

# WASTES CONTROL ACT

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

## CHAPTER I GENERAL PROVISIONS

### Article 1 (Purpose)

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

### Article 2 (Definitions)

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

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

### Article 3 (Scope of Application)

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

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

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

Article 4 (Accountabilities of State and Local Governments)

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

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

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

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

Article 5 (Multi-regional Waste Management)

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

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

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

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

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

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

Article 7 (Citizens’ Duties)

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

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

Article 8 (Prohibition on Dumping Wastes)

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

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

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

Article 9 (Basic Plans for Waste Management)

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

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

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

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

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

Article 10 (Master Plans for Waste Management)

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

Article 11 (Statistical Research on Wastes)

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

Article 12 (Official Waste Testing Method)

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

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

## CHAPTER II DISCHARGE AND MANAGEMENT OF WASTES

Article 13 (Standards of Waste Management)

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

Article 14 (Disposal of Household Wastes)

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

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

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

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

Article 15 (Cooperation in Disposal of Household Wastes Discharged)

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

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

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

Article 16 (Implementation of Agreements)

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

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

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

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

Article 17 (Duties of Commercial Waste Producers)

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

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

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

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

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

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

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

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

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

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

Article 18 (Disposal of Commercial Wastes)

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

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

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

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

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

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

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

Article 19 (Obligations of Commercial Waste Disposal Business)

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

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

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

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

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

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

Article 24 (Pricing for Disposal of Commercial Wastes)

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

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

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

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

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

Article 24-3 (Disposal of Imported Waste)

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

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

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

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



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

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

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

## CHAPTER IV WASTE MANAGEMENT BUSINESSES

### Article 25 (Waste Management Businesses)

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

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

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

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

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

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

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

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

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

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

Article 26 (Reasons for Disqualification)

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

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

Article 27 (Revocation of License)

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

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

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

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

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

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

Article 28 (Disposition of Penalty Surcharge)

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

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

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

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

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

Article 29 (Installation of Waste Disposal Facilities)

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

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

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

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

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

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

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

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

Article 30 (Inspection of Waste Disposal Facilities)

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

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

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

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

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

Article 31 (Management of Waste Disposal Facilities)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Article 33 (Succession to Rights and Obligations)

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

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

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

Article 34 (Technical Manager)

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

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

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

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

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

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

Article 36 (Keeping and Retention of Account Books)

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

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

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

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

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

4. A waste management business operator;

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

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

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

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

Article 37 (Reporting on Shutdown or Closure of Business)

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

Article 38 (Submission of Reports)

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



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

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

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

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

Article 39 (Reporting and Inspection)

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

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

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

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

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

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

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

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

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

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

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

Article 42 (Business of Association)

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

Article 43 (Contributions)

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

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

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

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

## CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 45 (Electronic Processing of Waste Delivery and Receipt)

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

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

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

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

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

Article 46 (Reporting on Waste Recycling)

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

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

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

Article 46-2 (Penalty Surcharges)

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

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

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

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

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

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

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

Article 47 (Measures for Retrieving Wastes)

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

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

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

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

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

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

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

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

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

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

Article 49 (Vicarious Execution)

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

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

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

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

or its surrounding environment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 55 (Adjustment of Waste Management Businesses)

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

Article 56 (State Subsidies)

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

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

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

Article 58 (Reporting on Performance of Waste Management)

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



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

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

Article 58-2 (Korea Landfill Association)

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

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

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

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

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

Article 59 (License Fees)

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

Article 60 (Criteria for Administrative Dispositions)

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

Article 61 (Hearing)

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

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

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

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

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

## CHAPTER VII PENAL PROVISIONS

Article 63 (Penal Provisions)

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

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

Article 64 (Penal Provisions)

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

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

Article 65 (Penal Provisions)

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

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

Article 66 (Penal Provisions)

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

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

different from that certified;

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

Article 67 (Joint Penal Provisions)

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

Article 68 (Fine for Negligence)

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

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

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

## ADDENDA

### Article 1 (Enforcement Date)

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

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

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

### Article 3 (Effective Period)

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

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

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

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

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

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

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

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

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

Article 7 (General Transitional Measure concerning Dispositions)

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

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

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

Article 9 Omitted.

Article 10 (Relations with Other Acts)

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 10 Omitted.

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

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

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

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.