



The Ministry of Environmental Protection issued the Measures for the Administration of Pollutant Discharge Permits (Trial)

On January 10th, 2018, the Ministry of Environmental Protection formally issued *the Measures for the Administration of Pollutant Discharge Permits (Trial)* (hereinafter referred to as *the Administrative Measures*). *The Administrative Measures* shall be implemented as of the date of promulgation. As an important basic document for the implementation of the *Notice of the General Office of the State Council on Issuing the Implementation Plan for the Control of Pollutant Discharge Permit System* (the General Office of the State Council issued [2016] No. 81), *the Administrative Measures* clarified the responsibilities of the pollutant dischargers, emphasized on law-abiding incentives, illegal punishment. In order to strengthen the implementation of the responsibilities of the polluters, *the Administrative Measures* stipulated five systems: enterprise commitment, self-monitoring, ledger record, executive report, and information disclosure. Enterprise commitment and responsibility for the authenticity, completeness and legitimacy of the application materials are important prerequisites for enterprises to obtain pollutant discharge permits; self-monitoring, ledger records and executive report systems are the important basis for the enterprise to self-determine its own discharge to meet standards and timely discover the environmental problems in operational processes and calculate the actual discharge, and the main basis for enterprises to self-certify and observe the law, it is also an important inspection content and law enforcement basis for the environmental protection department to check the discharge standards of enterprises and determine the discharge of pollutants by certified companies; information disclosure system is a foundation and an important means for strengthening the awareness of enterprises in permit-based pollution discharge, guiding public opinion supervision, and forming a common supervision atmosphere.

The Administrative Measures was a continuation, deepening and perfection of *the Provisional Regulations for the Management*

of Pollutant Discharge Permit. *The Administrative Measures* was consistent with the Provisional Regulations for the Management of Pollutant Discharge Permit issued by the Ministry of Environmental Protection (water and environmental regulation issued [2016] No. 186) in terms of structure and ideas, and is further refined and strengthened in content. At the same time, in accordance with the legislative authority of department regulations, combined with the noteworthy issues in the implementation of the permit system for thermal power and paper industry, the relevant provisions of the entire process of the application, issuance, implementation and supervision of the pollutant discharge permit were completed, further improving the operability.

The Administrative Measures is the main basis for the application and issuance of pollutant discharge permits. *The Administrative Measures* stipulated the procedures for the issuance of pollutant discharge licenses, specified the complete cycle for the application, review, and issuance of pollutant discharge licenses, as well as various situations such as change, continuation, revocation, cancellation, loss and replacement, regulated the materials and information that companies need to provide and disclose, and specified the accept procedure of the environmental protection department, the requirements for audits, the rules for the issuance of the license, and the application of available technologies in the application and issuance.

The Administrative Measures emphasized technical support. *The Administrative Measures* specified that the Ministry of Environmental Protection is responsible for formulating technical specifications for the application and issuance of pollutant discharge permits, technical specifications for environment management, ledger record and pollutant discharge permit implementation report, technical guidelines for self-monitoring of pollutant discharge units, and guidelines for available technologies

for pollution prevention and control. At the same time, it specified that the competent department of environmental protection may organize or commission technical agencies to provide technical support for the management of pollutant discharge permits through government procurement of services.

The Administrative Measures clearly stipulated strict supervision of law enforcement. The supervisory and law enforcement agencies shall formulate a pollutant discharge permit enforcement plan to clarify the focus and frequency of enforcement; in the enforcement of laws and regulations, in accordance with the principle of calculation of the actual pollutant discharge of pollutants, it shall verify the ledger records, online monitoring data, and other monitoring means or enforcement monitoring to check the implementation of the relevant requirements for the discharge permit. At the same time, it was stipulated that if an abnormal

situation occurs in the discharge of pollutants, if timely reporting, and taking the initiative to eliminate or mitigate the harmful consequences of illegal activities, the pollutant discharge units should be given a lesser punishment in accordance with the law.

The Administrative Measures detailed the legal responsibilities of the environmental protection departments, the pollutant discharge units and third-party agencies. Under the existing legal framework, the legal responsibility and penalties for pollutant discharge units, environmental protection agencies, and technical agencies have been stipulated. The detailed regulations stipulated the violations of regulations such as unlicensed discharge, illegal discharge, material fraud, self-monitoring of violations, failure to disclose environmental information in accordance with the law and clarified the penalties for illegal activities in accordance with relevant laws. ▮