

中华人民共和国水污染防治法

Law of the People's Republic of China on Prevention and Control of Water Pollution

(1984年5月11日第六届全国人民代表大会常务委员会第五次会议通过 根据1996年5月15日第八届全国人民代表大会常务委员会第十九次会议《关于修改〈中华人民共和国水污染防治法〉的决定》修正 2008年2月28日第十届全国人民代表大会常务委员会第三十二次会议修订)

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第一章 总 则

Chapter One General Provisions

第一条 为了防治水污染，保护和改善环境，保障饮用水安全，促进经济社会全面协调可持续发展，制定本法。

Article 1 This Law is enacted for the purposes of preventing and controlling water pollution, protecting and improving the environment, maintaining the safety of drinking water, and promoting sustained economic and social development.

第二条 本法适用于中华人民共和国领域内的江河、湖泊、运河、渠道、水库等地表水体以及地下水体的污染防治。

Article 2 This Law applies to pollution prevention and control for surface and ground water bodies including rivers, lakes, canals, irrigation channels and reservoirs within the territory of the People's Republic of China.

海洋污染防治适用《中华人民共和国海洋环境保护法》。

The prevention and control of marine pollution shall be governed by Marine Environment Protection Law of the People's Republic of China.

第三条 水污染防治应当坚持预防为主、防治结合、综合治理的原则，优先保护饮用水水源，严格控制工业污染、城镇生活污染、防治农业面源污染，积极推进生态治理工程建设，预防、控制和减少水环境污染和生态破坏。

Article 3 The principles of focusing on prevention, combining prevention and treatment and controlling pollution in an integrated manner shall be followed in the prevention and control

of water pollution. Drinking water sources shall receive priority protection, industrial pollution and urban living pollution shall be strictly controlled, agricultural non-point source pollution shall be prevented and treated, the construction of ecological treatment projects shall be proactively promoted, and water environmental pollution and ecological damage shall be prevented, controlled and reduced.

第四条 县级以上地方人民政府应当将水环境保护工作纳入国民经济和社会发展规划。

Article 4 Local people's governments at or above the county level shall incorporate protection of the water environment into national economic and social development plans.

县级以上地方人民政府应当采取防治水污染的对策和措施，对本行政区域的水环境质量负责。

Local people's governments at or above the county level shall take approaches and measures for preventing and controlling water pollution, and shall be responsible for the quality of the water environment within their respective administrative regions.

第五条 国家实行水环境保护目标责任制和考核评价制度，将水环境保护目标完成情况作为对地方人民政府及其负责人考核评价的内容。

Article 5 The State implements an accountability and evaluation system for the target of water environmental protection whereby the fulfillment of water environmental protection targets constitutes a part of the performance evaluation of local people's governments or their responsible persons.

第六条 国家鼓励、支持水污染防治的科学研究和先进适用技术的推广应用，加强水环境保护的宣传教育。

Article 6 The State encourages and supports scientific research of water pollution prevention and treatment as well as promotion and application of scientific applicable technologies, and strengthens the publicity and education in water environment protection.

第七条 国家通过财政转移支付等方式，建立健全对位于饮用水水源保护区区域和江河、湖泊、水库上游地区的水环境生态保护补偿机制。

Article 7 The State will, through such methods as fiscal transfer payment, establish and perfect an ecological protection compensation mechanism for the water environment located in drinking water source protection zones and the upper reaches of rivers, lakes and reservoirs.

第八条 县级以上人民政府环境保护主管部门对水污染防治实施统一监督管理。

Article 8 The environmental protection departments of the people's governments at or above the county level exercise unified supervision and management of prevention and control of water pollution.

交通主管部门的海事管理机构对船舶污染水域的防治实施监督管理。

The maritime administrations under the communications departments shall exercise supervision and management of pollution caused by ships.

县级以上人民政府水行政、国土资源、卫生、建设、渔业等部门以及重要江河、湖泊的流域水资源保护机构，在各自的职责范围内，对有关水污染防治实施监督管理。

Water administration, state land and resources, public health, construction, and fisheries administration departments, as well as the water resources protection agencies for major rivers and lakes of the people's governments at or above the county level shall, to the extent of their respective responsibilities, exercise supervision over and management of prevention and control of water pollution.

第九条 排放水污染物，不得超过国家或者地方规定的水污染物排放标准和重点水污染物排放总量控制指标。

Article 9 Any water pollutant discharge shall not exceed the standards for water pollutant discharge and the total control target for major water pollutant discharge as specified by the State or local governments.

第十条 任何单位和个人都有义务保护水环境，并有权对污染损害水环境的行为进行检举。

Any entities and individuals shall have the obligation to protect the water environment and shall have the right to report any pollution or damage to the water environment.

县级以上人民政府及其有关主管部门对在水污染防治工作中做出显著成绩的单位和个人给予表彰和奖励。

People's governments at or above the county level and their relevant competent departments will grant awards and incentives to those entities and individuals that have made remarkable contributions to water pollution prevention and treatment.

第二章 水污染防治的标准和规划

CHAPTER II STANDARDS AND PLANS FOR WATER POLLUTION PREVENTION AND TREATMENT

第十一条 国务院环境保护主管部门制定国家水环境质量标准。

Article 11 The environmental protection administration under the State Council shall establish the national standards for water environment quality.

省、自治区、直辖市人民政府可以对国家水环境质量标准中未作规定的项目，制定地方标准，并报国务院环境保护主管部门备案。

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their own local standards for the items that are not specified in the national standards for water environment quality and report the same to the environmental protection department under the State Council for the record.

第十二条 国务院环境保护主管部门会同国务院水行政主管部门和有关省、自治区、直辖市人民政府，可以根据国家确定的重要江河、湖泊流域水体的使用功能以及有关地区的经济、技术条件，确定该重要江河、湖泊流域的省界水体适用的水环境质量标准，报国务院批准后施行。

Article 12 The environmental protection administration under the State Council may, in concert with the water administration department of the State Council and relevant people's governments of provinces, autonomous regions and municipalities, determine the water environment quality standards applicable to the cross-province water bodies of any major river and lake valleys, pursuant to the use function of the water bodies of such river and lake valleys and the economic and technological conditions of relevant regions, and submit the same to the State Council for approval before implementation.

第十三条 国务院环境保护主管部门根据国家水环境质量标准和国家经济、技术条件，制定国家水污染物排放标准。

Article 13 The environmental protection administration under the State Council shall, in line with the national standards for water environment quality and the country's economic and technological conditions, establish the national standards for discharge of water pollutants.

省、自治区、直辖市人民政府对国家水污染物排放标准中未作规定的项目，可以制定地方水污染物排放标准；对国家水污染物排放标准中已作规定的项目，可以制定严于国家水污染物排放标准的省、自治区、直辖市地方水污染物排放标准。地方水污染物排放标准须报国务院环境保护主管部门备案。

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may establish their own local standards for the items that are not specified in the national standards for discharge of water pollutants. With regard to the items that are already specified in the national standards for discharge of water pollutants, they may establish more stringent local standards than the national standards. All local standards must be reported to the environmental protection department under the State Council for the record.

向已有地方水污染物排放标准的水体排放污染物的，应当执行地方水污染物排放标准。Those who discharge pollutants into any water body for which local standards have been established shall observe such local standards.

第十四条 国务院环境保护主管部门和省、自治区、直辖市人民政府，应当根据水污染防治的要求和国家或者地方的经济、技术条件，适时修订水环境质量和水污染物排放标准。

Article 14 The environmental protection administration under the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, in line with the requirements of prevention and control of water pollution and the country's economic and technological conditions, amend in due time their standards for water environment quality and for discharge of water pollutants.

第十五条 防治水污染应当按流域或者按区域进行统一规划。国家确定的重要江河、湖泊的流域水污染防治规划，由国务院环境保护主管部门会同国务院经济综合宏观调控、水行政等部门和有关省、自治区、直辖市人民政府编制，报国务院批准。

Article 15 Water pollution prevention and treatment shall be planned on a uniform basis by valley or region. The plans for water pollution prevention and treatment for major rivers and lakes as determined by the State shall be prepared by the environmental protection authority of the State Council, jointly with the macro-economic control and water conservancy administration departments of the State Council as well as the people's governments of relevant provinces, autonomous regions and municipalities, and the same shall be submitted to the State Council for approval.

前款规定外的其他跨省、自治区、直辖市江河、湖泊的流域水污染防治规划，根据国家确定的重要江河、湖泊的流域水污染防治规划和本地实际情况，由有关省、自治区、直辖市人民政府环境保护主管部门会同同级水行政等部门和有关市、县人民政府编制，经有关省、自治区、直辖市人民政府审核，报国务院批准。

The plans for the water pollution prevention and treatment for other cross-province, autonomous or municipality rivers and lakes than those provided for in the preceding paragraph shall be prepared by the environment protection authorities of the people's governments of relevant provinces, autonomous regions or municipalities, jointly with the water administration authorities at the same level and the people's governments of relevant cities or counties, in accordance with the plans for water pollution prevention and treatment for such major rivers and lakes as determined by the State, and, upon examination and approval by the people's governments of relevant provinces, autonomous regions and municipalities, the same shall be submitted to the State Council for approval.

省、自治区、直辖市内跨县江河、湖泊的流域水污染防治规划，根据国家确定的重要江河、湖泊的流域水污染防治规划和本地实际情况，由省、自治区、直辖市人民政府环境保护主管部门会同同级水行政等部门编制，报省、自治区、直辖市人民政府批准，并报国务院备案。

The plans for water pollution prevention and treatment for cross-county rivers and lakes within any provinces, autonomous regions or municipalities shall be prepared by the environment protection authorities of the people's governments of provinces, autonomous regions or municipalities, pursuant to the plans for water pollution prevention and treatment for such major rivers and lakes as determined by the State, and shall be submitted to the people's governments of provinces, autonomous regions or municipalities for approval and to the State Council for record.

经批准的水污染防治规划是防治水污染的基本依据，规划的修订须经原批准机关批准。

县级以上地方人民政府应当根据依法批准的江河、湖泊的流域水污染防治规划，组织制定本行政区域的水污染防治规划。

The plans for water pollution prevention and treatment, once approved, shall constitute the fundamental basis for water pollution prevention and treatment. Any amendment to the plans shall be subject to approval by the original approval authorities. Local people's governments at or above the county level shall organize the preparation of the plans for water pollution prevention and treatment for their respective administrative regions, pursuant to the plans for water pollution prevention and treatment for rivers and lakes as approved according to law.

第十六条 国务院有关部门和县级以上地方人民政府开发、利用和调节、调度水资源时，应当统筹兼顾，维持江河的合理流量和湖泊、水库以及地下水体的合理水位，维护水体的生态功能。

Article 16 Relevant authorities of the State Council and local people's governments at or above the county level shall, when developing, utilizing, regulating and allocating water resources, maintain the reasonable water flow of rivers and lakes and reasonable water levels of rivers, reservoirs and underground water bodies, and preserve the ecological functions of water bodies, in a well-planned manner.

第三章 水污染防治的监督管理

CHAPTER III SUPERVISION AND MANAGEMENT OF PREVENTION AND CONTROL OF WATER POLLUTION

第十七条 新建、改建、扩建直接或者间接向水体排放污染物的建设项目和其他水上设施，应当依法进行环境影响评价。

Article 17 New construction, expansion or reconstruction projects and other installations on water that directly or indirectly discharge pollutants to water bodies shall be subject to environmental impact assessment according to law.

建设单位在江河或者湖泊新建、改建、扩建排污口的，应当取得水行政主管部门或者流域管理机构同意。涉及通航、渔业水域的，环境保护主管部门在审批环境影响评价报告书时应当征求交通、渔业主管部门的意见。

Where any construction entity intends to build new sewage outlets or reconstruct or expand any sewage outlets at rivers or lakes, it shall obtain approval from the water conservancy administration department or the valley administration organ. Where navigable water areas or fishery areas, the environmental protection authority shall, in examining and approving the environmental impact statement, seek opinions from the departments in charge of communications and fisheries.

建设项目的水污染防治设施，应当与主体工程同时设计、同时施工、同时投入使用。水污染防治设施应当经过环境保护主管部门验收，验收不合格的，该建设项目不得投入生产或者使用。

The facilities for prevention and control of water pollution must be designed, constructed and put to use or into operation simultaneously with the main part of a construction project. Such facilities must be inspected by the environmental protection department. If they are held to be unacceptable upon inspection, the said project shall not be permitted to be put into operation or to use.

第十八条 国家对重点水污染物排放实施总量控制制度。

Article 18 The States implements a system of total quantity control on the discharge of key water pollutants.

省、自治区、直辖市人民政府应当按照国务院的规定削减和控制本行政区域内的重点水污染物排放总量，并将重点水污染物排放总量控制指标分解落实到市、县人民政府。市、县人民政府根据本行政区域重点水污染物排放总量控制指标的要求，将重点水污染物排放总量控制指标分解落实到排污单位。具体办法和实施步骤由国务院规定。

The people's governments of provinces, autonomous regions and municipalities shall reduce and control the total quantity of the discharge of key water pollutants in their respective administrative jurisdictions, and allocate the responsibilities for meeting the requirement for total discharges per annum among city and county people's governments, pursuant to the document of responsibility for meeting the target of controlling total discharges of pollutants executed with the environmental protection authority of the State Council. City and county people's governments shall in turn allocate the responsibilities for meeting the requirement for total emissions per annum among units that discharge pollutants pursuant to the specific responsibilities of their respective administrative jurisdictions for the total emission control.

对超过重点水污染物排放总量控制指标的地区，有关人民政府环境保护主管部门应当暂停审批新增重点水污染物排放总量的建设项目的环评文件。

With respect to those regions that have exceeded the target of total emissions of key water pollutants, relevant environmental protection authorities of the people's governments shall suspend the examination and approval of environmental impact assessment documents for new construction projects subject to the target of total emissions of key water pollutants .

第十九条 国务院环境保护主管部门对未按照要求完成重点水污染物总量控制指标的省、自治区、直辖市予以公布。省、自治区、直辖市人民政府环境保护主管部门对未按照要求完成重点水污染物总量控制指标的市、县，定期予以公布。

Article 19 The environmental protection administration department of the State Council shall make public those provinces, autonomous region and municipalities that have failed to fulfill the required target for the total quantity control over key water pollutants. The environmental protection administration departments of the people's governments of provinces, autonomous regions and municipalities shall periodically make public the required target for the total quantity control over key water pollutants.

县级以上人民政府环境保护主管部门对违反本法规定、严重污染水环境的企业，予以公布。

The environmental protection administration departments of the people's governments at or above the county level shall make public those enterprises that have caused serious pollution to the water environment in violation of this Law.

第二十条 国家实行排污许可制度。

Article 20 The State implements a waste discharge licensing system.

直接或者间接向水体排放工业废水和医疗污水以及其他按照规定应当取得排污许可证方可排放的废水、污水的企业事业单位，应当取得排污许可证；城市污水集中处理设施的运营单位，也应当取得排污许可证。排污许可的具体办法和实施步骤由国务院规定。

Enterprises or institutions or individually-owned businesses shall obtain waste discharge licenses if they directly or indirectly discharge to water bodies industrial or medical wastewater or other wastewater or sewage that may be discharged only after waste discharge licenses have been obtained pursuant to regulations. The operators of centralized treatment facilities for urban sewage shall also obtain waste discharge license. Specific procedures and implementing regulations for waste discharge licenses shall be specified by the State Council.

禁止企业事业单位无排污许可证或者违反排污许可证的规定向水体排放前款规定的废水、污水。

Any enterprise or institution without waste discharge licenses or in violation of provisions of waste discharge licenses shall be prohibited from discharge into water bodies the sewage and waste water as set forth in the preceding paragraph.

第二十一条 直接或者间接向水体排放污染物的企业事业单位和个体工商户，应当按照国务院环境保护主管部门的规定，向县级以上地方人民政府环境保护主管部门申报登记拥有的水污染物排放设施、处理设施和正常作业条件下排放水污染物的种类、数量和浓度，并提供防治水污染方面的有关技术资料。

Article 21 Enterprises and institutions as well as individually-owned businesses that discharge pollutants directly or indirectly into a water body shall, pursuant to the regulations of the environmental protection department under the State Council, report to and register with the local environmental protection department at or above the county level their existing facilities for discharging and treating pollutants, and the categories, quantities and concentrations of pollutants discharged under their normal operating conditions, and also provide to the same department technical information concerning prevention and control of water pollution.

企业事业单位和个体工商户排放水污染物的种类、数量和浓度有重大改变的，应当及时申报登记；其水污染物处理设施应当保持正常使用，拆除或者闲置水污染物处理设施的，应当事先报县级以上地方人民政府环境保护主管部门批准。

Enterprises and institutions as well as individually-owned businesses shall report without delay any substantial change in the categories, quantities or concentrations of the pollutants discharged. Their facilities for treating water pollutants must be kept in normal operation; when such facilities are to be dismantled or left idle, the matter must be reported in advance to the environmental protection department of the local people's government at or above the county level for approval.

第二十二条 向水体排放污染物的企业事业单位和个体工商户，应当按照法律、行政法规和国务院环境保护主管部门的规定设置排污口；在江河、湖泊设置水污染物处理设施的，还应当事先报县级以上地方人民政府环境保护主管部门批准。

Article 22 Enterprises and institutions as well as individually-owned businesses that discharge pollutants into water bodies shall set up drainage outlets pursuant to laws, administrative regulations and the rules of the environmental protection authority under the State Council. If water pollutant treatment facilities are to be installed on rivers or lakes, approval shall be obtained from the environmental protection authorities of local people's governments at or above the county level.

禁止私设暗管或者采取其他规避监管的方式排放水污染物。

Water pollutants are prohibited from being discharged by means of installing hidden pipes without permission or otherwise escaping from supervision and management.

第二十三条 重点排污单位应当安装水污染物排放自动监测设备，与环境保护主管部门的监控设备联网，并保证监测设备正常运行。排放工业废水的企业，应当对其所排放的工业废水进行监测，并保存原始监测记录。具体办法由国务院环境保护主管部门规定。

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Article 23 Key waste discharge entities shall install automatic monitoring facilities for the discharge of water pollutants to be networked with the monitoring equipment of the environmental protection authority, and shall ensure the normal operation of monitoring equipment. Enterprises discharging industrial wastewater shall monitor the industrial wastewater it discharges and preserves the original monitoring records. Specific regulations with respect thereto will be formulated by the environmental protection authority of the State Council.

应当安装水污染物排放自动监测设备的重点排污单位名录，由设区的市级以上地方人民政府环境保护主管部门根据本行政区域的环境容量、重点水污染物排放总量控制指标的要求以及排污单位排放水污染物的种类、数量和浓度等因素商同级有关部门确定。

The list of key waste discharge units required to install automatic monitoring equipment for water pollutant discharge shall be determined by the environmental protection authorities of local people's governments at or above the level of cities divided into districts, upon consultation with relevant departments, in accordance with local environmental capacity, the total control standards for key water pollutants, and the categories, quantities and concentrations of pollutants discharged by such key waste discharge units.

第二十四条 直接向水体排放污染物的企业事业单位和个体工商户，应当按照排放水污染物的种类、数量和排污费征收标准缴纳排污费。

Article 24 Enterprises and institutions as well as individually-owned businesses that discharge pollutants into a water body shall pay a pollutant discharge fee in accordance with the categories, quantities of the water pollutants discharged and the charging standard for waste discharge fees.

排污费应当用于污染的防治，不得挪作他用。

The fees paid for pollutant discharge shall be used for pollution prevention and control and may not be used for any other purposes.

第二十五条 国家建立水环境质量监测和水污染物排放监测制度。国务院环境保护主管部门负责制定水环境监测规范，统一发布国家水环境状况信息，会同国务院水行政等部门组织监测网络。

Article 25 The State will establish a system for monitoring water environmental quality and water pollutant discharge. The environmental protection authority of the State Council shall be responsible for developing water environment monitoring standards, centrally releasing information on national water environment status and organizing monitoring networks jointly with State Council departments including the water administration authority.

第二十六条 国家确定的重要江河、湖泊流域的水资源保护工作机构负责监测其所在流域的省界水体的水环境质量状况，并将监测结果及时报国务院环境保护主管部门和国务院水

行政主管部门；有经国务院批准成立的流域水资源保护领导机构的，应当将监测结果及时报告流域水资源保护领导机构。

Article 26 Water resources protection agencies for major river and lake basins determined as such by the State shall be responsible for monitoring the water environment quality conditions of such river basins within the boundaries of the provinces where they are located and shall, without delay, report the monitoring findings to the environmental protection department under the State Council and the water conservancy administration department under the State Council; where there are leading bodies for protection of water resources of the river basins that are set up with the approval of the State Council, such findings shall, without delay, be reported to those leading bodies.

第二十七条 环境保护主管部门和其他依照本法规定行使监督管理权的部门，有权对管辖范围内的排污单位进行现场检查，被检查的单位应当如实反映情况，提供必要的资料。检查机关有义务为被检查的单位保守在检查中获取的商业秘密。

Article 27 The environmental protection authorities and other departments that exercise supervision and administration powers in accordance herewith shall have the right to conduct on-site inspections of waste-discharging entities in their jurisdiction. Any entities subject to such inspections shall make truthful representations and furnish necessary information. The authorities with inspection powers shall have the obligation to maintain the confidentiality of any trade secrets obtained in the course of inspection from relevant entities.

第二十八条 跨行政区域的水污染纠纷，由有关地方人民政府协商解决，或者由其共同的上级人民政府协调解决。

Article 28 Any cross-region disputes with respect to water pollution shall be settled by relevant local people's governments through consultations, or by the people's government to which they are subordinate through coordination.

第四章 水污染防治措施 CHAPTER FOUR MEASURES FOR WATER POLLUTION PREVENTION AND TREATMENT

第一节 一般规定 Section One General Provisions

第二十九条 禁止向水体排放油类、酸液、碱液或者剧毒废液。

Article 29 The discharge of any oil, acid or alkaline solutions or highly toxic liquid waste into any water body shall be prohibited.

禁止在水体清洗装贮过油类或者有毒污染物的车辆和容器。

Any water bodies shall be prohibited from being used to wash and clean any vehicles or containers which have been used for storing oil or toxic pollutant.

第三十条 禁止向水体排放、倾倒放射性固体废弃物或者含有高放射性和中放射性物质的废水。

Article 30 Any radioactive solid wastes or waste water containing any high-or medium-level radioactive substances shall be prohibited from being discharged or dumped any water body.

向水体排放含低放射性物质的废水，应当符合国家有关放射性污染防治的规定和标准。
Any discharge of waste water containing low-level radioactive substances into any water body must comply with the regulations and standards of the State for radioactive pollution prevention and treatment.

第三十一条 向水体排放含热废水，应当采取措施，保证水体的水温符合水环境质量标准。

Article 31 Where heated waste water is discharged into any water body, measures shall be taken to ensure that the temperature of the water body conforms to the standards for water environment quality.

第三十二条 含病原体的污水应当经过消毒处理；符合国家有关标准后，方可排放。

Article 32 Pathogen-contaminated sewage may be discharged only after it is disinfected to meet the relevant standards of the State.

第三十三条 禁止向水体排放、倾倒工业废渣、城镇垃圾和其他废弃物。

Article 33 Any industrial waste residues, urban refuse or other wastes shall be prohibited from being discharged or dumped into any water body.

禁止将含有汞、镉、砷、铬、铅、氰化物、黄磷等的可溶性剧毒废渣向水体排放、倾倒或者直接埋入地下。

Any highly toxic soluble waste residue containing such substances as mercury, cadmium, arsenic, chromium, lead, cyanide and yellow phosphorus shall be prohibited from being discharged or dumped into any water body or directly buried underground.

存放可溶性剧毒废渣的场所，应当采取防水、防渗漏、防流失的措施。

Places for storing highly toxic waste residues shall be made waterproof and protected against seepages and leaks.

第三十四条 禁止在江河、湖泊、运河、渠道、水库最高水位线以下的滩地和岸坡堆放、存贮固体废弃物和其他污染物。

Article 34 Any beaches or bank slopes below the highest water level of rivers, lakes, canals, irrigation channels and reservoirs shall be prohibited from being used to pile or deposit solid wastes and other pollutants.

第三十五条 禁止利用渗井、渗坑、裂隙和溶洞排放、倾倒含有毒污染物的废水、含病原体的污水和其他废弃物。

Article 35 Any seepage wells or pits, crevices or karst caves shall be prohibited from being used to discharge or dump waste water containing toxic pollutants or pathogens or other wastes.

第三十六条 禁止利用无防渗漏措施的沟渠、坑塘等输送或者存贮含有毒污染物的废水、含病原体的污水和其他废弃物。

Article 36 Any ditches or ponds without leakage-prevention functions shall be prohibited from being used to transmit or store any wastewater containing toxic pollutants, sewage containing pathogen and other wastes.

第三十七条 多层地下水的含水层水质差异大的，应当分层开采；对已受污染的潜水和承压水，不得混合开采。

Article 37 Layered exploitation shall be resorted to if the water quality differs greatly from one aquifer to another. No combined exploitation of perched water and artesian water already polluted may be permitted.

第三十八条 兴建地下工程设施或者进行地下勘探、采矿等活动，应当采取防护性措施，防止地下水污染。

Article 38 While constructing underground engineering facilities or carrying out underground prospecting, mining and other underground activities, protective measures shall be taken to prevent ground water pollution.

第三十九条 人工回灌补给地下水，不得恶化地下水水质。

Article 39 The quality of ground water shall not be deteriorated in the process of artificial recharge for ground water.

第二节 工业水污染防治

Section Two Prevention and Control of Industrial Water Pollution

第四十条 国务院有关部门和县级以上地方人民政府应当合理规划工业布局，要求造成水污染的企业进行技术改造，采取综合防治措施，提高水的重复利用率，减少废水和污染物排放量。

Article 40 Relevant departments of the State Council and local people's governments at or above the county level shall reasonably plan the industrial structure, and require enterprises that have caused water pollution to conduct technological renovations and adopt comprehensive preventive measures to improve repetitive water utilization rate and reduce the discharge of wastewater and pollutants.

第四十一条 国家对严重污染水环境的落后工艺和设备实行淘汰制度。

Article 41 The State will adopt a system whereby backward processes and equipment that cause serious pollution to water environment will be eliminated.

国务院经济综合宏观调控部门会同国务院有关部门，公布限期禁止采用的严重污染水环境的工艺名录和限期禁止生产、销售、进口、使用的严重污染水环境的设备名录。

The macro-economic control department of the State Council shall, jointly with relevant departments of the State Council, announce the list of technical processes prohibited from being adopted within a specified period for their serious pollution to water environment and the list of equipment prohibited from being manufactured, sold, imported or used within a specified period for its serious pollution to water environment.

生产者、销售者、进口者或者使用者应当在规定的期限内停止生产、销售、进口或者使用列入前款规定的设备名录中的设备。工艺的采用者应当在规定的期限内停止采用列入前款规定的工艺名录中的工艺。

The manufacturers, sellers, importers or users thereof shall refrain from producing, selling, importing or using the equipment included in the list of equipment as set out in the preceding paragraph within the specified period. Those who adopt such technical processes shall refrain from using the processes included in the list of processes as set out in the preceding paragraph within the specified period.

依照本条第二款、第三款规定被淘汰的设备，不得转让给他人使用。

Any equipment eliminated pursuant to Paragraph 2 and 3 of this section may not be transferred to any third party for use.

第四十二条 国家禁止新建不符合国家产业政策的小型造纸、制革、印染、染料、炼焦、炼硫、炼砷、炼汞、炼油、电镀、农药、石棉、水泥、玻璃、钢铁、火电以及其他严重污染水环境的项目。

Article 42 The State prohibits any new construction project of small-scale papermaking, tanning, printing and dyeing, dye, coke, sulfur, arsenic, and mercury production, oil refinery, electroplating, pesticide, asbestos, cement, glass, steel, thermal power generation and other projects that cause serious pollution to the water environment.

第四十三条 企业应当采用原材料利用效率高、污染物排放量少的清洁工艺，并加强管理，减少水污染物的产生。

Article 43 Enterprises shall adopt clean technical processes whereby raw materials are utilized in high efficiency and the quantity of discharged pollutants is not considerable, and shall strengthen management to reduce the creation of water pollutants.

Section Three Prevention and Control of Urban Water Pollution

第四十四条 城镇污水应当集中处理。

Article 44 Urban wastewater shall be treated on a centralized basis.

县级以上地方人民政府应当通过财政预算和其他渠道筹集资金，统筹安排建设城镇污水集中处理设施及配套管网，提高本行政区域城镇污水的收集率和处理率。

Local people's governments at or above the county level shall, through fiscal budget and other channels, raise capital, arrange the construction of urban centralized wastewater treatment facilities and ancillary piping networks in a coordinated manner, and improve the level of collection and treatment of urban wastewater in their respective administrative areas.

国务院建设主管部门应当会同国务院经济综合宏观调控、环境保护主管部门，根据城乡规划和水污染防治规划，组织编制全国城市污水处理设施建设规划。县级以上地方人民政府组织建设、经济综合宏观调控、环境保护、水行政等部门编制本行政区域的城市污水处理设施建设规划。县级以上地方人民政府建设主管部门应当有计划地组织建设城市污水集中处理设施及配套管网，并加强对城市污水集中处理设施运营的监管。

The construction administration department of the State Council shall, jointly with the macro-economic control and environmental protection departments of the State Council, organize the preparation of plans for the construction of the country's urban sewage treatment facilities, in accordance with urban and rural planning and plans for water pollution prevention and control. Local people's governments at or above the county level shall organize construction, macro-economic control, environmental protection and water conservancy administration departments to prepare the plans for construction of urban sewage treatment in their respective administrative regions. The construction administration departments of local people's governments at or above the county level shall organize the construction of centralized treatment facilities and piping networks for urban sewage in a well-planned manner, and strengthen supervision on the operation of such centralized treatment facilities for urban sewage.

城市污水集中处理设施的运营单位按照国家规定向排污者提供污水处理的有偿服务，收取污水处理费用，保证污水集中处理设施的正常运行。向城市污水集中处理设施排放污水、缴纳污水处理费用的，不再缴纳排污费。收取的污水处理费用应当用于城市污水集中处理设施的建设和运行，不得挪作他用。

The operators of centralized urban sewage treatment facilities shall provide paid services of sewage treatment for waste dischargers, collect sewage treatment fees and guarantee the normal operation of the centralized sewage treatment facilities according to State regulations. Where sewage treatment fees are paid for discharging sewage into the centralized urban sewage treatment facilities, no waste discharge fees shall be paid. The sewage treatment fees collected shall be used for the construction and operation of centralized urban sewage treatment facilities, and may not be used for any other purpose.

城市污水集中处理设施的污水处理收费、管理以及使用的具体办法，由国务院规定。

Specific measures for collection, control and use of the fees for facilities for central treatment of urban sewage shall be formulated by the State Council.

第四十五条 向城镇污水集中处理设施排放水污染物，应当符合国家或者地方规定的水污染物排放标准。

Article 45 Discharge of water pollutants into centralized urban sewage treatment facilities shall comply with the standards of water pollutant discharge as specified by the State or local authorities.

城市污水集中处理设施的出水水质达到国家或者地方规定的水污染物排放标准的，可以按照国家有关规定免缴排污费。

If the quality of effluent from the centralized urban sewage treatment facilities complies with the standard for water pollutant discharge as specified by the State or local regulations, sewage discharge fees may be exempted according to relevant State rules.

城市污水集中处理设施的运营单位，应当对城市污水集中处理设施的出水水质负责。

The operators of centralized urban sewage treatment facilities shall be responsible for the quality of effluent from the centralized urban sewage treatment facilities.

环境保护主管部门应当对城市污水集中处理设施的出水水质和水量进行监督检查。

Environmental protection administration shall monitor and inspect the quality and quantity of the water from the centralized urban sewage treatment facilities.

第四十六条 建设生活垃圾填埋场，应当采取防渗漏等措施，防止造成水污染。

Article 46 In the construction of landfills for domestic wastes, anti-leak measures shall be taken to prevent water pollution.

第四节 农业和农村水污染防治

Section Four Prevention and Control of Agricultural and Rural Water Pollution

第四十七条 使用农药，应当符合国家有关农药安全使用的规定和标准。

Article 47 The application of pesticides shall comply with the regulations and standards of the State for their safe use.

运输、存贮农药和处置过期失效农药，应当加强管理，防止造成水污染。

Transportation and storage of pesticides and disposal of expired or ineffective pesticides shall be strictly controlled to prevent water pollution.

第四十八条 县级以上地方人民政府农业主管部门和其他有关部门，应当采取措施，指导农业生产者科学、合理地施用化肥和农药，控制化肥和农药的过量使用，防止造成水污染。

Article 48 The administrative departments for agriculture and other departments concerned of the local people's governments at or above the county level shall take measures to provide guidance to agricultural producers as to how to apply fertilizers and pesticides scientifically and rationally, so as to prevent their excessive use and water pollution.

第四十九条 国家支持畜禽养殖场、养殖小区建设畜禽粪便、废水的综合利用或者无害化处理设施。

Article 49 The State supports the construction of facilities for comprehensive utilization or harmless treatment of livestock manure and wastewater in livestock farms and breeding complexes.

畜禽养殖场、养殖小区应当保证其畜禽粪便、废水的综合利用或者无害化处理设施正常运转，保证污水达标排放，防治污染水环境。

Livestock farms and breeding complexes shall guarantee the normal operation of their facilities for comprehensive utilization or harmless treatment of livestock manure and wastewater and guarantee their wastewater discharge comply with the specified standards and prevent pollution environment pollution.

第五十条 从事水产养殖应当保护水域生态环境，科学确定养殖密度，合理投饵和使用药物，防治污染水环境。

Article 50 With respect to aquaculture, water ecological environment shall be protected, breeding density shall be scientifically determined and bait and drugs shall be utilized reasonably in order to prevent water environment pollution.

第五十一条 向农田灌溉渠道排放工业废水和城市污水，应当保证其下游最近的灌溉取水点的水质符合农田灌溉水质标准。

Article 51 Where industrial waste water or urban sewage is discharged into farmland irrigation channels, attention shall be paid to ensuring that the water quality at the nearest irrigation intake downstream conforms to the standards for the farmland irrigation water quality.

利用工业废水和城市污水进行灌溉，应当防止污染土壤、地下水和农产品。

When industrial waste water or urban sewage is used for irrigation, attention shall be paid to guarding against pollution of the soil, ground water and agricultural products.

第五节 船舶水污染防治

Section Five Prevention and Control of Water Pollution Caused by Ships

第五十二条 船舶排放含油污水、生活污水，应当符合船舶污染物排放标准。从事海洋航运的船舶，进入内河和港口的，应当遵守内河的船舶污染物排放标准。

Article 52 The discharge of oil-bearing waste water or domestic sewage from ships shall comply with the standards for pollutant discharge by ships. Ocean-going ships, on entering inland rivers or harbors, shall observe the standards for pollutant discharge by inland river ships.

船舶的残油、废油应当回收，禁止排入水体。

Residual oil or waste oil of ships must be recovered, and its discharge into any water body shall be forbidden.

禁止向水体倾倒船舶垃圾。

It is forbidden to dump ship refuse into any water body.

船舶装载运输油类或者有毒货物，应当采取防止溢流和渗漏的措施，防止货物落水造成水污染。

Where ships are being loaded with or transporting oils or toxic cargoes, measures must be taken against any spillage or leakage of the oils and against such cargoes from falling into water, in order to prevent water pollution.

第五十三条 船舶应当按照国家有关规定配置相应的防污设备和器材，并持有合法有效的防止水域环境污染的证书与文书。

Article 53 Ships shall be equipped with appropriate anti-pollution equipment and apparatus pursuant to relevant State regulations, and shall hold legally valid certificates and instruments for prevention of water environmental pollution.

船舶进行涉及污染物排放的作业，应当严格遵守操作规程，并在相应的记录簿上如实记载。

When ships are carrying out any operation that involves pollutant discharge, the operational procedures shall be strictly followed and the record thereof shall be made truthfully on appropriate record books.

第五十四条 港口、码头、装卸站和船舶修造厂应当备有足够的船舶污染物、废弃物的接收设施。从事船舶污染物、废弃物接收作业，或者从事装载油类、污染危害性货物船舱清洗作业的单位，应当具备与其运营规模相适应的接收处理能力。

Article 54 Harbors, ports, loading stations and ship repair plants shall put in place sufficient facilities for receiving ship pollutants and waste. In receiving ship pollutants and waste, or

cleaning the cabins loaded with oils or hazardous cargos, a receiving capacity appropriate to its operational scale shall be made available.

第五十五条 船舶进行下列活动，应当编制作业方案，采取有效的安全和防污染措施，并报作业地海事管理机构批准：

Article 55 When ships are to conduct the following activities, work plans shall be prepared and effective measures for safety and preventing pollution shall be taken, and the same shall be submitted to the marine administration authority of the place where the activities are located for approval:

(一) 船舶进行残油、含油污水、污染危害性货物残留物的接收作业，或者进行装载油类、污染危害性货物船舱的清洗作业；

(1) Ships conduct the operation of receiving residual oil, wastewater containing oil and hazardous goods, or conduct the operation of cleaning cabins loaded with oils and hazardous goods.

(二) 船舶进行散装液体污染危害性货物的过驳作业；

(2) Ships conduct ship-to-ship transfer operation for hazardous goods containing bulk oil;

(三) 进行船舶水上拆解、打捞或者其他水上、水下船舶施工作业。

(3) Ships are disassembled or rescued on water or conduct other operations of on-water or under-water ship construction.

在渔港水域进行渔业船舶水上拆解活动，应当报作业地渔业主管部门批准。

Any on-water fishery ship disassembling at any fishing harbor shall be reported to the local fishery administration department for approval.

第五章 饮用水水源和其他特殊水体保护

Chapter Five Protection of Drinking Water Sources and Other Special Water Bodies

第五十六条 国家建立饮用水水源保护区制度。饮用水水源保护区分为一级保护区和二级保护区。必要时可以在饮用水水源保护区外围划定一定的区域作为准保护区。

Article 56 The State establishes a drinking water source protection zone system. Drinking water source protection zones will be divided into first class protection zone and second class protection zone. A certain area on the periphery of the zones will, when necessary, be designated as quasi-protection zones.

饮用水水源保护区的划定，由有关市、县人民政府提出划定方案，报省、自治区、直辖市人民政府批准；跨市、县饮用水水源保护区的划定，由有关市、县人民政府协商提出划定

方案，报省、自治区、直辖市人民政府批准；协商不成的，由省、自治区、直辖市人民政府环境保护主管部门会同同级水行政、国土资源、卫生、建设等部门提出划定方案，征求同级发展改革、林业、渔业等部门的意见后，报省、自治区、直辖市人民政府批准。

With respect to the designation of drinking water source protection zones, relevant city or county people's governments shall put forth their plans for such designation and submit the same to the people's governments of provinces, autonomous regions and municipalities for approval. With respect to the designation of drinking water source protection zones that cross cities or counties, relevant city or county people's governments shall consult with each other and put forth a plan for such designation and submit the same to the people's governments of provinces, autonomous regions and municipalities for approval. If any consultation fails, the environmental protection department of people's governments of provinces, autonomous regions and municipalities shall, jointly with the water conservancy administration, state land resources, public health and construction departments of the same level, put forth a plan for such designation and submit the same to the people's governments of provinces, autonomous regions and municipalities for approval upon soliciting opinions from the development and reform, forestry and fishery departments of the same level.

跨省、自治区、直辖市的饮用水水源保护区，由有关省、自治区、直辖市人民政府商有关流域管理机构划定；协商不成的，由国务院环境保护主管部门会同国务院水行政、国土资源、卫生、建设等部门提出划定方案，征求国务院发展改革、林业、渔业等部门的意见后，报国务院批准。

With respect to the designation of drinking water source protection zones that cross provinces, autonomous regions and municipalities, the people's governments of provinces, autonomous regions and municipalities shall make the designation upon consulting with relevant valley administration authorities. If any such consultation fails, the environmental protection department of the State Council shall, jointly with the water conservancy administration, state land resources, public health and construction departments of the State Council, put forth a plan for such designation and submit the same to the State Council for approval upon soliciting opinions from the development and reform, forestry and fishery departments of the State Council.

国务院和省、自治区、直辖市人民政府可以根据保护饮用水水源的实际需要，调整饮用水水源保护区的范围，确保饮用水安全。有关地方人民政府应当在饮用水水源保护区的边界设立明确的地理界标和明显的警示标志。

The State Council and people's governments of provinces, autonomous regions and municipalities may, according to the actual needs for drinking water source protection, adjust the scope of drinking water source protection zones. Relevant local people's governments shall set up explicit boundary marks and obvious warning signs at the boundaries of drinking water source protection zones.

第五十七条 在饮用水水源保护区内，禁止设置排污口。

Article 57 Building of drainage outlets within the drinking water source protection zones shall be prohibited.

第五十八条 禁止在饮用水水源一级保护区内新建、改建、扩建与供水设施和保护水源无关的建设项目。已建成的与供水设施和保护水源无关的建设项目，由县级以上人民政府责令拆除或者关闭。

Article 58 It is forbidden to construct, alter or expand any projects that have nothing to do with water supply facilities and protection of water sources within the first-grade protection zones for drinking water sources. Any construction projects that have been finished and are irrelevant to water supply facilities and protection of water sources shall be dismantled or shut down by orders issued by people's governments at or above the county level.

禁止在饮用水水源一级保护区内从事网箱养殖、旅游、游泳、垂钓或者其他可能污染饮用水水体的活动。

It is forbidden to conduct net-cage culture, traveling, swimming, fishing or other activities within the first-grade surface sources protection zones for domestic and drinking water that may possibly cause pollution to the water body.

第五十九条 禁止在饮用水水源二级保护区内新建、改建、扩建排放污染物的建设项目。已建成的排放污染物的建设项目，由县级以上人民政府责令拆除或者关闭。

Article 29 It is forbidden to construct, alter or expand any projects that have nothing to do with water supply facilities and protection of water sources within the second-grade protection zones for drinking water sources. Any construction projects that have been finished and are irrelevant to water supply facilities and protection of water sources shall be dismantled or shut down by orders issued by people's governments at or above the county level.

在饮用水水源二级保护区内从事网箱养殖、旅游等活动的，应当按照规定采取措施，防止污染饮用水水体。

Those who conduct such activities as net-cage culture and traveling within the second-grade drinking water source protection zones shall take measures as required to prevent causing pollution to the drinking water body.

第六十条 禁止在饮用水水源准保护区内新建、扩建对水体污染严重的建设项目；改建项目，不得增加排污量。

Article 60 It is prohibited to build or expand any construction projects that cause serious pollution to water bodies within the quasi-protection zones for drinking water sources. Any project alteration shall not result in the increase of the quantity of waste discharge.

第六十一条 县级以上地方人民政府应当根据保护饮用水水源的实际需要，在准保护区内采取工程措施或者建造湿地、水源涵养林等生态保护措施，防止水污染物直接排入饮用水水体，确保饮用水安全。

Article 61 Local people's governments at or above the county shall, in accordance with the actual needs for protection of drinking water sources, take engineering measures or build such ecological protection measures as wetland and water source conservation forests within the quasi-protection zones to prevent water pollutants from discharging directly into drinking water bodies and ensure the safety of drinking water.

第六十二条 饮用水水源受到污染可能威胁供水安全的，环境保护主管部门应当责令有关企业事业单位采取减少或者停止排放水污染物等措施。

Article 62 Where drinking water sources have been polluted and may threaten the safety of water supplied, the environmental protection authority shall order relevant enterprises or institutions to take measures to reduce or stop discharging water pollutants.

第六十三条 国务院和省、自治区、直辖市人民政府根据水环境保护的需要，可以规定在饮用水水源保护区内，采取禁止或者限制使用含磷洗涤剂、化肥、农药以及限制种植养殖等措施。

Article 63 The State Council and people's governments of provinces, autonomous regions and municipalities may, as required for water environment protection, specify measures for prohibiting or restricting the use of phosphorous detergent, chemical fertilizers, and pesticides and for restricting planting and breeding.

第六十四条 县级以上人民政府可以对风景名胜区水体、重要渔业水体和其他具有特殊经济文化价值的水体划定保护区，并采取措施，保证保护区的水质符合规定用途的水环境质量标准。

Article 64 The people's governments at or above the county level may designate water bodies in scenic resorts, major fishery water bodies and other bodies with special economic and cultural values as protection zones, and shall take appropriate measures to ensure the quality of water in such protection zones complies with the quality standards for the water environment suitable for intended purposes.

第六十五条 在风景名胜区水体、重要渔业水体和其他具有特殊经济文化价值的水体的保护区内，不得新建排污口。在保护区附近新建排污口，应当保证保护区水体不受污染。

Article 65 No new sewage outlets may be constructed within such protection zones as the water bodies of scenic resorts, major fishery water bodies and other water bodies with special economic and cultural values. In any new construction of sewage outlets in areas adjacent to the protection zones, the water bodies of protection zones shall be made free from being polluted.

第六章 水污染事故处置

CHAPTER SIX TREATMENT OF WATER POLLUTION ACCIDENTS

第六十六条 各级人民政府及其有关部门，可能发生水污染事故的企业事业单位，应当依照《中华人民共和国突发事件应对法》的规定，做好突发水污染事故的应急准备、应急处置和事后恢复等工作。

Article 66 The people's governments at various levels and their relevant departments as well as those enterprises and institutions that may cause water pollution accidents shall properly handle such matters as emergency preparation, emergency treatment and aftermath restoration with respect to water pollution accidents.

第六十七条 可能发生水污染事故的企业事业单位，应当制定有关水污染事故的应急预案，做好应急准备，并定期进行演练。

Article 67 Enterprises and institutions susceptible to water pollution accidents shall formulate emergency plans for water pollution accidents and make full preparation for handling emergency accidents and shall rehearse the plan periodically.

生产、储存危险化学品的企业事业单位，应当采取措施，防治在处理安全生产事故过程中产生的可能严重污染水体的消防废水、废液直接排入水体。

Enterprises and institutions that engage in production and storage of dangerous chemicals shall take appropriate measures to prevent any firefighting wastewater and waste fluid that may cause serious pollution to water bodies arising in the treatment of safe production accidents from entering water bodies directly.

第六十八条 企业事业单位发生事故或者其他突发性事件，造成或者可能造成水污染事故的，应当立即启动本单位的应急方案，采取应急措施，并向事故发生地的县级以上地方人民政府或者环境保护主管部门报告。环境保护主管部门接到报告后，应当及时向本级人民政府报告，并抄送有关部门。

Article 68 In the event of any accidents or other unexpected incidents on part of enterprises or institutions that have caused or may cause water pollution accidents, the emergency plan of the concerned unit shall be put into operation forthwith and emergency measures shall be taken. Meanwhile, a report thereof shall be submitted to the local people's government and copied to relevant departments.

造成渔业污染事故或者渔业船舶造成水污染事故的，应当向事故发生地的渔业主管部门报告，接受调查处理。其他船舶造成水污染事故的，应当向事故发生地的海事管理机构报告，接受调查处理；给渔业造成损害的，海事管理机构应当通知渔业主管部门参与调查处理。

In the event any pollution has been caused to the fishery sector or any fishery ships have caused water pollution accidents, a report shall be submitted to the fishery administration department of the place where the accident takes place, and the accident shall be investigated and handled. Where other ships cause water pollution accidents, a report shall be submitted to the marine administration agency of the place where the accident takes place, and the accident shall be investigated and handled. Where any damage has been caused to the fishery sector, the marine administration agency shall notify the competent fishery administration department to participate in the investigation and handling of the same.

第七章 法律责任

CHAPTER SEVEN LEGAL LIABILITIES

第六十九条 环境保护主管部门或者其他依照本法规定行使监督管理权的部门，不依法作出行政许可或者办理批准文件的，发现违法行为或者接到对违法行为的举报后不予查处的，或者有其他未依照本法规定履行职责的行为的，对直接负责的主管人员和其他直接责任人员依法给予处分。

Article 69 If the environmental protection authority or other departments that exercise supervision and administration rights in accordance herewith fail to issue administrative license or other relevant approval documents according to law, or fail to investigate and penalize any illegal behaviors after detecting or receiving reports on the same, or act otherwise in violation of the provisions hereof on the performance of their responsibilities, any personnel directly responsible and other personnel responsible therefore shall be given disciplinary sanctions.

第七十条 拒绝环境保护主管部门或者其他依照本法规定行使监督管理权的部门的监督检查，或者在接受监督检查时弄虚作假的，由县级以上人民政府环境保护主管部门或者其他依照本法规定行使监督管理权的部门责令改正，处一万元以上十万元以下的罚款。

Article 70 Where anyone refuses to be subject to supervision and inspection by the environmental protection authority or other departments that exercise supervision and inspection in accordance herewith, or practice fraud when being monitored and inspected, the environmental protection authority of the people's government at or above the county level or other departments that exercise supervision and administration rights in accordance herewith shall order it to make correction and impose a fine of higher than RMB10,000 and less than RMB100,000.

第七十一条 违反本法规定，建设项目的污染防治设施未建成、未经验收或者验收不合格，主体工程即投入生产或者使用的，由县级以上人民政府环境保护主管部门责令停止生产或者使用，直至验收合格，处五万元以上五十万元以下的罚款。

Article 71 Where the main part of any construction project is put into operation or used when the facilities for water pollution prevention and control have not been built, accepted or determined as unacceptable upon inspection, in violation of this Law, the environmental

protection authority of the people's government at or above county level shall order to cease such production or use until the facilities are inspected and accepted, and impose a fine of higher than RMB50,000 and less than RMB500,000.

第七十二条 违反本法规定，有下列行为之一的，由县级以上人民政府环境保护主管部门责令限期改正；逾期不改正的，处一万元以上十万元以下的罚款：

Article 72 In the event of any of the following acts in violation of this Law, the environmental protection administrations of the people's governments at or above the county level shall order the same to be corrected within a specified period. If the correction fails to be made within the specified period, a fine of higher than RMB10,000 and less than RMB100,000 shall be imposed.

(一)拒报或者谎报国务院环境保护主管部门规定的有关水污染物排放申报登记事项的；

(1) Refusal to report or make fraudulent reports on the items with respect to water pollutant discharge required to be filed and registered by the environment protection authority of the State Council;

(二)未按照规定安装水污染物排放自动监测设备或者未按照规定与环境保护主管部门的监控设备联网，并保证监测设备正常运行的；

(2) Failure to install automatic monitoring equipment for water pollutant discharge as required or fail to be networked with the monitoring equipment of the environmental protection authority as required and ensure the normal operation of the monitoring equipment.

(三)未按照规定对所排放的工业废水进行监测并保存原始监测记录的。

(3) Failure to monitor the discharged industrial wastewater and preserve the original monitoring records as required.

第七十三条 违反本法规定，不正常使用水污染物处理设施，或者未经环境保护主管部门批准拆除、闲置水污染物处理设施的，由县级以上人民政府环境保护主管部门责令限期改正，处应缴纳排污费数额一倍以上三倍以下的罚款。

Article 73 Where facilities for water pollutants treatment fail to be used properly, or such facilities for water pollutant treatment are dismantled or idled, without approval from the environmental protection authority in violation of this Law, the environmental protection authority of the people's government at or above the county level shall order to make correction thereof, and impose a fine equal to 100% and 300% of the payable waste discharge fee.

第七十四条 违反本法规定，排放水污染物超过国家或者地方规定的水污染物排放标准，或者超过重点水污染物排放总量控制指标的，由县级以上人民政府环境保护主管部门按照权限责令限期治理，处应缴纳排污费数额二倍以上五倍以下的罚款。

Article 74 Where any discharged water pollutants exceed the water pollutant discharge standards specified by the State or local regulations, or exceed the total control standard for key water pollutant discharge, in violation of this Law, the environmental protection authority of the people's governments at or above the county level shall order the treatment thereof and impose a fine equal to 200% and 500% of the payable waste discharge fee.

限期治理期间，由环境保护主管部门责令限制生产、限制排放或者停产整治。限期治理的期限最长不超过一年；逾期未完成治理任务的，报经有批准权的人民政府批准，责令关闭

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During the period of treatment, the environmental protection authority shall order production and discharge to be restricted or production to be suspended for rectification. If the treatment fails to be completed within the specified period, an order shall be issued to close down the facilities with approval from the competent people's government.

第七十五条 在饮用水水源保护区内设置排污口的，由县级以上地方人民政府责令限期拆除，处十万元以上五十万元以下的罚款；逾期不拆除的，强制拆除，所需费用由违法者承担，处五十万元以上一百万元以下的罚款，并可以责令停产整顿。

Article 75 Where any discharge outlet is built within any drinking water source protection zone in violation of this Law, the local people's government at or above the county level shall order the same to be removed and impose a fine of more than RMB100,000 and less than RMB500,000. Where such outlet fails to be removed within the specified period, such removal shall be forcibly effected with any expenses arising there from to be borne by the offender, and a fine of more than RMB500,000 and less than RMB 1,000,000 shall be imposed, and an order may be issued to suspend the production for rectification.

除前款规定外，违反法律、行政法规和国务院环境保护主管部门的规定设置排污口或者私设暗管的，由县级以上地方人民政府环境保护主管部门责令限期拆除，处二万元以上十万元以下的罚款；逾期不拆除的，强制拆除，所需费用由违法者承担，处十万元以上五十万元以下的罚款；私设暗管或者有其他严重情节的，县级以上地方人民政府环境保护主管部门可以提请县级以上地方人民政府责令停产整顿。

In addition to the foregoing provisions, if any discharge outlet is built or any hidden pipes are installed without permission in violation of law, administrative regulations and the rules of the environment protection authority of the State Council, the local people's government at or above the county level shall order the same to be removed and impose a fine of more than RMB20,000 and less than RMB100,000. Where such outlet or pipes fail to be removed within the specified period, such removal shall be forcibly effected with any expenses arising there from to be borne by the offender, and a fine of more than RMB100,000 and less than RMB500,000 shall be imposed. If hidden pipes are installed without permission or in other serious circumstances, the environmental protection authority of the local people's government at or above the county level may petition the local people's government at or above the county level to order the production to be suspended for rectification.

未经水行政主管部门或者流域管理机构同意，在江河、湖泊新建、改建、扩建排污口的，由县级以上人民政府水行政主管部门或者流域管理机构依据职权，依照前款规定采取措施、给予处罚。

If any discharge outlet is build, rebuilt or expanded on rivers or lakes, without approval from the water administration authority or valley administration authority, the water administration authority or valley administration authority of the people's government at or above the county level shall, to the extent of their authority, take measures and impose sanctions as specified above.

第七十六条 有下列行为之一的，由县级以上地方人民政府环境保护主管部门责令停止违法行为，限期采取治理措施，消除污染，处以罚款；逾期不采取治理措施的，环境保护主管部门可以指定有治理能力的单位代为治理，所需费用由违法者承担：

Article 76 In the event of any one of the following acts, the environmental protection authority of the people's government at or above the county level shall order such act to be stopped, remedial measures to be taken within a specified period, and pollution to be eliminated, and shall impose a fine. Where remedial measures fail to be taken within the specified period, the environmental protection authority may appoint a competent entity to make such remedies on behalf, with any expenses arising therefrom to be borne by the offender:

(一)向水体排放油类、酸液、碱液的；

(1) Discharging any oil, acid or alkaline solutions into any water body

(二)向水体排放剧毒废液，或者将含有汞、镉、砷、铬、铅、氰化物、黄磷等的可溶性剧毒废渣向水体排放、倾倒或者直接埋入地下的；

(2) Discharging or dumping into any water body or directly bury deadly toxic soluble slag, tailings, etc. containing such substances as mercury, cadmium, arsenic, chromium, lead, cyanide and yellow phosphorus.

(三)在水体清洗装贮过油类、有毒污染物的车辆或者容器的；

(3) Washing and cleaning in any water body any vehicles or containers which have been used for storing oil or toxic pollutant.

(四)向水体排放、倾倒工业废渣、城镇垃圾或者其他废弃物，或者在江河、湖泊、运河、渠道、水库最高水位线以下的滩地、岸坡堆放、存贮固体废弃物或者其他污染物的；

(4) Discharging or dumping industrial waste residues, urban refuse or other wastes into any water body, or piling or depositing solid wastes and other pollutants on beaches and bank slopes below the highest water level of rivers, lakes, canals, irrigation channels and reservoirs.

(五)向水体排放、倾倒放射性固体废物或者含有高放射性、中放射性物质的废水的；

(5) Discharging or dumping radioactive solid wastes or waste water containing any high-or medium-level radioactive substances into any water body.

(六)违反国家有关规定或者标准，向水体排放含低放射性物质的废水、热废水或者含病原体的污水的；

(6) Discharging waste water containing low-level radioactive substances into any water body in violation of relevant State regulations or standards;

(七)利用渗井、渗坑、裂隙或者溶洞排放、倾倒含有毒污染物的废水、含病原体的污水或者其他废弃物的；

(7) Discharging or dumping waste water containing toxic pollutants or pathogens or other wastes into seepage wells or pits, crevices or karst caves.

(八)利用无防渗漏措施的沟渠、坑塘等输送或者存贮含有毒污染物的废水、含病原体的污水或者其他废弃物的。

(8) Using ditches, pits or ponds devoid of safeguards against seepage for conveyance or storage of waste water containing toxic pollutants or pathogens, or of other wastes.

有前款第三项、第六项行为之一的，处一万元以上十万元以下的罚款；有前款第一项、第四项、第八项行为之一的，处二万元以上二十万元以下的罚款；有前款第二项、第五项、第七项行为之一的，处五万元以上五十万元以下的罚款。

In the event of any act set forth in Item (3) and (6) of the preceding paragraph, a fine of higher than RMB10,000 and less than RMB100,000 shall be imposed. In the event of any act set forth in Item (1), (4) and (8) of the preceding paragraph, a fine of higher than RMB20,000 and less than RMB200,000 shall be imposed. In the event of any act set forth in Item (2), (5) and (7) of the preceding paragraph, a fine of higher than RMB50,000 and less than RMB500,000 shall be imposed.

第七十七条 违反本法规定，生产、销售、进口或者使用列入禁止生产、销售、进口、使用的严重污染水环境的设备名录中的设备，或者采用列入禁止采用的严重污染水环境的工艺名录中的工艺的，由县级以上人民政府经济综合宏观调控部门责令改正，处五万元以上二十万元以下的罚款；情节严重的，由县级以上人民政府经济综合宏观调控部门提出意见，报请本级人民政府责令停业、关闭。

Article 77 In the event of any production, sales, import or use of the equipment included in the list of equipment that causes serious pollution to water environment and the production, sales, import and use of which are prohibited, or in the event of adoption of any technical process included in the list of technical processes that cause serious pollution to water environment and the adoption of which is prohibited, the macro-economic control department of the people's government at or above the county level shall order the correction thereof, and

impose a fine of higher than RMB50,000 and less than RMB200,000. Where the circumstance is serious, the macro-economic control department of the people's government at or above the county level shall report to the people's government at the same level to order business cessation and closedown.

第七十八条 违反本法规定，建设不符合国家产业政策的小型造纸、制革、印染、染料、炼焦、炼硫、炼砷、炼汞、炼油、电镀、农药、石棉、水泥、玻璃、钢铁、火电以及其他严重污染水环境的生产项目的，由所在地的市、县人民政府责令关闭。

Article 78 In the event of any construction of small-scale papermaking, tanning, printing and dyeing, dye, coke, sulfur, arsenic, and mercury production, oil refinery, electroplating, pesticide, asbestos, cement, glass, steel, thermal power generation and other projects that cause serious pollution to the water environment, in violation of this Law, the local city or county people's government shall order the same to be close down.

第七十九条 船舶未配置相应的防污染设备和器材，或者未持有合法有效的防止水域环境污染的证书与文书的，由海事管理机构、渔业主管部门按照职责分工责令限期改正，处二千元以上二万元以下的罚款；逾期不改正的，责令船舶临时停航。

Article 79 Where any ship is not equipped with appropriate anti-pollution equipment and devices, or does not hold legally valid certificates and documents for prevention of water environment pollution, in violation of this Law, the marine administration authority and fishery administration authority shall, according to their scope of authority, impose a fine of higher than RMB2,000 and less than RMB20,000. Where no remedy is made within the specified period, the ship shall be ordered to suspend its service .

船舶进行涉及污染物排放的作业，未遵守操作规程或者未在相应的记录簿上如实记载的，由海事管理机构、渔业主管部门按照职责分工责令改正，处二千元以上二万元以下的罚款。

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Where any ship carries out activities involving pollutant discharge, fails to follow operational procedures or fails to make truthful record on appropriate record books, the marine administration authority and fishery administration authority shall, according to their scope of authority, impose a fine of higher than RMB2,000 and less than RMB20,000.

第八十条 违反本法规定，有下列行为之一的，由海事管理机构、渔业主管部门按照职责分工责令停止违法行为，处以罚款；造成水污染的，责令限期采取治理措施，消除污染；逾期不采取治理措施的，海事管理机构、渔业主管部门按照职责分工可以指定有治理能力的单位代为治理，所需费用由船舶承担：

Article 80 In the event of any one of the following acts in violation of this Law, the marine administration authority and fishery administration authority shall, according to their scope of authority, order the operation to be stopped and impose a fine. Where water pollution has been caused, remedial measures shall be ordered to be taken and pollution to be eliminated within a

specified period. Where such remedial measures fail to be taken within the specified period, the marine administration authority and fishery administration authority shall, according to their scope of authority, appoint a competent entity to make remedies on behalf, with any expenses arising there from to be borne by the ship owner:

(一)向水体倾倒船舶垃圾或者排放船舶的残油、废油的；

(1) Dump rubbish or residual or waste oil into the water body from ships;

(二)未经作业地海事管理机构批准，船舶进行残油、含油污水、污染危害性货物残留物的接收作业，或者进行装载油类、污染危害性货物船舱的清洗作业，或者进行散装液体污染危害性货物的过驳作业的；

(2) Without approval from the marine administration authority of the place where the activity is conducted, any ship carries out such activities as receiving residual oil, waste water containing oil or hazardous goods residues, or cleaning the cabins loaded with oils or hazardous cargos, or conducts ship-to-ship transfer operation for hazardous goods containing bulk oil;

(三)未经作业地海事管理机构批准，进行船舶水上拆解、打捞或者其他水上、水下船舶施工作业的；

(3) Without approval from the marine administration authority of the place where the activity is conducted, any ship is disassembled or rescued on water or conducts other operations of on-water or under-water ship construction

(四)未经作业地渔业主管部门批准，在渔港水域进行渔业船舶水上拆解的。

(4) Without approval from the fishery administration authority of the place where the activity is conducted, any fishery ship is disassembled on-water at any fishing harbor.

有前款第一项、第二项、第四项行为之一的，处五千元以上五万元以下的罚款；有前款第三项行为的，处一万元以上十万元以下的罚款。

In the event of the act set forth in Item (1), (2) and (4) of the preceding paragraph, a fine of higher than RMB5,000 and less than RMB50,000 shall be imposed. In the event of the act set forth in Item (3) of the preceding paragraph, a fine of higher than RMB10,000 and less than RMB100,000 shall be imposed.

第八十一条 有下列行为之一的，由县级以上地方人民政府环境保护主管部门责令停止违法行为，处十万元以上五十万元以下的罚款；并报经有批准权的人民政府批准，责令拆除或者关闭：

Article 81 In the event of any one of the following acts, the environmental protection authority of the local people's government at or above the county level shall order such illegal act to be stopped, impose a fine of higher than RMB100,000 and less than RMB500,000, and

order dismantling or closedown with approval from the people's government with the power to grant such approval.

(一)在饮用水水源一级保护区内新建、改建、扩建与供水设施和保护水源无关的建设项目的；

(1) New construction, alteration or expansion of any construction project in no relation to water supply facilities and water source protection within grade-one protection zones for drinking water sources.

(二)在饮用水水源二级保护区内新建、改建、扩建排放污染物的建设项目的；

(2) New construction, alteration or expansion of any construction project that discharge pollutants within grade-two protection zones for drinking water sources.

(三)在饮用水水源准保护区内新建、扩建对水体污染严重的建设项目，或者改建建设项目增加排污量的。

(3) New construction or expansion of any construction project that causes serious pollution to water bodies within the quasi-protection zones for drinking water sources, or any project alteration that results in increase of discharge quantity.

在饮用水水源一级保护区内从事网箱养殖或者组织进行旅游、垂钓或者其他可能污染饮用水水体的活动的，由县级以上地方人民政府环境保护主管部门责令停止违法行为，处二万元以上十万元以下的罚款。个人在饮用水水源一级保护区内游泳、垂钓或者从事其他可能污染饮用水水体的活动的，由县级以上地方人民政府环境保护主管部门责令停止违法行为，可以处五百元以下的罚款。

In the event of any such activities as net-cage culture, traveling, swimming, fishing or other activities that may cause pollution to the water body within the first-grade drinking water protection area, in violation of this Law, the environmental protection authority of the people's government at or above the county level shall order such illegal act to be stopped, and impose a fine of higher than RMB10,000 and less than RMB100,000. If any individual conducts such activities as swimming, shipping or other acts that may cause pollution to the drinking water sources within the first-grade drinking water protection area, the environmental protection authority of the people's government at or above the county level shall order such illegal act to be stopped, and may impose a fine of less than RMB500.

第八十二条 企业事业单位有下列行为之一的，由县级以上人民政府环境保护主管部门责令改正；情节严重的，处二万元以上十万元以下的罚款：

Article 82 Where any enterprise or institution has any one of the following acts, the environmental protection authority of the people's government at or above the county level shall order the same to be corrected. Where the circumstance is serious, a fine of higher than RMB20,000 and less than RMB100,000 shall be imposed:

(一)不按照规定制定水污染事故的应急方案的；

(1) Failure to prepare emergency plans for handling water pollution accidents as required;

(二)水污染事故发生后，未及时启动水污染事故的应急方案，采取有关应急措施的。

(2) Failure to put the emergency plan for handling water pollution accident into action promptly after the occurrence of any water pollution accident, and take relevant emergency measures.

第八十三条 企业事业单位违反本法规定，造成水污染事故的，由县级以上人民政府环境保护主管部门依照本条第二款的规定处以罚款，责令限期采取治理措施，消除污染；不按要求采取治理措施或者不具备治理能力的，由环境保护主管部门指定有治理能力的单位代为治理，所需费用由违法者承担；对造成重大或者特大水污染事故的，可以报经有批准权的人民政府批准，责令关闭；对直接负责的主管人员和其他直接责任人员可以处上一年度从本单位取得的收入百分之五十以下的罚款。

Article 83 In the event of any water pollution accident caused by enterprises or institutions in violation of this Law, the environmental protection authority of the people's government at or above the county level shall impose a fine as required in Paragraph 2 of this Article, and order remedial measures to be taken and pollution to be eliminated within a specified period. If any remedial measures fail to be taken as required or in the absence of any capabilities for treatment, the environmental protection authority may appoint a competent entity to make such remedies on behalf, with any expenses arising therefrom to be borne by the offender. In the event of any major or exceptionally major pollution accidents, an order may be issued for closedown thereof with approval from the competent people's government. The personnel directly responsible and other personnel responsible therefor may be imposed a fine equal to 50% of their incomes from their respective employers for the preceding year.

对造成一般或者较大水污染事故的，按照水污染事故造成的直接损失的百分之二十计算罚款；对造成重大或者特大水污染事故的，按照水污染事故造成的直接损失的百分之三十计算罚款。

In the event of any insignificant or relatively large water pollution accident, a fine equal to 20% of the direct losses caused by such water pollution accident shall be imposed. In the event of any serious or exceptional serious pollution accident, a fine equal to 30% of the direct losses caused by such water pollution accident shall be imposed.

造成渔业污染事故或者渔业船舶造成水污染事故的，由渔业主管部门进行处罚；其他船舶造成水污染事故的，由海事管理机构进行处罚。

In the event any pollution has been caused to the fishery sector or any fishery ships have caused water pollution accidents, the competent fishery authority shall impose a sanction. In the event of any water pollution accident caused by other ships, the marine administration authority shall impose a sanction.

第八十四条 当事人对行政处罚决定不服的，可以申请行政复议，也可以在收到通知之日起十五日内向人民法院起诉；期满不申请行政复议或者起诉，又不履行行政处罚决定的，由作出行政处罚决定的机关申请人民法院强制执行。

Article 84 Where any party involved refuses to accept the decision on administrative sanction, such party may petition for administrative review, or bring an action to the people's court within 15 days from receipt of a notice thereof. Where such party fails to petition for administrative review or bring an action, or fails to perform the decision on administrative sanction, upon expiration of the specified period, the organ that has rendered the decision on administrative sanction shall petition to the people's court for enforcement.

第八十五条 因水污染受到损害的当事人，有权要求排污方排除危害和赔偿损失。

Article 85 Any interested parties harmed by water pollution shall have the right to request removal of such harm by and claim damages from the discharging party.

由于不可抗力造成水污染损害的，排污方不承担赔偿责任；法律另有规定的除外。

If any water pollution harm is caused due to force majeure, the discharging party shall not be liable for damages, unless otherwise specified by law.

水污染损害是由受害人故意造成的，排污方不承担赔偿责任。水污染损害是由受害人重大过失造成的，可以减轻排污方的赔偿责任。

If any water pollution harm is caused by the aggrieved party intentionally, the discharging party shall not be liable for damages. If any water pollution harm is caused due to the gross negligence of the aggrieved party, the liability of the discharging party for damages may be reduced.

水污染损害是由第三人造成的，排污方承担赔偿责任后，有权向第三人追偿。

If any water pollution harm is caused by a third party, the discharging party shall have the right to recover any damages from the third party after paying the same.

第八十六条 因水污染引起的损害赔偿责任和赔偿金额的纠纷，可以根据当事人的请求，由环境保护主管部门或者海事管理机构、渔业主管部门按照职责分工调解处理；调解不成的，当事人可以向人民法院提起诉讼。当事人也可以直接向人民法院提起诉讼。

Article 86 In the event of any dispute with respect to the liabilities for and the amount of compensation arising from water pollution, the environmental protection authority, marine administration authority, or fishery administration authority, shall handle the same according to their scope of power and responsibilities through mediation. Where such mediation fails, the party concerned may bring an action to the people's court. The party involved may also directly bring an action to the people's court.

第八十七条 因水污染引起的损害赔偿诉讼，由排污方就法律规定的免责事由及其行为与损害结果之间不存在因果关系承担举证责任。

Article 87 In any lawsuit for damages caused by water pollution, the discharging party shall bear the burden of proving the reasons for exemption of its liabilities as specified by law and the absence of any causal relationship between its acts and the damage.

第八十八条 因水污染受到损害的当事人人数众多的，可以依法由当事人推选代表人进行共同诉讼。

Article 88 In the event of a large number of interested parties harmed by water pollution, the interested parties may select a representative to participate in the joint action.

环境保护主管部门和有关社会团体可以依法支持因水污染受到损害的当事人向人民法院提起诉讼。

The environmental protection authority and relevant social groups may, according to law, support the interested parties harmed by water pollution in bringing an action to the people's court.

国家鼓励法律服务机构和律师为水污染损害诉讼中的受害人提供法律援助。

The State encourages legal service institutions and lawyers to provide legal assistance for the aggrieved parties in litigations of water pollution damage.

第八十九条 因水污染引起的损害赔偿责任和赔偿金额的纠纷，当事人可以委托环境监测机构提供监测数据。环境监测机构应当接受委托，如实提供有关监测数据。

Article 89 In any dispute of the liabilities for damages and the amount of damages caused by water pollution, the interested parties may appoint an environment monitoring agency to provide monitoring data. The environment monitoring agency shall accept such appointment and truthfully provide relevant monitoring data.

第九十条 违反本法规定，构成违反治安管理行为的，依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 90 Any person or entity violates this Agreement and thus constitutes a violation of the public security administration rules, such person or entity shall be subject to penalty under the public security administration rules. If a crime is constituted, such person or entity shall be penalized for criminal liability.

第八章 附 则

CHAPTER EIGHT SUPPLEMENTARY PROVISIONS

第九十一条 本法中下列用语的含义是：

Article 91 For the purpose of this Law, the definitions of the following terms are:

(一) 水污染，是指水体因某种物质的介入，而导致其化学、物理、生物或者放射性等方面特性的改变，从而影响水的有效利用，危害人体健康或者破坏生态环境，造成水质恶化的现象。

(1) "Water pollution" means the introduction into a water body of any substance which alters the chemical, physical, biological or radioactive properties of the water in such a way as to affect its effective use, endanger human health, damage the ecosystem or deteriorate the water quality.

(二) 水污染物，是指直接或者间接向水体排放的，能导致水体污染的物质。

(2) "Water pollutant" means a substance that is discharged directly or indirectly to any water body and is capable of causing water pollution.

(三) 有毒污染物，是指那些直接或者间接被生物摄入体内后，可能导致该生物或者其后代发病、行为反常、遗传异变、生理机能失常、机体变形或者死亡的污染物。

(3) "Toxic pollutant" means a pollutant that, when ingested by organisms directly or indirectly, leads to diseases, abnormal behavior, genetic mutation, physiological functional disturbance, organism deformity or death of such organisms or their offspring.

(四) 油类，是指任何类型的油及其炼制品。

(4) "Oil" means any kind of oils or its refined products.

(五) 渔业水体，是指划定的鱼虾类的产卵场、索饵场、越冬场、回游通道和鱼虾贝藻类的养殖场。

(5) "Fishery water bodies" means those parts of water bodies designated for the spawning, feeding, wintering or migratory passage of fish or shrimp, and for breeding fish, shrimp or shellfish or growing algae.

第九十二条 本法自 2008 年 6 月 1 日起施行。

Article 92 This Law shall come into force as of June 1, 2008.