facility not in compliance with the guidelines for management under Article 31 (1) and consequently contaminates the surrounding environment;
- 14.A person who fails to comply with an order to take a measurement or make an assessment under Article 31 (7);
- 15.and 16. Deleted. <by Act No. 10389, Jul. 23, 2010>
- Article 67 (Joint Penalty Provisions)

If a representative of a corporation, or an agent, employee, or any other servant of a corporation or an individual commits an offense described in Articles 63 through 66 in

connection with the duties of such corporation or individual, not only shall the offender be punished accordingly, but such corporation or individual also shall be punished by the fine provided in the relevant Article: Provided, That this shall not apply where the corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offense.

[This Article Wholly Amended by Act No. 10389, Jul. 23, 2010]

Article 68 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding ten million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015; Act No. 14783, Apr. 18, 2017>

1. A person who treats wastes, in violation of Article 13 or 13-2 (excluding any person who falls under subparagraph 1 of Article 65 or subparagraph 1 of Article 66);
  - 1- A person who collects, transports, or recycles food wastes, among household wastes,
  2. in violation of Article 15-2 (3);
  - 1-3. A person who fails to file a report, or files a false report, in violation of Article 17 (2);
  - 1- A person who fails to comply with the matters to be observed under Article 17-3 (2)
  4. and (3);
  - 1- A person who fails to record matters concerning the delivery and receipt of wastes or to
  5. record in accordance with the methods prescribed by Ordinance of the Ministry of Environment, or who falsely records them, in violation of Article 18 (3);
  - 1- A person (including any specialized institution entrusted with the preparation of
  6. hazards information data) who fails to prepare hazards information data, in violation of Article 18-2 (1), or prepares it by deceit or other wrongful means;
  - 1- A person who fails to provide hazards information data prepared pursuant to Article 18-
  7. 2 (1) to an assignee, in violation of paragraph (3) of the same Article;
  2. Deleted; <by Act No. 13038, Jan. 20, 2015>
  3. A person who fails to comply with the rules under Article 25 (9) 3 or 4;
  - 3- A person who fails to file a report on modification under Article 25-2 (1) or modifies any
  2. registered matter after filing a false report;
  - 3- A person who fails to comply with the matters to be observed under Article 25-2 (8)
  3. (excluding cases falling under subparagraph 9-4 of Article 66);
  4. A person who maintains or manages a waste treatment facility in a manner not in compliance with the guidelines for such management; who fails to take measurements of pollutants; or who fails to examine impacts on the neighboring area, in violation of any provision of Article 31 (1) through (3) (excluding any person who falls under subparagraph 14 of Article 66);
  5. A person who fails to appoint a technical manager or fails to enter into a contract for technical management services, in violation of Article 34 (1);
  6. A person who fails to comply with an order to submit a report issued under Article 38 (3) (applicable only to persons specified in Article 38 (1) 3 and 4);
  - 6- A person who fails to take a measure required under each subparagraph of Article 40
  2. (1);
  7. Deleted; <by Act No. 10389, Jul. 23, 2010>

8. A person who fails to comply with an order for renewal issued under Article 40 (8);
  9. A person who manufactures or distributes any recycled products or materials, using wastes that fail to meet the Hazard Criteria, in violation of Article 13-5 (2);
  10. A person who continues to treat wastes during a period for which waste treatment is prohibited under Article 46 (7).
- (2) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017>
1. A person who fails to perform verification required by Article 17 (1) 1;
    - 1- A person who entrusts someone to provide him/her with a service without verification
    2. under Article 17 (1) 3;
    - 1- A person who fails to obtain verification on modification of a trade name under Article
    3. 17 (6) 1;
  2. A person who fails to perform his/her obligations to comply with the guidelines publicly notified pursuant to Article 17 (7);
  3. Deleted; <by Act No. 13411, Jul. 20, 2015>
  4. Deleted; <by Act No. 10389, Jul. 23, 2010>
  5. A person who modifies any reported matter without filing a report on such modification required under Article 17 (2), 25 (11), 29 (3), or 46 (2);
  6. A person who fails to notify a delivery number to the competent administrative agency or public officials despite their request, in violation of Article 19 (1);
  7. A person who fails to give notice, in violation of Article 19 (2);
  8. Deleted; <by Act No. 8613, Aug. 3, 2007>
  9. A person who fails to file a report, in violation of Article 37 (1) or to treat all the wastes stored by him/her, in violation of paragraph (4) of the same Article;
  - 9- A person who fails to submit a report by the deadline required under Article 38 (1) or
    2. prepares and submits a false report (limited to persons under Article 38 (1) 3;
    - 9- A person who fails to comply with an order to submit a report issued under Article 38
    3. (3) (excluding cases of paragraph (1) 6);
    - 9- A person who fails to submit a report referred to in Article 38 (5) until the deadline or
    4. submits a false report;
  10. A person who fails to renew the performance guarantee insurance policy under Article 40 (7);
  11. A person who fails to comply with the rules under Article 46 (6);
  12. A person who sells standard waste bags and marks without a contract executed for vicarious implementation under Article 14 (7);
  - 12- A person (including any specialized institution entrusted with the preparation of
    2. hazards information data) who fails to reprepare hazards information data even after any significant matter is modified, in violation of Article 18-2 (2), or prepares it by deceit or other wrongful means;
    - 12- A person who fails to provide hazards information data reprepared pursuant to Article
    3. 18-2 (2) to an entrusted person, in violation of paragraph (3) of the same Article;
    - 12- A person who fails to post or keep hazards information data, in violation of Article 18-

4. 2 (4).

(3)Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 14783, Apr. 18, 2017; Act No. 15103, Nov. 28, 2017>

- 1.A person who dumps, buries or incinerates household wastes, in violation of Article 8 (1) or (2);
  - 2.A person who fails to comply with an order to take a measure, in violation of Article 8 (3);
  - 3.A person who violates Article 15 (1) or (2);
  - 4.A person who fails to comply with the rules prescribed by municipal ordinance, in violation of Article 15-2 (1);
  - 4- A person who fails to report his/her plan to restrain the generation of food wastes and 2. properly treat such wastes, in violation of Article 15-2 (2);
  - 4-A person who fails to enter information about the delivery and receipt of wastes in the 3. electronic information processing program within a prescribed period or enters inadequate information in the program, in violation of Article 18 (3);
  - 5.A person who commences the operation of a facility without filing a report under Article 29 (4);
  - 6.A person who fails to take a training course or fails to provide an opportunity to take training courses in violation of Article 35 (1) or (2);
  - 7.A person who fails to keep records or retain books under Article 36 (1) or who makes a false entry therein;
  - 7-A person who fails to enter information on recycled products or materials into the 2. electronic information processing program within the fixed period, in violation of Article 36 (3), or enters it in a false or misleading manner;
  - 8.A person who fails to submit a report under Article 38 (1) or (2) within a prescribed period or who prepares and submits a false report (excluding persons under paragraph (2) 9-2);
  - 9.A person who fails to submit materials necessary for preparing a report under Article 38 (4) within a prescribed period or who prepares and submits a false report;
  - 10.A person who fails to file a report under Article 39 (1) or who files a false report;
  - 11.A person who refuses, obstructs, or evades an access or inspection under Article 39 (1);
  - 12.A person who fails to submit the original copy of insurance policy under Article 40 (9);
  - 13.A person who fails to notify any modification under Article 40 (10);
  - 14.A person who fails to file a report under Article 50 (1).
- (4)Administrative fines referred to in paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu, based on the affairs of his/her respective jurisdiction, as prescribed by Presidential Decree. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013>
- (5)through (7) Deleted. <by Act No. 10389, Jul. 23, 2010>

ADDENDA

#### Article 1 (Enforcement Date)

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

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

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

#### Article 3 (Effective Period)

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

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

Any person who has filed a report on recycling of industrial wastes in accordance with the former provisions in force as of September 9, 1991, which corresponds to the date of the amendment (Act No. 4363) to the Wastes Control Act, shall be deemed to have filed a report on recycling under this Act.

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

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

#### Article 6 (Transitional Measures concerning Permission, etc. for Waste Management Business)

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

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

#### Article 7 (General Transitional Measure concerning Dispositions)

Acts done by or in relation to an administrative agency under the former provisions in force as at the time this Act enters into force shall be deemed as those performed by or against the administrative agency under this Act.

#### Article 8 (Transitional Measure concerning Penalty Provisions and Administrative Fines)

Acts done before this Act enters into force shall be governed by the former provisions for the purpose of penalty provisions or provisions concerning administrative fines.

Article 9 Omitted.

Article 10 (Relationship to Other Statutes)

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

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

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

(2)(Transitional Measures concerning Transmission of Information on Delivery and Receipt of Wastes to Electronic Information Processing Program) Where a waste delivery note or a simplified waste delivery note is issued under the previous provisions and the delivery and receipt thereof is pending as at the time this Act enters into force, the transmission of information to the electronic information processing program is deemed made under the amended provisions of Article 18 (3).

(3)(Transitional Measures concerning Penalty Provisions) The previous provisions shall apply for the purposes of penalty provisions to violations committed before this Act enters into force.

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

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 9770, Jun. 9, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2010. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9931, Jan. 13, 2010>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 10219, Mar. 31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 10389, Jul. 23, 2010>



### Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of subparagraphs 2 and 15 of Article 66 and Articles 67, 68 (1) 1-2 and 6, 68 (2) 9-2, 68 (3) 8 and 9 and 68 (5) through (7) shall enter into force on the date of its promulgation.

### Article 2 (Transitional Measures concerning Permission for Waste Treatment Business)

(1) Any person who has obtained permission for waste treatment business listed in the left column of the following table pursuant to the previous provisions as at the time this Act enters into force shall be deemed to have obtained permission for waste treatment business listed in the right column of the same table:

Waste collection and transportation business	Waste collection and transportation business
Interim waste treatment business (excluding any interim waste treatment business for recycling as prescribed by Ordinance of the Ministry of Environment)	Interim waste disposal business
Terminal waste treatment business	Terminal waste disposal business
General waste treatment business (excluding any general waste treatment business for recycling as prescribed by Ordinance of the Ministry of Environment)	General waste disposal business

(2) Any person who has obtained permission for any interim waste treatment business or general waste treatment business for recycling as prescribed by Ordinance of the Ministry of Environment pursuant to the previous provisions as at the time this Act enters into force shall be deemed to have obtained permission for waste recycling business listed in any of the amended provisions of Article 25 (5) 5 through 7.

(3) Any person who has filed a report on recycling of wastes pursuant to any previous provision of Article 46 (1) 1 through 6 and 8 as at the time this Act enters into force shall be deemed to have obtained permission for waste recycling business listed in any amended provision of Article 25 (5) 5 through 7: Provided, That he/she shall secure the facilities, equipment and technical human resources under Article 25 (3) and obtain permission to make modifications required under Article 25 (11) within two years after this Act enters into force.

### Article 3 (Transitional Measures concerning Administrative Dispositions)

Any administrative disposition (including any disposition taken to impose a penalty surcharge) against any offense committed before this Act enters into force shall be governed by the previous provisions.

### Article 4 (Transitional Measures concerning Reporting on Waste Treatment)

(1) Any person who has filed a report on recycling of wastes pursuant to the previous provisions of Article 46 (1) 6 or 7 in force as at the time this Act enters into force shall be deemed to have filed a report on waste treatment pursuant to the amended provisions of Article 46 (1) 1 or 3.

(2) Any person who is deemed to have filed a report pursuant to the previous provisions of Article 46 (4) as at the time this Act enters into force shall be deemed to have filed a

report on waste treatment pursuant to the amended provisions of Article 46 (1) 2: Provided, That he/she shall have the facilities, equipment, etc. under the amended provisions of Article 46 (1) and file a report thereon within two years after this Act enters into force.

Article 5 (Transitional Measures concerning Vicarious Execution)

Any vicarious execution performed in relation to any violation of the previous provisions of Article 13 committed before this Act enters into force shall be governed by the previous provisions.

Article 6 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

With respect to the application of penalty provisions and administrative fines to any offenses committed before this Act enters into force, the previous provisions shall prevail.

Article 7 Omitted.

ADDENDA <Act No. 10615, Apr. 28, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

ADDENDA <Act No. 10888, Jul. 21, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 17 Omitted.

ADDENDA <Act No. 10911, Jul. 25, 2011>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 11465, Jun. 1, 2012>

Article 1 (Enforcement Date)

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

Article 2 (Applicability to Periodic Inspections of Landfill Facilities for Wastes under Follow-Up Management)

The amended provisions of Article 50 (3) shall apply also to landfill facilities for wastes under follow-up management as at the time this Act enters into force, however the start date of each periodic inspection shall be counted from the date this Act enters into force.

ADDENDA <Act No. 11862, Jun. 4, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 11914, Jul. 16, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 4, 7, 8, 15 (1) and (2), 17, 25, 50, 63, and 68 (4) shall enter into force on the date of its promulgation.

Article 2 (Applicability to Plans to Restrain Generation of Food Wastes)

The initial plan to restrain the generation of food wastes under the amended provisions of Article 14-3 shall be formulated within one year after this Act enters into force.

Article 3 (Transitional Measures concerning Plans to Retrain Generation of Food Wastes and Treat such Wastes)

Any person who has submitted a plan for reducing the generation of food wastes under the former provisions as at the time this Act enters into force shall be deemed to have reported a plan to restrain the generation of food wastes and treat such wastes under the amended provisions of Article 15-2 (2).

Article 4 (Transitional Measures concerning Administrative Fines)

The former provisions shall apply to the imposition of administrative fines for violations committed before this Act enters into force, notwithstanding the amended provisions of Article 68 (1) 6 and 68 (2) 9-3.

ADDENDA <Act No. 11965, Jul. 30, 2013>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDA <Act No. 11980, Jul. 30, 2013>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDA <Act No. 11998, Aug. 6, 2013>

Article 1 (Enforcement Date)

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

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 12321, Jan. 21, 2014>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 14 (9) shall apply six months after the date of its promulgation.

ADDENDA <Act No. 13038, Jan. 20, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Article 50 (3) shall enter into force on the date of its promulgation.

Article 2 (Applicability to Disqualifications for Permission for Waste Treatment Business)

The amended provisions of subparagraph 5 of Article 26 shall also apply to a person who has filed an application for permission for a waste treatment business before this Act enters into force.

Article 3 (Applicability to Follow-up Management of Waste Treatment Facilities)

The amended provisions of Article 50 (3) shall also apply to a person who has received an order to close down his/her waste treatment facilities under Article 31 (5) before this Act enters into force.

Article 4 (Applicability to Advance Reserve for Performance Guarantee Bond for Follow-Up Management)

The amended provisions of Article 52 (1) shall also apply to a person who has been depositing in advance a performance guarantee bond for follow-up management as at

the time this Act enters into force.

Article 5 (Special Provisions concerning Revocation of Permission for Heir who has Succeeded to Rights and Obligations Pertaining to Permission for Waste Treatment Business)

Notwithstanding the amended provisions of Article 27 (1) 2 (b), if an heir who has succeeded to the any of the rights and obligations pertaining to permission for waste treatment business under Article 33 (1) before this Act enters into force transfers the relevant rights and obligations to another person within six months from the date this Act enters into force, the relevant permission for waste treatment business shall not be revoked.

Article 6 (Transitional Measures concerning Designation of Professional Waste Analysis Agency)

An official test facility of wastes referred to in the former Article 17 (3) 2 as at the time this Act enters into force shall be deemed designated as an official test facility of wastes under the amended provisions of Article 17-2 (1): Provided, That institutions, other than those prescribed in Article 17-2 (1) 1 through 3, shall obtain designation with modification after being equipped with facilities, equipment, and technical capability as prescribed in Article 17-2 (2) within six months after this Act enters into force.

Article 7 (Transitional Measures concerning Registration of Exclusive Container Manufacturers)

A person who engages in the business of manufacturing exclusive containers as at the time this Act enters into force shall be registered as an exclusive container manufacturer under the amended provisions of Article 25-2 within six months from the date this Act enters into force.

Article 8 (Transitional Measures concerning Incompetent Persons, etc.)

Persons under adult guardianship or limited guardianship referred to in the amended provisions of subparagraph 1 of Article 26 shall be deemed to include persons on whom a declaration of incompetency or quasi-incompetency remains in effect under Article 2 of the Addenda to the amended Civil Act (Act No. 10429).

Article 9 (Transitional Measures concerning Administrative Dispositions)

Notwithstanding the amended provisions of the main sentence of Article 27 (1) 2, excluding its items, a person who falls under any of the disqualifications prescribed in subparagraph 5 of Article 26 as at the time this Act enters into force shall be governed by the former provisions in force.

Article 10 (Transitional Measures concerning Penalty Provisions)

The application of penalty provisions against violations committed before this Act enters into force shall be governed by the former provisions.

Article 11 Omitted.

ADDENDA <Act No. 13411, Jul. 20, 2015>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Administrative Fines)

The application of administrative fines against any violation committed before this Act enters into force shall be governed by the former provisions.

ADDENDA <Act No. 14476, Dec. 27, 2016>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 14532, Jan. 17, 2017>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 14783, Apr. 18, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 18-2, 27 (2) 3-2, 59 (1) 1-2, 68 (1) 1-6 and 1-7 and (2) 12-2 through 12-4 shall enter into force one year after the date of its promulgation.

Article 2 (Applicability to Reporting, etc. by Industrial Waste Dischargers)

The amended provisions of Articles 17 (3) and (4), 25 (12) and (13), 25-2 (2) and (3), 29 (5) and (6), 33 (5) and (6), 37 (2) and (3), 46 (3) and (4), and 50 (2) and (3), shall apply to reports, or reports on modification, made by industrial waste dischargers; reports on modification of waste treatment business; reports on modification of exclusive container manufacturing business, reports on, and reports on modification of, the installation of waste treatment facilities, reports on succession to rights and obligations, reports on shutdown, closure, or resumption of business; reports on, and reports on modification of, waste treatment; and reports on discontinuation of operation or permanent closure of waste treatment facilities; filed after this Act enters into force.

Article 3 (Transitional Measures concerning Duty to Prepare Hazards Information Data)

A business operator who discharges industrial wastes as at the time the amended provisions of Article 18-2 (1) enters into force, shall prepare hazards information data in accordance with the same amended provisions within six months after the amended provisions enter into force.

Article 4 Omitted.

ADDENDA <Act No. 15103, Nov. 28, 2017>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 9 through 11 shall enter into force on January 1, 2018.

Article 2 (Applicability to Formulation of Plans for Treatment of Daily-Life Hazardous Wastes)

The plans for treatment of daily-life hazardous wastes under the amended provisions of Article 14-4 (1) shall be formulated by not later than December 31, 2018.

Article 3 (Applicability to Entering Information into Electronic Information Processing Program)

The amended provisions of Articles 36 (3) and 68 (3) 7-2 shall begin to apply with the first products or materials produced through recycling after this Act enters into force.

Article 4 (Transitional Measures concerning Master Plans for Waste Management)

Notwithstanding the amended provisions of Article 9, a master plan for waste management formulated by a Mayor/Do Governor and approved under the former provisions as at the time the same amended provisions enter into force, shall remain effective until before the annual implementation plans of the master plan under Article 12 (2) of the Framework Act on Resources Circulation are implemented, and the plan formulated by the head of a Si/Gun/Gu shall remain effective until before the annual implementation plans of the master plan under subparagraph (3) of the same Article are implemented, respectively.

Article 5 (Transitional Measures concerning Comprehensive Plans for Nationwide Waste Management)

Notwithstanding the amended provisions of Article 10, a comprehensive plan for nationwide waste management under the former provisions existing as at the time the same amended provisions enter into force shall remain effective until before a master plan for circulation of resources is implemented pursuant to Article 11 (1) of the Framework Act on Resources Circulation.

Article 6 (Transitional Measures concerning Statistical Surveys on Wastes)

Notwithstanding the amended provisions of Article 11, surveying on the status of related industries including the status of generation and treatment of wastes by type, matters concerning the improvement of resource productivity including waste recycling rates, and other relevant matters, shall be governed by the former provisions.

Article 7 Omitted.

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