

## Measures on the Administration of Pollution Sources Monitoring

(Promulgated by the State Environmental Protection Administration on November 1, 1999)

### Chapter I General Provisions

**Article 1** Pursuant to Article 11 of the Environmental Protection Law of the People's Republic of China, this Rules is formulated for the purpose of strengthening the monitoring of pollution sources.

**Article 2** This Measures is applicable to the monitoring of pollution discharge by units that engender and discharge pollutants except for the monitoring of radioactive pollutants and moveable pollution sources.

**Article 3** Monitoring of pollution sources refers to the monitoring of pollution discharge at the outlets of pollutants, monitoring of the sites of production, storage, disposal, utilization and discharge of solid wastes, monitoring of the operation of the pollution prevention and control facilities, monitoring at the check and acceptance of "three simultaneities" projects, monitoring at the check and acceptance of projects for pollution elimination and control of existing pollution sources (including projects of pollution elimination and control before a deadline), monitoring of the observance of the pollution discharging licenses, and emergent monitoring at the time of pollution accidents.

**Article 4** Units that are engaged in the monitoring of pollution sources must pass the qualification authentication organized by the State Environmental Protection Administration or the environmental protection bureaus at the province level. Only after it passes the authentication, shall a unit become involved in the monitoring work. Rules of the qualification authentication will be formulated later. Units that are engaged in the monitoring of pollution sources must abide by the Technical Standards for the Monitoring of Pollution Sources promulgated by the State Environmental Protection Administration.

### Chapter II Responsibilities

**Article 5** Environmental protection bureaus at or below the province level shall organize supervisory monitoring of the pollution sources, and assume following responsibilities:

- (1) To organize the drawing of the annual monitoring plan, and supervise its implementation;
- (2) To organize the pollution discharge report and registration of pollution discharging units, and organize irregular supervisory monitoring of pollution sources;
- (3) To organize the editing of reports on local pollution discharge, and publish the reports; and
- (4) To organize the examination and management of the quality of the routine work of local monitoring organizations.

**Article 6** Environmental monitoring stations under the environmental protection bureaus shall in practice carry out supervisory monitoring of the pollution sources, and assume the following responsibilities:

- (1) To carry out in practice supervisory monitoring of local pollution sources, and establish the monitoring archives;
- (2) To organize the pollution sources monitoring networks, act as the technology, data and network center of the monitoring networks, and be responsible for the routine management of the monitoring networks and technology exchanges;
- (3) To examine the monitoring results submitted by the pollution discharging units, carry out sample examination of the disputed data, and carry out quality control of the uninterrupted automatic

monitoring devices installed by the pollution discharging units;

(4) To conduct emergent monitoring at the time of pollution accidents and monitoring in pollution disputes arbitration, and participate in investigations of local serious pollution accidents;

(5) To report the results of supervisory monitoring to the competent environmental protection bureaus, submit the monitoring data provided by the pollution discharging units after examination as the ground for law-enforcement and administration; and

(6) To undertake supervisory monitoring tasks assigned by the competent environmental protection bureau or environmental protection bureaus at the higher levels, and provide technical support for environmental management.

**Article 7** Pollution sources monitoring organizations established by the competent profession administration departments shall carry out monitoring of pollution sources under administration of the departments, execute the supervisory powers granted by the departments, and assume following responsibilities:

(1) To carry out monitoring of pollution discharge by units under administration of the departments and operation of pollution prevention and control facilities, and establish the archives of pollution sources;

(2) To participate in the investigation of serious pollution accidents organized by the departments; and

(3) To provide technical guidance, professional training and professional examination to the monitoring stations (laboratories) under the administration of the departments.

**Article 8** Environmental monitoring organizations of the pollution discharging units shall carry out regularly monitoring of pollution discharge of the units and operation of the pollution prevention and control facilities, establish the archives of pollution sources, assume responsibility for the monitoring results, and report to the local environmental protection bureau on pollution discharge as required.

### Chapter III Pollution Sources Monitoring Networks

**Article 9** Environmental protection bureaus at all levels shall be responsible for the establishment of local pollution sources monitoring networks and guide local monitoring work.

Environmental monitoring stations under the environmental protection bureaus are core units of the monitoring networks, and shall be responsible for organizing member units of the local monitoring networks in carrying out monitoring work in accordance with their duties.

**Article 10** Monitoring organizations that have passed the qualification authentication organized by the State Environmental Protection Administration or environmental protection bureaus of provinces, autonomous regions and municipalities directly under the Central Government and accept the rules of the network, can apply to the local environmental protection bureau to join the monitoring network. The environmental protection bureau that receives the application shall approve it when the applicant passes the examination. Name, relationship of administrative subordination, personnel management and source of funds of the monitoring organizations that joins the monitoring network shall remain unaltered.

**Article 11** Member units of the monitoring network can, under the arrangement of the network, undertake the monitoring of pollution discharge by pollution sources and operation of pollution prevention and control facilities outside its administrative department or unit, as well as other kinds of monitoring work necessary for environmental management, and shall be responsible for the results.

**Article 12** Environmental protection bureaus in charge of the networks shall supervise the monitoring networks in guaranteeing the quality of the monitoring, and establish relevant quality certification supervision mechanism. Environmental monitoring stations under the environmental protection bureaus in charge of the networks shall conduct regular quality control examination and technical supervision of member units of the networks.

## Chapter IV Management of Pollution Sources Monitoring

**Article 13** Environmental protection bureaus in charge of the pollution discharging units shall, in consideration of the professional features of the pollution discharging units, demands for environmental management, categories of pollutants discharged, and state pollutants discharge standards, decide the items, spots, and frequency of monitoring and report of data by pollution discharging units in regular monitoring of pollutants outlets and pollution treatment facilities.

Pollution discharging units incapable of carrying out monitoring by themselves can entrust the monitoring to environmental monitoring stations under the local environmental protection bureau or monitoring organizations that have passed the examination organized by the environmental protection bureau.

**Article 14** Before a construction project is put into regular operation or use or existing pollution sources treatment facilities are completed and put into use, the construction unit shall apply to the environmental protection bureau that approves the project for monitoring at the check and acceptance of the "three-simultaneity" projects. The monitoring shall be carried out by the environmental protection monitoring organizations, with the monitoring results as basis for the check and acceptance.

**Article 15** Environmental monitoring stations under the environmental protection bureaus can accept the trust of parties involved in environmental pollution disputes, and promptly report to the environmental protection bureaus. When any party of the dispute raises doubt about the monitoring data, he can apply to the environmental monitoring station under the environmental protection bureau at the next higher level for further review.

**Article 16** Environmental monitoring staff shall produce valid identity certificates in on-the-spot monitoring of the pollution discharging units. Units under monitoring shall cooperate with the environmental monitoring staff in carrying out the monitoring. No units or individuals shall hinder the monitoring for any purpose.

Prior notice shall be given to the competent departments in monitoring of military or confidential units. In carrying out monitoring work, the monitoring staff shall carefully observe the rules of confidentiality and keep confidential secrets of the units under monitoring.

## Chapter V Management of Pollution Sources Monitoring Facilities

**Article 17** Environmental protection bureaus shall, in accordance with the requirement of the State Environmental Protection Administration, supervise the pollution discharging units under their administration by regulating the pollutants outlets and installing the uniform signs.

**Article 18** Pollution discharging units under key control of the environmental protection bureaus of the state, provinces, autonomous regions, municipalities directly under the Central Government and municipalities, shall install the uninterrupted automatic monitoring devices. The monitoring devices shall be examined and approved by the quality testing organ of the State Environmental Protection Administration.

Once the monitoring facilities are installed, no unit or individual is allowed to make any alternation without approval. When any alternation is actually necessary, it shall be reported to the environmental protection bureau that has approved their installation for approval.

**Article 19** Pollution discharging units shall incorporate the maintenance and management of the monitoring facilities into their management system, and observe the following rules:

- (1) The monitoring facilities shall be operated simultaneously, maintained comparably and examined concurrently with the pollution treatment facilities of the same unit;
- (2) To establish the duty and responsibility system, operation rules and the analysis and testing system of the monitoring facilities; and
- (3) To establish the daily record of the operation of the monitoring facilities and the machine account, and accept supervision and inspection by the local environmental protection bureau.

**Article 20** Environmental protection bureaus at or below the province level can entrust the environmental supervision organizations under their administration with the responsibility of supervisory management and on-the-spot inspection of the monitoring facilities installed by local pollution discharging units; environmental monitoring stations under their administration shall conduct metering supervision and sample supervision of the stable operation of monitoring facilities, and carry out comprehensive analysis of the monitoring data gathered by the monitoring facilities.

#### Chapter VI Reporting of the Results of Pollution Sources Monitoring

**Article 21** Environmental protection bureaus shall, based on the demands of environmental management, decide the terms of validity of the monitoring data of various pollution sources. The monitoring data shall not be used as the basis of environmental management after the terms of validity.

**Article 22** Member units of the monitoring networks that undertake monitoring tasks assigned by the networks shall regularly report to units in charge of the networks on the results of monitoring.

Pollution discharging units that have installed the uninterrupted automatic monitoring devices shall link the monitoring devices directly with the monitoring network of the local environmental protection bureau, and report the monitoring results directly to the environmental management department.

**Article 23** Environmental monitoring stations under the environmental protection bureaus at or below the province level shall, regularly report the results of monitoring and the registered pollution discharge data with proper analysis to the environmental protection bureau at the same level and the environmental monitoring station at the next higher level. If unlawful or improper actions are found in the actual monitoring or data examination, they shall promptly report to the environmental protection bureau at the same level or inform the environmental supervision organizations.

**Article 24** Monitoring data that have passed examination or are not argued can be directly used by the environmental protection bureaus in environmental management.

#### Chapter VII Penalties

**Article 25** For monitoring organizations that fail to meet the quality requirements of the state in pollution sources monitoring, the environmental protection bureau in charge of the organizations shall put forward the requirements for rectification within a limited time. The monitoring data produced during this period of time will be deemed invalid. For those refusing to put right the wrong actions despite repeated warning, the environmental protection bureaus responsible for their qualification authentication shall revoke their pollution monitoring qualification.

For monitoring organizations that commit falsification or fabricate data in monitoring, the environmental protection bureaus responsible for their qualification authentication shall revoke their pollution monitoring qualification.

**Article 26** For pollution discharging units that fail to install the monitoring facilities before the time limit, dismantles or leave idle the facilities without approval, the environmental protection bureaus responsible for their supervision and management shall order them to put right the wrong actions within a limited time.

**Article 27** For environmental monitoring staff that act deceitfully in performing their duty or violate the laws or rules, the competent environmental protection bureaus shall investigate into the liability of those concerned.

#### Chapter VIII Supplementary Provisions

**Article 28** The supervisory monitoring of pollution sources described in this Rules shall be free of charge. The funds required for such monitoring shall be provided by the environmental protection bureaus.

The funds required for the monitoring at the check and acceptance of "three simultaneity" construction projects, entrusted monitoring and monitoring in pollution disputes shall be burdened by the pollution discharging units or by the consignor. Fees shall be charged only with license issued by the price departments at and above the province level and in accordance with the standards of fees in monitoring service prescribed by the state.

**Article 29** This Measures shall be interpreted by the State Environmental Protection Administration.

**Article 30** This Measures shall enter into force from the date of promulgation. The former Measures on the Monitoring of Industrial Pollution Sources (for interim implementation) [(91) Huan Jian Zi No. 086] shall be abrogated therefrom.