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# 中华人民共和国大气污染防治法（2018修正）

# Law of the People's Republic of China on the Prevention and Control of Atmospheric Pollution (Revision 2018)

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（1987年9月5日第六届全国人民代表大会常务委员会第二十二次会议通过　根据1995年8月29日第八届全国人民代表大会常务委员会第十五次会议《关于修改〈中华人民共和国大气污染防治法〉的决定》第一次修正　2000年4月29日第九届全国人民代表大会常务委员会第十五次会议第一次修订　2015年8月29日第十二届全国人民代表大会常务委员会第十六次会议第二次修订　根据2018年10月26日第十三届全国人民代表大会常务委员会第六次会议《关于修改〈中华人民共和国野生动物保护法〉等十五部法律的决定》第二次修正）

(Adopted by the 22nd Session of the Standing Committee of the Sixth National People's Congress on 5 September 1987 First Revision made pursuant to the Decision on Revision of the "Law of the People's Republic of China on Prevention and Control of Atmospheric Pollution" of the 15th Session of the Standing Committee of the Eighth National People's Congress on 29 August 1995 First Revision made by the 15th Session of the Standing Committee of the Ninth National People's Congress on 29 April 2000 Second Revision made by the 16th Session of the Standing Committee of the 12th National People's Congress on 29 August 2015 Second Revision made pursuant to the Decision on Revision of 15 Laws Including the "Law of the People's Republic of China on Protection of Wildlife" of the 6th Session of the Standing Committee of the 13th National People's Congress on 26 October 2018)

第一章 总 则

Chapter 1 General Provisions

第一条   为保护和改善环境，防治大气污染，保障公众健康，推进生态文明建设，促进经济社会可持续发展，制定本法。

Article 1 This Law is formulated for the purposes of environmental protection and improvement, prevention and control of atmospheric pollution, protection of public health, promoting development of ecological civilisation, and promoting sustainable economic and social development.

第二条   防治大气污染，应当以改善大气环境质量为目标，坚持源头治理，规划先行，转变经济发展方式，优化产业结构和布局，调整能源结构。

Article 2 Prevention and control of atmospheric pollution shall target improvement of atmospheric quality, persist in source control, plan ahead, transform economic development methods, optimize industrial structure and layout, and adjust energy structure.

防治大气污染，应当加强对燃煤、工业、机动车船、扬尘、农业等大气污染的综合防治，推行区域大气污染联合防治，对颗粒物、二氧化硫、氮氧化物、挥发性有机物、氨等大气污染物和温室气体实施协同控制。

For prevention and control of atmospheric pollution, integrated prevention and control of atmospheric pollution by coal, industrial activities, motor vehicles and vessels, dust pollution, agricultural pollution etc shall be strengthened, joint prevention and control of regional atmospheric pollution shall be implemented, and coordinated control for atmospheric pollutants such as particles, sulfur dioxide, nitrogen oxides, volatile organic compounds, ammonia etc and greenhouse gases shall be implemented.

第三条   县级以上人民政府应当将大气污染防治工作纳入国民经济和社会发展规划，加大对大气污染防治的财政投入。

Article 3 People's Governments of county level and above shall include prevention and control of atmospheric pollution in the national economic and social development plan, and increase financial investment for prevention and control of atmospheric pollution.

地方各级人民政府应当对本行政区域的大气环境质量负责，制定规划，采取措施，控制或者逐步削减大气污染物的排放量，使大气环境质量达到规定标准并逐步改善。

All levels of local People's Government shall be responsible for the atmospheric quality of their respective administrative region, formulate plans, adopt measures, control or progressively reduce emission of atmospheric pollutants, achieve the stipulated atmospheric quality standard and make progressive improvement.

第四条   国务院生态环境主管部门会同国务院有关部门，按照国务院的规定，对省、自治区、直辖市大气环境质量改善目标、大气污染防治重点任务完成情况进行考核。省、自治区、直辖市人民政府制定考核办法，对本行政区域内地方大气环境质量改善目标、大气污染防治重点任务完成情况实施考核。考核结果应当向社会公开。

Article 4 The department in charge of ecology and environment under the State Council shall, in conjunction with the relevant departments under the State Council and in accordance with the provisions of the State Council, assess the progress of provinces, autonomous regions and municipalities directly under the Central Government in accomplishing the objectives for improvement of atmospheric environment quality and key tasks of prevention and control of atmospheric pollution. The people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall formulate assessment measures to assess the progress of local objectives for improvement of atmospheric environment quality and completion of key tasks of prevention and control of atmospheric pollution within their respective administrative regions. The assessment results shall be made public.

第五条   县级以上人民政府生态环境主管部门对大气污染防治实施统一监督管理。

Article 5 The departments in charge of ecology and environment under the people's governments at or above the county level shall exercise unified supervision and administration of the prevention and control of atmospheric pollution.

县级以上人民政府其他有关部门在各自职责范围内对大气污染防治实施监督管理。

Other relevant departments of People's Governments of county level and above shall implement supervision and administration for prevention and control of atmospheric pollution within their respective scope of duties.

第六条   国家鼓励和支持大气污染防治科学技术研究，开展对大气污染来源及其变化趋势的分析，推广先进适用的大气污染防治技术和装备，促进科技成果转化，发挥科学技术在大气污染防治中的支撑作用。

Article 6 The State encourages and supports scientific and technological research for prevention and control of atmospheric pollution, analyses atmospheric pollution sources and trends thereof, promotes advanced and applicable technologies and equipment for prevention and control of atmospheric pollution, promotes commercialisation of technological achievements, and optimises the supporting role of science and technology in prevention and control of atmospheric pollution.

第七条   企业事业单位和其他生产经营者应当采取有效措施，防止、减少大气污染，对所造成的损害依法承担责任。

Article 7 Enterprises, institutions and other manufacturers and business operators shall adopt effective measures to prevent and reduce atmospheric pollution, and bear liability for damages thereto pursuant to the law.

公民应当增强大气环境保护意识，采取低碳、节俭的生活方式，自觉履行大气环境保护义务。

Citizens shall strengthen awareness for protection of atmospheric environment, adopt a low-carbon and thrifty lifestyle, and conscientiously perform obligations for protection of atmospheric environment.

第二章 大气污染防治标准和限期达标规划

Chapter 2 Standards for Prevention and Control of Atmospheric Pollution and Planning for Achieving Standards within a Time Limit

第八条   国务院生态环境主管部门或者省、自治区、直辖市人民政府制定大气环境质量标准，应当以保障公众健康和保护生态环境为宗旨，与经济社会发展相适应，做到科学合理。

Article 8 The competent authority for ecology and environment under the State Council or the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall, when formulating the standards for atmospheric environment quality, follow the principles of protecting the public health and the ecological environment, adapt the same to the economic and social development, and carry out the same in a scientific and reasonable manner.

第九条   国务院生态环境主管部门或者省、自治区、直辖市人民政府制定大气污染物排放标准，应当以大气环境质量标准和国家经济、技术条件为依据。

Article 9 The competent authority for ecology and environment under the State Council or the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall formulate the standards for discharge of atmospheric pollutants in accordance with the standards for atmospheric environment quality and the national economic and technological conditions.

第十条   制定大气环境质量标准、大气污染物排放标准，应当组织专家进行审查和论证，并征求有关部门、行业协会、企业事业单位和公众等方面的意见。

Article 10 Experts shall be organised to carry out review and expounding for formulation of atmospheric quality standards, atmospheric pollutants emission standards, and the opinions of the relevant authorities, industry associations, enterprises and institutions, the public etc shall be solicited.

第十一条   省级以上人民政府生态环境主管部门应当在其网站上公布大气环境质量标准、大气污染物排放标准，供公众免费查阅、下载。

Article 11 The departments in charge of ecology and environment under the people's governments at or above the provincial level shall publish the standards for atmospheric environment quality and the standards for discharge of atmospheric pollutants on their websites for free reference and downloading by the public.

第十二条   大气环境质量标准、大气污染物排放标准的执行情况应当定期进行评估，根据评估结果对标准适时进行修订。

Article 12 Implementation of atmospheric quality standards and atmospheric pollutants emission standards shall be evaluated on a regular basis, and the standards shall be revised where appropriate in accordance with the evaluation findings.

第十三条   制定燃煤、石油焦、生物质燃料、涂料等含挥发性有机物的产品、烟花爆竹以及锅炉等产品的质量标准，应当明确大气环境保护要求。

Article 13 The quality standards for products including coal, petroleum coke, biomass fuel, paint and other products containing volatile organic compounds, fireworks and crackers, as well as boilers shall be formulated with the requirements for protection of atmospheric environment specified.

制定燃油质量标准，应当符合国家大气污染物控制要求，并与国家机动车船、非道路移动机械大气污染物排放标准相互衔接，同步实施。

Formulation of quality standards for fuels shall comply with the atmospheric pollutants control requirements of the State, converge and be implemented in sync with the atmospheric pollutants emission standards of the State for motor vehicles and vessels and non-road mobile machinery.

前款所称非道路移动机械，是指装配有发动机的移动机械和可运输工业设备。

Non-road mobile machinery referred to in the preceding paragraph shall mean mobile machinery fitted with an engine and transportable industrial equipment.

第十四条   未达到国家大气环境质量标准城市的人民政府应当及时编制大气环境质量限期达标规划，采取措施，按照国务院或者省级人民政府规定的期限达到大气环境质量标准。

Article 14 People's Governments of municipalities which do not attain the national atmospheric quality standards shall promptly formulate a plan for achieving atmospheric quality standards by a deadline, and adopt measures to attain atmospheric quality standards within the period stipulated by the State Council or the provincial People's Government.

编制城市大气环境质量限期达标规划，应当征求有关行业协会、企业事业单位、专家和公众等方面的意见。

Opinions of the relevant industry associations, enterprises and institutions, experts, the public etc shall be sought for formulation of a municipality's plan for achieving atmospheric quality standards by a deadline.

第十五条   城市大气环境质量限期达标规划应当向社会公开。直辖市和设区的市的大气环境质量限期达标规划应当报国务院生态环境主管部门备案。

Article 15 A city's planning for compliance with standards for atmospheric environment quality within a time limit shall be made public. The plans of centrally-administered municipalities and municipalities divided into districts for achieving atmospheric quality standards by a deadline shall be filed with the ecological environment department of the State Council for record.

第十六条   城市人民政府每年在向本级人民代表大会或者其常务委员会报告环境状况和环境保护目标完成情况时，应当报告大气环境质量限期达标规划执行情况，并向社会公开。

Article 16 People's Governments of cities shall, at the time of reporting the environmental conditions and attainment of environmental protection targets to the People's Congress or its Standing Committee of counterpart level every year, report the status of implementation of the plan for achieving atmospheric quality standards by a deadline, and announce to the public.

第十七条   城市大气环境质量限期达标规划应当根据大气污染防治的要求和经济、技术条件适时进行评估、修订。

Article 17 A city's planning for compliance with standards for atmospheric environment quality within a time limit shall be evaluated and revised in due time in accordance with the requirements for prevention and control of atmospheric pollution as well as the economic and technological conditions.

第三章 大气污染防治的监督管理

Chapter 3 Supervision and Administration of the Prevention and Control of Atmospheric Pollution

第十八条   企业事业单位和其他生产经营者建设对大气环境有影响的项目，应当依法进行环境影响评价、公开环境影响评价文件；向大气排放污染物的，应当符合大气污染物排放标准，遵守重点大气污染物排放总量控制要求。

Article 18 Enterprises and institutions and other manufacturers and business operators undertaking development projects which have an impact on atmospheric environment shall conduct environmental impact assessment, and announce the environmental impact assessment document pursuant to the law; emission of atmospheric pollutants shall comply with the atmospheric pollutants emission standards, and comply with the total quantity control requirements for emission of key atmospheric pollutants.

第十九条   排放工业废气或者本法第七十八条规定名录中所列有毒有害大气污染物的企业事业单位、集中供热设施的燃煤热源生产运营单位以及其他依法实行排污许可管理的单位，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。

Article 19 Enterprises and institutions which emit industrial waste gases or hazardous atmospheric pollutants included in the list stipulated in Article 78 of this Law, manufacturers and operators of centralised heating facilities and other organisations subject to emission permit administration pursuant to the law shall obtain an emission permit. Specific measures and implementation procedures for pollutant discharge licensing shall be formulated by the State Council.

第二十条   企业事业单位和其他生产经营者向大气排放污染物的，应当依照法律法规和国务院生态环境主管部门的规定设置大气污染物排放口。

Article 20 Enterprises and institutions and other manufacturers and business operators which emit atmospheric pollutants shall set up an atmospheric pollutant emission point pursuant to laws and regulations and the provisions of the ecological environment department of the State Council.

禁止通过偷排、篡改或者伪造监测数据、以逃避现场检查为目的的临时停产、非紧急情况下开启应急排放通道、不正常运行大气污染防治设施等逃避监管的方式排放大气污染物。

Emission of atmospheric pollutants which circumvent regulation such as covert emission, alteration or forgery of monitoring data, temporary suspension of operation to avoid onsite inspection, opening of emergency discharge channel in non-emergency situations, abnormal operation of facilities for prevention and control of atmospheric pollution shall be prohibited.

第二十一条   国家对重点大气污染物排放实行总量控制。

Article 21 The State implements total quantity control for emission of key atmospheric pollutants.

重点大气污染物排放总量控制目标，由国务院生态环境主管部门在征求国务院有关部门和各省、自治区、直辖市人民政府意见后，会同国务院经济综合主管部门报国务院批准并下达实施。

The department in charge of ecology and environment under the State Council shall, after seeking opinions from relevant departments under the State Council and the people's governments of various provinces, autonomous regions and centrally-administered municipalities, work together with the comprehensive economic department under the State Council to report the total emission control targets for key atmospheric pollutants to the State Council for approval, before implementing the targets accordingly.

省、自治区、直辖市人民政府应当按照国务院下达的总量控制目标，控制或者削减本行政区域的重点大气污染物排放总量。

People's Governments of provinces, autonomous regions and centrally-administered municipalities shall control or reduce the total emission quantity of key atmospheric pollutants in their administrative region based on the total quantity control targets disseminated by the State Council.

确定总量控制目标和分解总量控制指标的具体办法，由国务院生态环境主管部门会同国务院有关部门规定。省、自治区、直辖市人民政府可以根据本行政区域大气污染防治的需要，对国家重点大气污染物之外的其他大气污染物排放实行总量控制。

Specific measures for determining and breaking down total emission control targets shall be formulated by the department in charge of ecology and environment under the State Council in conjunction with other relevant departments under the State Council. People's Governments of provinces, autonomous regions and centrally-administered municipalities may, based on the needs for prevention and control of atmospheric pollution of their respective administrative region, implement total quantity control for atmospheric pollutants other than the State's key atmospheric pollutants.

国家逐步推行重点大气污染物排污权交易。

The State progressively implements emission trading for key atmospheric pollutants.

第二十二条   对超过国家重点大气污染物排放总量控制指标或者未完成国家下达的大气环境质量改善目标的地区，省级以上人民政府生态环境主管部门应当会同有关部门约谈该地区人民政府的主要负责人，并暂停审批该地区新增重点大气污染物排放总量的建设项目环境影响评价文件。约谈情况应当向社会公开。

Article 22 In regions which exceed the total quantity control indicators for emission of the State's key atmospheric pollutants or regions which have not achieved atmospheric quality improvement targets disseminated by the State, the ecological environment department of People's Governments of provincial level and above shall, jointly with the relevant authorities, interview the key person (s) -in-charge of the People's Government of the said region, and suspend examination and approval of environmental impact assessment documents of development projects in the said region which increase the total emission quantity of key atmospheric pollutants. The interview information shall be disclosed to the public.

第二十三条   国务院生态环境主管部门负责制定大气环境质量和大气污染源的监测和评价规范，组织建设与管理全国大气环境质量和大气污染源监测网，组织开展大气环境质量和大气污染源监测，统一发布全国大气环境质量状况信息。

Article 23 The department in charge of ecology and environment under the State Council shall be responsible for formulating the standards for monitoring and assessment of atmospheric environment quality and atmospheric pollution sources, organizing the construction and management of the national monitoring network for atmospheric environment quality and atmospheric pollution sources, organizing the monitoring of atmospheric environment quality and atmospheric pollution sources, and uniformly releasing information on national atmospheric environment quality.

县级以上地方人民政府生态环境主管部门负责组织建设与管理本行政区域大气环境质量和大气污染源监测网，开展大气环境质量和大气污染源监测，统一发布本行政区域大气环境质量状况信息。

Departments in charge of ecology and environment under local people's governments at or above the county level shall be responsible for organizing the establishment and management of atmospheric environment quality and atmospheric pollution sources monitoring networks within their respective administrative regions, monitor atmospheric environment quality and atmospheric pollution sources, and uniformly publish the information on atmospheric environment quality conditions within their respective administrative regions.

第二十四条   企业事业单位和其他生产经营者应当按照国家有关规定和监测规范，对其排放的工业废气和本法第七十八条规定名录中所列有毒有害大气污染物进行监测，并保存原始监测记录。其中，重点排污单位应当安装、使用大气污染物排放自动监测设备，与生态环境主管部门的监控设备联网，保证监测设备正常运行并依法公开排放信息。监测的具体办法和重点排污单位的条件由国务院生态环境主管部门规定。

Article 24 Enterprises, institutions and other manufacturers and business operators shall, pursuant to the relevant provisions and monitoring norms of the State, monitor their emission of industrial waste gases and hazardous atmospheric pollutants included in the list stipulated in Article 78 of this Law, and retain the original monitoring records. Key emission units shall install and use auto monitoring equipment for emission of atmospheric pollutants, link up with the monitoring equipment of the ecological environment administrative authorities, ensure normal operation of the monitoring equipment, and announce emission information pursuant to the law. Specific monitoring measures and criteria for key emission units shall be formulated by the department in charge of ecology and environment under the State Council.

重点排污单位名录由设区的市级以上地方人民政府生态环境主管部门按照国务院生态环境主管部门的规定，根据本行政区域的大气环境承载力、重点大气污染物排放总量控制指标的要求以及排污单位排放大气污染物的种类、数量和浓度等因素，商有关部门确定，并向社会公布。

The catalogs of major pollutant discharging entities shall be determined by the competent authorities for ecology and environment under the local people's governments at or above the level of cities divided into districts upon consultation with the relevant departments according to the atmospheric environment carrying capacity, the requirements of the total emission control indicators for major atmospheric pollutants, and the types, quantities, concentrations and other factors of atmospheric pollutants discharged by the pollutant discharging entities, and shall be published to the public.

第二十五条   重点排污单位应当对自动监测数据的真实性和准确性负责。生态环境主管部门发现重点排污单位的大气污染物排放自动监测设备传输数据异常，应当及时进行调查。

Article 25 Key emission units shall be responsible for the veracity and accuracy of automatic monitoring data. The competent authority of ecology and environment shall timely conduct investigation if it finds the transmission data from the automatic atmospheric pollutant emission monitoring equipment of a major pollutant discharging entity is abnormal.

第二十六条   禁止侵占、损毁或者擅自移动、改变大气环境质量监测设施和大气污染物排放自动监测设备。

Article 26 It is prohibited to occupy, damage, or move or change without permission, the monitoring facilities for atmospheric environment quality and the automatic air pollutant emission monitoring equipment.

第二十七条   国家对严重污染大气环境的工艺、设备和产品实行淘汰制度。

Article 27 The State implements an elimination system for processes, equipment and products which cause serious pollution to the atmospheric environment.

国务院经济综合主管部门会同国务院有关部门确定严重污染大气环境的工艺、设备和产品淘汰期限，并纳入国家综合性产业政策目录。

The economic liaison department of the State Council shall, jointly with the relevant departments of the State Council, determine the elimination deadlines for processes, equipment and products which cause serious pollution to the atmospheric environment, and include them in the list of national integrated industry policies.

生产者、进口者、销售者或者使用者应当在规定期限内停止生产、进口、销售或者使用列入前款规定目录中的设备和产品。工艺的采用者应当在规定期限内停止采用列入前款规定目录中的工艺。

Manufacturers, importers, sellers or users shall cease manufacturing, importation, sale or use of equipment and products included in the list stipulated in the preceding paragraph within the stipulated period. Users of the techniques included in the catalog mentioned in the preceding paragraph shall stop using such techniques within the prescribed time limit.

被淘汰的设备和产品，不得转让给他人使用。

Eliminated equipment and products shall not be transferred to others for use.

第二十八条   国务院生态环境主管部门会同有关部门，建立和完善大气污染损害评估制度。

Article 28 The department in charge of ecology and environment under the State Council shall, in conjunction with other relevant departments, establish and improve the atmospheric pollution damage assessment system.

第二十九条   生态环境主管部门及其环境执法机构和其他负有大气环境保护监督管理职责的部门，有权通过现场检查监测、自动监测、遥感监测、远红外摄像等方式，对排放大气污染物的企业事业单位和其他生产经营者进行监督检查。被检查者应当如实反映情况，提供必要的资料。实施检查的部门、机构及其工作人员应当为被检查者保守商业秘密。

Article 29 The ecological environment administrative authorities and their environmental enforcement agency and other authorities tasked with supervision and administration duties of atmospheric environment protection shall have the right to supervise and inspect emission of atmospheric pollutants by enterprises, institutions and other manufacturers and business operators through onsite inspection and monitoring, automatic monitoring, remote sensing and infrared imaging etc. The inspected organisation or individual shall provide information truthfully, and provide the requisite materials. The authorities and agencies conducting inspection and their personnel shall keep confidentiality of commercial secrets of the party being inspected.

第三十条   企业事业单位和其他生产经营者违反法律法规规定排放大气污染物，造成或者可能造成严重大气污染，或者有关证据可能灭失或者被隐匿的，县级以上人民政府生态环境主管部门和其他负有大气环境保护监督管理职责的部门，可以对有关设施、设备、物品采取查封、扣押等行政强制措施。

Article 30 Where any enterprise, public institution or other producer or operator emits atmospheric pollutants in violation of laws and regulations, which causes or may cause serious atmospheric pollution, or the relevant evidence may be lost or concealed, the department in charge of ecology and environment under the people's government at or above the county level and other departments having the responsibility of supervising and administering the protection of atmospheric environment may take compulsory administrative measures such as sealing up and detaining relevant facilities, equipment and articles.

第三十一条   生态环境主管部门和其他负有大气环境保护监督管理职责的部门应当公布举报电话、电子邮箱等，方便公众举报。

Article 31 The departments in charge of ecology and environment and other departments that assume the duties of supervising and administering the protection of atmospheric environment shall make public the hotline or email for tip-off purposes.

生态环境主管部门和其他负有大气环境保护监督管理职责的部门接到举报的，应当及时处理并对举报人的相关信息予以保密；对实名举报的，应当反馈处理结果等情况，查证属实的，处理结果依法向社会公开，并对举报人给予奖励。

Upon receipt of reports, the ecological environment administrative authorities and other authorities tasked with supervision and administration duties of atmospheric environment protection shall promptly take action and keep confidentiality of the relevant information of the informants; for real-name reports, feedback on information on action taken shall be made, and where the report is verified to be true, the action taken shall be announced to the public pursuant to the law, and the informants shall be rewarded.

举报人举报所在单位的，该单位不得以解除、变更劳动合同或者其他方式对举报人进行打击报复。

Where a complainant has lodged a report against his/her employer, the employer shall not retaliate against him/her by way of rescission or change of labour contract or in any other manner.

第四章 大气污染防治措施

Chapter 4 Measures for the Prevention and Control of Atmospheric Pollution

第一节 燃煤和其他能源污染防治

Section 1 Prevention and Control of Pollution from Coal and Other Energy

第三十二条   国务院有关部门和地方各级人民政府应当采取措施，调整能源结构，推广清洁能源的生产和使用；优化煤炭使用方式，推广煤炭清洁高效利用，逐步降低煤炭在一次能源消费中的比重，减少煤炭生产、使用、转化过程中的大气污染物排放。

Article 32 The relevant departments under the State Council and local people's governments at various levels shall take measures to adjust the energy structure and promote the production and use of clean energy; shall optimize the way coal is used, promote the clean and efficient use of coal, and gradually reduce the proportion of coal in primary energy consumption, so as to reduce the discharge of air pollutants generated in the coal production, use or transformation process.

第三十三条   国家推行煤炭洗选加工，降低煤炭的硫分和灰分，限制高硫分、高灰分煤炭的开采。新建煤矿应当同步建设配套的煤炭洗选设施，使煤炭的硫分、灰分含量达到规定标准；已建成的煤矿除所采煤炭属于低硫分、低灰分或者根据已达标排放的燃煤电厂要求不需要洗选的以外，应当限期建成配套的煤炭洗选设施。

Article 33 The State promotes the dressing of coal by washing to reduce the sulfur and ash in coal, and restricts the mining of high-sulfur or high-ash coal. For a newly built coal mine, supporting facilities for the dressing of coal by washing shall be installed synchronously to keep the sulfur and ash in coal within the limits prescribed.

禁止开采含放射性和砷等有毒有害物质超过规定标准的煤炭。

It is prohibited to mine the coal with toxic or harmful substances, such as radioactive and arsenic, that exceed the prescribed limits.

第三十四条   国家采取有利于煤炭清洁高效利用的经济、技术政策和措施，鼓励和支持洁净煤技术的开发和推广。

Article 34 The State adopts economic and technological policies and measures which are favourable for clean and efficient utilisation of coal resources, encourages and supports development and promotion of clean coal technology.

国家鼓励煤矿企业等采用合理、可行的技术措施，对煤层气进行开采利用，对煤矸石进行综合利用。从事煤层气开采利用的，煤层气排放应当符合有关标准规范。

The State shall encourage coal mining enterprises etc to adopt reasonable and feasible technical measures for exploration and utilisation of coalbed methane, and comprehensive utilisation of gangue. For enterprises engaged in exploitation of coalbed methane, the coalbed methane emissions shall comply with the relevant standards.

第三十五条   国家禁止进口、销售和燃用不符合质量标准的煤炭，鼓励燃用优质煤炭。

Article 35 The State prohibits importation, sale and use of coal which do not comply with quality standards, and encourages use of high quality coal.

单位存放煤炭、煤矸石、煤渣、煤灰等物料，应当采取防燃措施，防止大气污染。

Units storing coal, gangue, cinder, coal ash etc shall adopt flameproof measures and prevent atmospheric pollution.

第三十六条   地方各级人民政府应当采取措施，加强民用散煤的管理，禁止销售不符合民用散煤质量标准的煤炭，鼓励居民燃用优质煤炭和洁净型煤，推广节能环保型炉灶。

Article 36 The local people's governments at all levels shall take measures to strengthen the management of civil bulk coal, prohibit the sale of coal that does not meet the standards for civil bulk coal, encourage residents to use high-quality coal and clean coal, and promote the use of energy-saving and environment-friendly stoves.

第三十七条   石油炼制企业应当按照燃油质量标准生产燃油。

Article 37 Petroleum refining enterprises shall produce fuel oil in accordance with the quality standards for fuel oil.

禁止进口、销售和燃用不符合质量标准的石油焦。

Importation, sale and use of petroleum coke which do not comply with quality standards shall be prohibited.

第三十八条   城市人民政府可以划定并公布高污染燃料禁燃区，并根据大气环境质量改善要求，逐步扩大高污染燃料禁燃区范围。高污染燃料的目录由国务院生态环境主管部门确定。

Article 38 Municipal People's Governments may delineate and announce prohibited zones for use of high-pollution fuels, and progressively expand the scope of prohibited zones for use of high-pollution fuels in accordance with the requirements for improvement of atmospheric quality. The list of high-pollution fuels shall be determined by the department in charge of ecology and environment under the State Council.

在禁燃区内，禁止销售、燃用高污染燃料；禁止新建、扩建燃用高污染燃料的设施，已建成的，应当在城市人民政府规定的期限内改用天然气、页岩气、液化石油气、电或者其他清洁能源。

In the zone where burning is prohibited, it is prohibited to sell or burn highly polluting fuels; it is prohibited to build or expand facilities consuming highly polluting fuels, and for those completed facilities, natural gas, shale gas, liquefied petroleum gas, electricity or other clean energy shall be used instead within the time limits specified by the municipal people's governments.

第三十九条   城市建设应当统筹规划，在燃煤供热地区，推进热电联产和集中供热。在集中供热管网覆盖地区，禁止新建、扩建分散燃煤供热锅炉；已建成的不能达标排放的燃煤供热锅炉，应当在城市人民政府规定的期限内拆除。

Article 39 Urban construction shall be conducted based on overall planning. In areas of coal heating, combined heat and power generation, and central heating shall be promoted. New construction and expansion of scattered coal-fired heating boilers shall be prohibited in regions covered by central heating pipeline networks; existing coal-fired heating boilers which do not comply with emission standards shall be demolished within the period stipulated by the Municipal People's Government.

第四十条   县级以上人民政府市场监督管理部门应当会同生态环境主管部门对锅炉生产、进口、销售和使用环节执行环境保护标准或者要求的情况进行监督检查；不符合环境保护标准或者要求的，不得生产、进口、销售和使用。

Article 40 The market supervision and administration departments under the people's governments at or above the county level shall, in concert with the competent authority of ecology and environment, supervise and inspect the implementation of environmental protection standards or requirements in the production, import, sales and use of boilers; the production, import, sales and use shall not be allowed in case of non-compliance with such environmental protection standards or requirements.

第四十一条   燃煤电厂和其他燃煤单位应当采用清洁生产工艺，配套建设除尘、脱硫、脱硝等装置，或者采取技术改造等其他控制大气污染物排放的措施。

Article 41 Coal-fired power plants and other coal-fired units shall adopt clean production process, install complementary dust removal, desulphurisation and denitrification facilities etc, or adopt technological transformation or other measures to control emission of atmospheric pollutants.

国家鼓励燃煤单位采用先进的除尘、脱硫、脱硝、脱汞等大气污染物协同控制的技术和装置，减少大气污染物的排放。

The State encourages coal-fired units to adopt advanced dust removal, desulphurisation, denitrification, demercuration techniques and devices for coordinated control of atmospheric pollutants, to reduce emission of atmospheric pollutants.

第四十二条   电力调度应当优先安排清洁能源发电上网。

Article 42 Power dispatch shall prioritise grid connection for power generation using clean energy.

第二节 工业污染防治

Section 2 Industrial Pollution Control

第四十三条   钢铁、建材、有色金属、石油、化工等企业生产过程中排放粉尘、硫化物和氮氧化物的，应当采用清洁生产工艺，配套建设除尘、脱硫、脱硝等装置，或者采取技术改造等其他控制大气污染物排放的措施。

Article 43 Iron and steel, building materials, non-ferrous metals, petroleum, chemical and other enterprises which emit dust, sulphur compounds, nitrogen oxides in the manufacturing process shall adopt clean production process, build complementary dust removal, desulphurisation, denitrification devices etc, or adopt technological transformation or other measures to control emission of atmospheric pollutants.

第四十四条   生产、进口、销售和使用含挥发性有机物的原材料和产品的，其挥发性有机物含量应当符合质量标准或者要求。

Article 44 For manufacturing, importation, sale and use of raw materials and products containing volatile organic compounds, the volatile organic compounds content shall comply with quality standards or requirements.

国家鼓励生产、进口、销售和使用低毒、低挥发性有机溶剂。

The State encourages manufacturing, importation, sale and use of low-toxicity and low volatile organic solvents.

第四十五条   产生含挥发性有机物废气的生产和服务活动，应当在密闭空间或者设备中进行，并按照规定安装、使用污染防治设施；无法密闭的，应当采取措施减少废气排放。

Article 45 Manufacturing and service activities which produce waste gases containing volatile organic compounds shall be carried out within confined space or equipment, and facilities for prevention and control of pollution shall be installed and used pursuant to the provisions; where it is impossible to carry out such activities within confined space or equipment, measures shall be adopted to reduce emission of waste gases.

第四十六条   工业涂装企业应当使用低挥发性有机物含量的涂料，并建立台账，记录生产原料、辅料的使用量、废弃量、去向以及挥发性有机物含量。台账保存期限不得少于三年。

Article 46 Industrial coating enterprises shall use paints containing low volatile organic compounds, and establish ledgers recording the usage amounts, discarded amounts and disposition of production raw materials and auxiliary materials, as well as the contents of volatile organic compounds. The ledger shall be kept for at least three years.

第四十七条   石油、化工以及其他生产和使用有机溶剂的企业，应当采取措施对管道、设备进行日常维护、维修，减少物料泄漏，对泄漏的物料应当及时收集处理。

Article 47 Petroleum and chemical enterprises and other enterprises manufacturing and using organic solvents shall adopt measures to carry out day-to-day maintenance and repair of pipelines and equipment, reduce material leaks, and promptly collect and deal with leaked materials.

储油储气库、加油加气站、原油成品油码头、原油成品油运输船舶和油罐车、气罐车等，应当按照国家有关规定安装油气回收装置并保持正常使用。

Oil and gas storage, refueling stations, crude oil and refined oil wharfs, crude oil and refined oil transport vessels and oil tank trucks or gas tank trucks shall install oil and gas recovery device pursuant to the relevant provisions of the State and ensure normal usage.

第四十八条   钢铁、建材、有色金属、石油、化工、制药、矿产开采等企业，应当加强精细化管理，采取集中收集处理等措施，严格控制粉尘和气态污染物的排放。

Article 48 Iron and steel, building materials, non-ferrous metals, petroleum, chemicals, pharmaceuticals, mining enterprises etc shall strengthen refined management, adopt centralised collection and treatment measures etc, and strictly control emission of dust and particle pollutants.

工业生产企业应当采取密闭、围挡、遮盖、清扫、洒水等措施，减少内部物料的堆存、传输、装卸等环节产生的粉尘和气态污染物的排放。

Industrial production enterprises shall take measures such as sealing, enclosure, covering, cleaning and watering to reduce the emission of dust and gaseous pollutants generated in the course of piling, transporting, loading and unloading of internal materials.

第四十九条   工业生产、垃圾填埋或者其他活动产生的可燃性气体应当回收利用，不具备回收利用条件的，应当进行污染防治处理。

Article 49 Flammable gases generated in industrial manufacturing, landfill or other activities shall be recycled and reused, and where the criteria for recycling is not satisfied, they shall be treated for prevention and control of pollution.

可燃性气体回收利用装置不能正常作业的，应当及时修复或者更新。在回收利用装置不能正常作业期间确需排放可燃性气体的，应当将排放的可燃性气体充分燃烧或者采取其他控制大气污染物排放的措施，并向当地生态环境主管部门报告，按照要求限期修复或者更新。

Where the facilities for recycling and reuse of combustible gases do not operate normally, they shall be promptly repaired or upgraded. Where the discharge of inflammable gas is really necessary during the period when the installations for recycling cannot operate normally, the inflammable gas to be discharged shall be fully burnt, or other measures shall be taken, to control the discharge of atmospheric pollutants; and the matter shall be reported to the local department in charge of ecology and environment, and the inflammable gas shall be repaired or replaced as required.

第三节 机动车船等污染防治

Section 3 Prevention and Control of Pollution by Motor Vehicles and Vessels

第五十条   国家倡导低碳、环保出行，根据城市规划合理控制燃油机动车保有量，大力发展城市公共交通，提高公共交通出行比例。

Article 50 The State advocates low-carbon and environmental-friendly travel, and shall, in accordance with the urban planning, reasonably control the number of oil-fueled motor vehicles, vigorously develop urban public transport, and increase the proportion of travel by public transport.

国家采取财政、税收、政府采购等措施推广应用节能环保型和新能源机动车船、非道路移动机械，限制高油耗、高排放机动车船、非道路移动机械的发展，减少化石能源的消耗。

The State adopts fiscal, tax and government procurement measures etc to promote energy-saving and environmental friendly and new energy motor vehicles, vessels, and non-road mobile machinery, restrict development of high fuel consumption, high emission motor vehicles, vessels, and non-road mobile machinery, and reduce consumption of fossil energy.

省、自治区、直辖市人民政府可以在条件具备的地区，提前执行国家机动车大气污染物排放标准中相应阶段排放限值，并报国务院生态环境主管部门备案。

The people's governments of provinces, autonomous regions and municipalities directly under the Central Government may implement in advance the emission limits for relevant stages as specified in the national standards for discharge of air pollutants from motor vehicles in the regions with the necessary conditions, and report the same to the department in charge of ecology and environment under the State Council for the record.

城市人民政府应当加强并改善城市交通管理，优化道路设置，保障人行道和非机动车道的连续、畅通。

Urban people's governments shall strengthen and improve urban traffic administration, optimize road design, and guarantee the continuity and smoothness of sidewalks and non-motor vehicle lanes.

第五十一条   机动车船、非道路移动机械不得超过标准排放大气污染物。

Article 51 Motor vehicles, vessels and non-road mobile machinery shall not emit atmospheric pollutants which exceed the standards.

禁止生产、进口或者销售大气污染物排放超过标准的机动车船、非道路移动机械。

Manufacturing, importation and sale of motor vehicles and vessels and non-road mobile machinery which emit atmospheric pollutants beyond the standards shall be prohibited.

第五十二条   机动车、非道路移动机械生产企业应当对新生产的机动车和非道路移动机械进行排放检验。经检验合格的，方可出厂销售。检验信息应当向社会公开。

Article 52 Manufacturing enterprises of motor vehicles and non-road mobile machinery shall conduct emission inspection for newly manufactured motor vehicles and non-road mobile machinery. Only those pass the inspection can be sold. Inspection information shall be disclosed to the public.

省级以上人民政府生态环境主管部门可以通过现场检查、抽样检测等方式，加强对新生产、销售机动车和非道路移动机械大气污染物排放状况的监督检查。工业、市场监督管理等有关部门予以配合。

The competent authority of ecology and environment under a people's government at or above the provincial level may strengthen the supervision and inspection of the status of emission of atmospheric pollutants by newly manufactured or sold motor vehicles and non-road mobile machinery by field inspection, sampling inspection and other means. Industrial and market supervision and administration departments shall provide cooperation.

第五十三条   在用机动车应当按照国家或者地方的有关规定，由机动车排放检验机构定期对其进行排放检验。经检验合格的，方可上道路行驶。未经检验合格的，公安机关交通管理部门不得核发安全技术检验合格标志。

Article 53 Motor vehicles in use shall undergo regular emission tests conducted by motor vehicle emission test institutions in accordance with relevant national or local provisions. Motor vehicles which pass inspection may be allowed on the roads. The traffic administrative department of the public security organ shall not issue a safety and technical inspection mark to an applicant that fails to pass the inspection.

县级以上地方人民政府生态环境主管部门可以在机动车集中停放地、维修地对在用机动车的大气污染物排放状况进行监督抽测；在不影响正常通行的情况下，可以通过遥感监测等技术手段对在道路上行驶的机动车的大气污染物排放状况进行监督抽测，公安机关交通管理部门予以配合。

The departments in charge of ecology and environment under the local people's governments at or above the county level may supervise and selectively test the air pollutant emission conditions of motor vehicles in use at the places where the motor vehicles are parked or repaired; and may, without affecting normal traffic, supervise and selectively test the air pollutant emission conditions of motor vehicles running on the road by remote sensing monitoring and other technical means. The traffic administrative departments under public security organs shall provide cooperation.

第五十四条   机动车排放检验机构应当依法通过计量认证，使用经依法检定合格的机动车排放检验设备，按照国务院生态环境主管部门制定的规范，对机动车进行排放检验，并与生态环境主管部门联网，实现检验数据实时共享。机动车排放检验机构及其负责人对检验数据的真实性和准确性负责。

Article 54 Motor vehicle emission inspection agencies shall pass metrology accreditation pursuant to the law, use Motor vehicle emission inspection equipment which has passed inspection pursuant to the law, conduct emission inspection of motor vehicles pursuant to the norms formulated by the ecological environment department of the State Council, link up with the ecological environment department, and achieve real-time sharing of inspection data. Motor vehicle emission inspection agencies and their person-in-charge shall be responsible for the veracity and accuracy of the inspection data.

生态环境主管部门和认证认可监督管理部门应当对机动车排放检验机构的排放检验情况进行监督检查。

The ecological environment administrative authorities and the certification and accreditation administrative authorities shall supervise and inspect emission inspection by motor vehicle emission inspection agencies.

第五十五条   机动车生产、进口企业应当向社会公布其生产、进口机动车车型的排放检验信息、污染控制技术信息和有关维修技术信息。

Article 55 Motor vehicle manufacturing and importing enterprises shall announce emission inspection information for motor vehicles manufactured and imported by them, information on pollution control technologies and information on the relevant maintenance and repair technologies.

机动车维修单位应当按照防治大气污染的要求和国家有关技术规范对在用机动车进行维修，使其达到规定的排放标准。交通运输、生态环境主管部门应当依法加强监督管理。

Motor vehicle repair entities shall repair in-use motor vehicles in accordance with the requirements for the prevention and control of atmospheric pollution and the relevant national technical specifications, so that such motor vehicles meet the prescribed emission standards. The competent departments for transport and ecological environment shall strengthen supervision and administration in accordance with the law.

禁止机动车所有人以临时更换机动车污染控制装置等弄虚作假的方式通过机动车排放检验。禁止机动车维修单位提供该类维修服务。禁止破坏机动车车载排放诊断系统。

Motor vehicle owners shall not use fraudulent means such as impromptu replacement of motor vehicle pollution control device to pass motor vehicle emission inspection. Motor vehicle maintenance and repair organisations shall not provide such maintenance and repair services. It is forbidden to damage the vehicle emission diagnosis system.

第五十六条   生态环境主管部门应当会同交通运输、住房城乡建设、农业行政、水行政等有关部门对非道路移动机械的大气污染物排放状况进行监督检查，排放不合格的，不得使用。

Article 56 Departments in charge of ecology and environment shall, in concert with the relevant departments of transport, housing and urban-rural development, agriculture administration, and water administration, supervise and inspect the status of emission of atmospheric pollutants from non-road mobile machinery, and shall not use those that fail to pass the supervision of emission.

第五十七条   国家倡导环保驾驶，鼓励燃油机动车驾驶人在不影响道路通行且需停车三分钟以上的情况下熄灭发动机，减少大气污染物的排放。

Article 57 The State advocates environment-friendly driving and encourages drivers of petrol powered motor vehicles to switch off their engine when the vehicle is stopped for three minutes or longer and does not affect traffic, so as to reduce emission of atmospheric pollutants.

第五十八条   国家建立机动车和非道路移动机械环境保护召回制度。

Article 58 The State shall establish an environmental protection recall system for motor vehicles and non-road mobile machinery.

生产、进口企业获知机动车、非道路移动机械排放大气污染物超过标准，属于设计、生产缺陷或者不符合规定的环境保护耐久性要求的，应当召回；未召回的，由国务院市场监督管理部门会同国务院生态环境主管部门责令其召回。

Manufacturing and importing enterprises shall, upon becoming aware of excessive emission of atmospheric pollutants of motor vehicles, non-road mobile machinery, recall the motor vehicles or non-road mobile machinery when it is a case of design or manufacturing defect or non-compliance with the stipulated requirements for durability for environmental protection; where the manufacturing or importing enterprise does not make the recall, the market supervision and administration department of the State Council shall, jointly with the ecological environment department of the State Council, order the manufacturing or importing enterprise to make the recall.

第五十九条   在用重型柴油车、非道路移动机械未安装污染控制装置或者污染控制装置不符合要求，不能达标排放的，应当加装或者更换符合要求的污染控制装置。

Article 59 If any in-use heavy-duty diesel vehicle or non-road mobile machinery has no pollution control device installed or the pollution control device installed does not meet the requirements, thus failing to meet the standards for discharge, pollution control devices in compliance with the requirements shall be installed or replaced.

第六十条   在用机动车排放大气污染物超过标准的，应当进行维修；经维修或者采用污染控制技术后，大气污染物排放仍不符合国家在用机动车排放标准的，应当强制报废。其所有人应当将机动车交售给报废机动车回收拆解企业，由报废机动车回收拆解企业按照国家有关规定进行登记、拆解、销毁等处理。

Article 60 Motor vehicles in use which emit atmospheric pollutants in excess of the standards shall be repaired; upon repair or adoption of pollution control technology, where the emission of atmospheric pollutants still do not comply with the emission standards of the State for motor vehicles which are in use, the motor vehicles shall be subject to mandatory scrapping. The owner of the motor vehicle shall deliver and sell the motor vehicle to the retired motor vehicle dismantling and recycling enterprise, the retired motor vehicle dismantling and recycling enterprise shall carry out registration, dismantling, destruction, etc pursuant to the relevant provisions of the State.

国家鼓励和支持高排放机动车船、非道路移动机械提前报废。

The State encourages and supports advance scrapping of high-emission motor vehicles, vessels and non-road mobile machinery.

第六十一条   城市人民政府可以根据大气环境质量状况，划定并公布禁止使用高排放非道路移动机械的区域。

Article 61 Municipal People's Governments may, based on atmospheric quality conditions, delineate and announce prohibited zones for use of high emission non-road mobile machinery.

第六十二条   船舶检验机构对船舶发动机及有关设备进行排放检验。经检验符合国家排放标准的，船舶方可运营。

Article 62 Vessel inspection agencies shall conduct emission inspection for marine engines and related equipment. A vessel may not be operated unless it meets the national standards for discharge upon inspection.

第六十三条   内河和江海直达船舶应当使用符合标准的普通柴油。远洋船舶靠港后应当使用符合大气污染物控制要求的船舶用燃油。

Article 63 Inland and river-sea vessels shall use normal diesel which comply with the standards. Upon mooring, ocean going vessels shall use marine fuel which comply with the atmospheric pollutants control requirements.

新建码头应当规划、设计和建设岸基供电设施；已建成的码头应当逐步实施岸基供电设施改造。船舶靠港后应当优先使用岸电。

For newly built wharves, shore-based power supply facilities shall be planned, designed and constructed; for established wharves, shore-based power supply facilities shall be gradually transformed. Shore power shall be the first choice for vessels after they anchor in a port.

第六十四条   国务院交通运输主管部门可以在沿海海域划定船舶大气污染物排放控制区，进入排放控制区的船舶应当符合船舶相关排放要求。

Article 64 The transport department of the State Council may designate emission control zones in coastal waters for atmospheric pollutants emitted by vessels, and vessels entering the emission control zones shall comply with the relevant emission requirements for vessels.

第六十五条   禁止生产、进口、销售不符合标准的机动车船、非道路移动机械用燃料；禁止向汽车和摩托车销售普通柴油以及其他非机动车用燃料；禁止向非道路移动机械、内河和江海直达船舶销售渣油和重油。

Article 65 It is prohibited to produce, import and sell substandard fuels for motor vehicles, vessels and non-road mobile machinery; it is prohibited to sell ordinary diesel oil and other fuels not for motor vehicles and motorcycles; and it is prohibited to sell residual oil and heavy oil for non-road mobile machinery, inland and river-to-sea vessels.

第六十六条   发动机油、氮氧化物还原剂、燃料和润滑油添加剂以及其他添加剂的有害物质含量和其他大气环境保护指标，应当符合有关标准的要求，不得损害机动车船污染控制装置效果和耐久性，不得增加新的大气污染物排放。

Article 66 Harmful substance content and other atmospheric environmental protection indicators of engine oil, nitrogen oxide reducing agent, fuel and lubricant additives and other additives shall comply with the requirements of the relevant standards, and shall not harm the effect and durability of pollution control device for motor vehicles and vessels, or increase emission of new atmospheric pollutants.

第六十七条   国家积极推进民用航空器的大气污染防治，鼓励在设计、生产、使用过程中采取有效措施减少大气污染物排放。

Article 67 The State actively promotes prevention and control of atmospheric pollution by civil aircrafts, and encourages adoption of effective measures in the design, manufacturing and use to reduce emission of atmospheric pollutants.

民用航空器应当符合国家规定的适航标准中的有关发动机排出物要求。

Civil aircrafts shall comply with the relevant requirements for engine emissions in the airworthiness standards stipulated by the State.

第四节 扬尘污染防治

Section 4 Prevention and Control of Fugitive Dust Pollution

第六十八条   地方各级人民政府应当加强对建设施工和运输的管理，保持道路清洁，控制料堆和渣土堆放，扩大绿地、水面、湿地和地面铺装面积，防治扬尘污染。

Article 68 All levels of local People's Government shall strengthen administration of construction and transportation, ensure road cleanliness, control piling of materials and muck, widen the area of green space, water area, wetland area and ground pavement area, and prevent dust pollution.

住房城乡建设、市容环境卫生、交通运输、国土资源等有关部门，应当根据本级人民政府确定的职责，做好扬尘污染防治工作。

The relevant authorities in charge of housing and urban-rural development, cityscape and environmental health, traffic and transportation, land and resources etc shall, in accordance with the duties determined by the People's Government of counterpart level, carry out proper prevention and control of dust pollution.

第六十九条   建设单位应当将防治扬尘污染的费用列入工程造价，并在施工承包合同中明确施工单位扬尘污染防治责任。施工单位应当制定具体的施工扬尘污染防治实施方案。

Article 69 Developers shall include expenses for prevention and control of dust pollution in the project costs, and specify the builder's responsibilities for prevention and control of dust pollution in the construction contract. Builders shall formulate a specific implementation plan for prevention and control of dust pollution by construction activities.

从事房屋建筑、市政基础设施建设、河道整治以及建筑物拆除等施工单位，应当向负责监督管理扬尘污染防治的主管部门备案。

Builders undertaking construction of buildings, municipal infrastructure facilities and watercourse modification as well as demolition of buildings etc shall file records with the authorities in charge of supervision and administration for prevention and control of dust pollution.

施工单位应当在施工工地设置硬质围挡，并采取覆盖、分段作业、择时施工、洒水抑尘、冲洗地面和车辆等有效防尘降尘措施。建筑土方、工程渣土、建筑垃圾应当及时清运；在场地内堆存的，应当采用密闭式防尘网遮盖。工程渣土、建筑垃圾应当进行资源化处理。

Contractor should set up hard enclosure on the site and take effective measures of dust control and reduction including covering, section operation, optional construction, spraying water to control dust and washing floors and vehicles. Construction earthworks, construction dregs and construction waste shall be promptly cleared and removed; construction earthworks, construction dregs and construction waste piled within the work site shall be covered up with dustproof net. Engineering mucks and construction waste shall undergo resource treatment.

施工单位应当在施工工地公示扬尘污染防治措施、负责人、扬尘监督管理主管部门等信息。

Builders shall announce on the construction site the measures for prevention and control of dust pollution, information on person-in-charge, dust supervision and administration authorities etc.

暂时不能开工的建设用地，建设单位应当对裸露地面进行覆盖；超过三个月的，应当进行绿化、铺装或者遮盖。

Where construction is yet to commence on the work site, the developer shall cover up the bare ground; where the period exceeds three months, landscaping, paving or covering shall be carried out.

第七十条   运输煤炭、垃圾、渣土、砂石、土方、灰浆等散装、流体物料的车辆应当采取密闭或者其他措施防止物料遗撒造成扬尘污染，并按照规定路线行驶。

Article 70 Vehicles transporting bulk or liquid materials such as coal, garbage, sediment, sand, earth and mortar shall adopt confinement or other measures to prevent dust pollution caused by material spill, and shall travel along stipulated routes.

装卸物料应当采取密闭或者喷淋等方式防治扬尘污染。

For loading and unloading of materials, confinement or spraying methods shall be adopted for prevention and control of dust pollution.

城市人民政府应当加强道路、广场、停车场和其他公共场所的清扫保洁管理，推行清洁动力机械化清扫等低尘作业方式，防治扬尘污染。

Urban people's governments shall strengthen the clean-up and sanitation management of roads, squares, parking lots and other public places, and implement low-dust operation methods such as mechanized clean-up to prevent and control fugitive dust pollution.

第七十一条   市政河道以及河道沿线、公共用地的裸露地面以及其他城镇裸露地面，有关部门应当按照规划组织实施绿化或者透水铺装。

Article 71 The relevant authorities shall organise and implement landscaping or permeable paving for municipal watercourse and bare ground along the watercourse, bare ground in public areas and other bare ground in cities pursuant to the planning.

第七十二条   贮存煤炭、煤矸石、煤渣、煤灰、水泥、石灰、石膏、砂土等易产生扬尘的物料应当密闭；不能密闭的，应当设置不低于堆放物高度的严密围挡，并采取有效覆盖措施防治扬尘污染。

Article 72 Materials such as coal, gangue, cinder, coal ash, cement, lime, gypsum and sand which produce dust easily shall be stored in a confined area; where it is impossible to do so, a tight enclosure which is not lower than the height of the piled materials shall be set up, and effective covering measures shall be adopted for prevention and control of dust pollution.

码头、矿山、填埋场和消纳场应当实施分区作业，并采取有效措施防治扬尘污染。

Docks, mines, landfills and processing sites shall implement operations by zones, and adopt effective measures for prevention and control of dust pollution.

第五节 农业和其他污染防治

Section 5 Prevention and Control of Agricultural Pollution and Other Pollution

第七十三条   地方各级人民政府应当推动转变农业生产方式，发展农业循环经济，加大对废弃物综合处理的支持力度，加强对农业生产经营活动排放大气污染物的控制。

Article 73 All levels of local People's Government shall promote transformation of agricultural production, develop agricultural circular economy, enhance support for integrated treatment of waste, and strengthen control over emission of atmospheric pollutants by agricultural production and business activities.

第七十四条   农业生产经营者应当改进施肥方式，科学合理施用化肥并按照国家有关规定使用农药，减少氨、挥发性有机物等大气污染物的排放。

Article 74 Agricultural producers and operators shall improve the fertilization methods, apply fertilizers in a scientific and rational manner, and use pesticides in accordance with the relevant provisions of the State, so as to reduce the emission of air pollutants such as ammonia and volatile organic compounds.

禁止在人口集中地区对树木、花草喷洒剧毒、高毒农药。

Spraying of extremely toxic and highly toxic pesticides on trees and plants in populated areas shall be prohibited.

第七十五条   畜禽养殖场、养殖小区应当及时对污水、畜禽粪便和尸体等进行收集、贮存、清运和无害化处理，防止排放恶臭气体。

Article 75 Livestock and poultry farms and farming communities shall promptly carry out collection, storage, clearing and removal and innocuous treatment of sewage, animal manure and carcasses, and prevent emission of malodorous gases.

第七十六条   各级人民政府及其农业行政等有关部门应当鼓励和支持采用先进适用技术，对秸秆、落叶等进行肥料化、饲料化、能源化、工业原料化、食用菌基料化等综合利用，加大对秸秆还田、收集一体化农业机械的财政补贴力度。

Article 76 The people's governments at all levels and relevant departments under them such as the agricultural administrative departments shall encourage and support the adoption of advanced and applicable technologies to comprehensively utilize the stalks, fallen leaves or other substances by changing them into fertilizers, fodders, energy, industrial raw materials, or base materials for edible fungi, and increase the fiscal subsidies for returning the stalks into the fields and the collection-integrated agricultural machinery.

县级人民政府应当组织建立秸秆收集、贮存、运输和综合利用服务体系，采用财政补贴等措施支持农村集体经济组织、农民专业合作经济组织、企业等开展秸秆收集、贮存、运输和综合利用服务。

County People's Governments shall organise establishment of a service system for straw collection, storage, transportation and integrated utilisation, and adopt fiscal subsidy measures etc to support straw collection, storage, transportation and integrated utilisation services carried out by rural collective economic organisations, farmers' specialised cooperative economic organisations and enterprises.

第七十七条   省、自治区、直辖市人民政府应当划定区域，禁止露天焚烧秸秆、落叶等产生烟尘污染的物质。

Article 77 People's Governments of provinces, autonomous regions and centrally-administered municipalities shall delineate prohibited zones for open air burning of straw, leaves etc which cause smoke or dust pollution.

第七十八条   国务院生态环境主管部门应当会同国务院卫生行政部门，根据大气污染物对公众健康和生态环境的危害和影响程度，公布有毒有害大气污染物名录，实行风险管理。

Article 78 The department in charge of ecology and environment under the State Council shall, in conjunction with the health administration department under the State Council, publish the catalog of toxic and hazardous air pollutants and implement risk management according to the damage and impacts of air pollutants on public health and ecological environment.

排放前款规定名录中所列有毒有害大气污染物的企业事业单位，应当按照国家有关规定建设环境风险预警体系，对排放口和周边环境进行定期监测，评估环境风险，排查环境安全隐患，并采取有效措施防范环境风险。

Enterprises and institutions which emit toxic and hazardous atmospheric pollutants included in the list stipulated in the preceding paragraph shall establish an environmental risks warning system pursuant to the relevant provisions of the State, conduct regular monitoring of emission point and surrounding environment, evaluate environmental risks, investigate and eliminate environmental safety hazards, and adopt effective measures to prevent environmental risks.

第七十九条   向大气排放持久性有机污染物的企业事业单位和其他生产经营者以及废弃物焚烧设施的运营单位，应当按照国家有关规定，采取有利于减少持久性有机污染物排放的技术方法和工艺，配备有效的净化装置，实现达标排放。

Article 79 Enterprises and institutions and other manufacturers and business operators which emit persistent organic pollutants into the atmosphere as well as operators of waste incineration facilities shall, pursuant to the relevant provisions of the State, adopt technologies and processes which are favourable for reduced emission of persistent organic pollutants, install effective purification device, and achieve standardisation of emission.

第八十条   企业事业单位和其他生产经营者在生产经营活动中产生恶臭气体的，应当科学选址，设置合理的防护距离，并安装净化装置或者采取其他措施，防止排放恶臭气体。

Article 80 Enterprises, institutions and other manufacturers and business operators which produce malodorous gases in their manufacturing and business activities shall conduct scientific site selection, install reasonable protection distance, and install purification device or adopt other measures to prevent emission of malodorous gases.

第八十一条   排放油烟的餐饮服务业经营者应当安装油烟净化设施并保持正常使用，或者采取其他油烟净化措施，使油烟达标排放，并防止对附近居民的正常生活环境造成污染。

Article 81 Food and beverage business operators which emit fume shall install fume purification facilities and ensure normal operation thereof, or adopt other fume purification measures to ensure emission of fume comply with the standards, and prevent causing pollution to normal living environment of surrounding residents.

禁止在居民住宅楼、未配套设立专用烟道的商住综合楼以及商住综合楼内与居住层相邻的商业楼层内新建、改建、扩建产生油烟、异味、废气的餐饮服务项目。

New establishment, alteration and expansion of food and beverage business operations which emit fume, odour and waste gases within residential buildings, commercial cum residential buildings which have not installed complementary dedicated flue, and commercial floors of commercial cum residential buildings adjacent to residential floors shall be prohibited.

任何单位和个人不得在当地人民政府禁止的区域内露天烧烤食品或者为露天烧烤食品提供场地。

No organisation or individual shall carry out open air barbecue or provide premises for open air barbecue within regions prohibited by the local People's Government.

第八十二条   禁止在人口集中地区和其他依法需要特殊保护的区域内焚烧沥青、油毡、橡胶、塑料、皮革、垃圾以及其他产生有毒有害烟尘和恶臭气体的物质。

Article 82 In densely inhabited areas and other areas that need special protection according to the law, the burning of asphalt, asphalt felt, rubber, plastics, leather, garbage or other substances that produce toxic or harmful smoke or dust or malodorous gases is prohibited.

禁止生产、销售和燃放不符合质量标准的烟花爆竹。任何单位和个人不得在城市人民政府禁止的时段和区域内燃放烟花爆竹。

It is forbidden to produce, sell and set off fireworks and crackers that do not meet the quality standards. No organisation or individual shall set off fireworks and firecrackers at the prohibited timings and within areas prohibited by the Municipal People's Government.

第八十三条   国家鼓励和倡导文明、绿色祭祀。

Article 83 The State encourages and advocates civilized and green worship.

火葬场应当设置除尘等污染防治设施并保持正常使用，防止影响周边环境。

Crematoriums shall install facilities for prevention and control of pollution such as dustproof facilities, ensure normal use, and prevent impact on surrounding environment.

第八十四条   从事服装干洗和机动车维修等服务活动的经营者，应当按照国家有关标准或者要求设置异味和废气处理装置等污染防治设施并保持正常使用，防止影响周边环境。

Article 84 Dry cleaning business operators and motor vehicle repair service operators etc shall install odour and waste gases treatment facilities and other facilities for prevention and control of pollution pursuant to the relevant standards or requirements of the State and ensure normal operation thereof, and prevent any impact on surrounding environment.

第八十五条   国家鼓励、支持消耗臭氧层物质替代品的生产和使用，逐步减少直至停止消耗臭氧层物质的生产和使用。

Article 85 The State encourages and supports the production and use of substitutes for materials that deplete the ozone layer, gradually reducing the production and use of such materials until the termination of their production and use.

国家对消耗臭氧层物质的生产、使用、进出口实行总量控制和配额管理。具体办法由国务院规定。

The State implements total quantity control and quota administration for manufacturing, use, importation and exportation of ozone depleting substances. The specific measures shall be formulated by the State Council.

第五章 重点区域大气污染联合防治

Chapter 5 Joint Prevention and Control of Atmospheric Pollution in Key Regions

第八十六条   国家建立重点区域大气污染联防联控机制，统筹协调重点区域内大气污染防治工作。国务院生态环境主管部门根据主体功能区划、区域大气环境质量状况和大气污染传输扩散规律，划定国家大气污染防治重点区域，报国务院批准。

Article 86 The State establishes a joint prevention and control mechanism for atmospheric pollution at key regions, plan and coordinate prevention and control of atmospheric pollution at key regions. The department in charge of ecology and environment under the State Council shall, according to the major function zoning, regional atmospheric environment quality conditions and atmospheric pollution transmission and diffusion patterns, designate the national key regions for prevention and control of atmospheric pollution, which shall be reported to the State Council for approval.

重点区域内有关省、自治区、直辖市人民政府应当确定牵头的地方人民政府，定期召开联席会议，按照统一规划、统一标准、统一监测、统一的防治措施的要求，开展大气污染联合防治，落实大气污染防治目标责任。国务院生态环境主管部门应当加强指导、督促。

The relevant People's Governments of provinces, autonomous regions and centrally-administered municipalities within the key regions shall determine the leading local People's Governments, convene joint meetings on a regular basis, conduct joint prevention and control of atmospheric pollution pursuant to the requirements of unified planning, unified standards, unified monitoring, unified prevention and control measures, and implement targets and responsibilities for prevention and control of atmospheric pollution. The competent authority of ecology and environment of the State Council shall strengthen its guidance and supervision.

省、自治区、直辖市可以参照第一款规定划定本行政区域的大气污染防治重点区域。

Provinces, autonomous regions and centrally-administered municipalities may refer to the provisions of the first paragraph for delineation of key regions for prevention and control of atmospheric pollution in their administrative region.

第八十七条   国务院生态环境主管部门会同国务院有关部门、国家大气污染防治重点区域内有关省、自治区、直辖市人民政府，根据重点区域经济社会发展和大气环境承载力，制定重点区域大气污染联合防治行动计划，明确控制目标，优化区域经济布局，统筹交通管理，发展清洁能源，提出重点防治任务和措施，促进重点区域大气环境质量改善。

Article 87 The department in charge of ecology and environment under the State Council shall, in conjunction with relevant departments under the State Council and the people's governments of relevant provinces, autonomous regions and centrally-administered municipalities within the national key regions for prevention and control of atmospheric pollution, develop an action plan for joint prevention and control of atmospheric pollution within the key regions based on their economic and social development and atmospheric environment carrying capacity. The plan shall specify the control objectives, optimize the regional economic layout, coordinate traffic management, develop clean energy, propose key prevention and control tasks and measures, and promote the improvement of the atmospheric environment quality within the key regions.

第八十八条   国务院经济综合主管部门会同国务院生态环境主管部门，结合国家大气污染防治重点区域产业发展实际和大气环境质量状况，进一步提高环境保护、能耗、安全、质量等要求。

Article 88 The economic liaison department of the State Council shall, jointly with the ecological and environmental department of the State Council, take into account the actual industrial development and atmospheric quality in the national key regions for prevention and control of atmospheric pollution, and further raise the requirements on environmental protection, energy consumption, safety, quality etc.

重点区域内有关省、自治区、直辖市人民政府应当实施更严格的机动车大气污染物排放标准，统一在用机动车检验方法和排放限值，并配套供应合格的车用燃油。

The relevant People's Governments of provinces, autonomous regions and centrally-administered municipalities within the key regions shall implement more stringent atmospheric pollutants emission standards for motor vehicles, standardise inspection method and emission limits for motor vehicles which are in use, and supply compliant car fuel.

第八十九条   编制可能对国家大气污染防治重点区域的大气环境造成严重污染的有关工业园区、开发区、区域产业和发展等规划，应当依法进行环境影响评价。规划编制机关应当与重点区域内有关省、自治区、直辖市人民政府或者有关部门会商。

Article 89 Environmental impact assessment shall be carried out pursuant to the law for formulation of the relevant planning for industrial parks, development zones, regional industries and development, etc which may cause serious pollution to the atmospheric environment of the national key regions for prevention and control of atmospheric pollution. The authorities formulating such plans shall consult the relevant People's Governments of provinces, autonomous regions and centrally-administered municipalities or the relevant authorities within the key regions.

重点区域内有关省、自治区、直辖市建设可能对相邻省、自治区、直辖市大气环境质量产生重大影响的项目，应当及时通报有关信息，进行会商。

For projects which may have a significant impact on the atmospheric quality of the relevant provinces, autonomous regions and centrally-administered municipalities within the key regions, the relevant information shall be promptly circulated, consultation shall be carried out.

会商意见及其采纳情况作为环境影响评价文件审查或者审批的重要依据。

The consultation opinions and their adoption conditions shall be used as important basis for the review or examination and approval of environmental impact assessment documents.

第九十条   国家大气污染防治重点区域内新建、改建、扩建用煤项目的，应当实行煤炭的等量或者减量替代。

Article 90 New construction, alteration or expansion of coal-fired projects in national key regions for prevention and control of atmospheric pollution shall implement coal substitution in an equivalent or reduced quantity.

第九十一条   国务院生态环境主管部门应当组织建立国家大气污染防治重点区域的大气环境质量监测、大气污染源监测等相关信息共享机制，利用监测、模拟以及卫星、航测、遥感等新技术分析重点区域内大气污染来源及其变化趋势，并向社会公开。

Article 91 The department in charge of ecology and environment under the State Council shall organize the establishment of the information sharing mechanism for the monitoring of atmospheric environment quality and atmospheric pollution sources in the national key regions for the prevention and control of atmospheric pollution, and analyze the atmospheric pollution sources in the key regions and the variation trends thereof by using new technologies such as monitoring, simulation, satellite, aerial survey and remote sensing technologies, and disclose the same to the public.

第九十二条   国务院生态环境主管部门和国家大气污染防治重点区域内有关省、自治区、直辖市人民政府可以组织有关部门开展联合执法、跨区域执法、交叉执法。

Article 92 The department in charge of ecology and environment under the State Council and the people's governments of the relevant provinces, autonomous regions and municipalities directly under the Central Government within the national key regions for the prevention and control of atmospheric pollution may organize the relevant departments to conduct joint law enforcement, cross-regional law enforcement and cross-area law enforcement.

第六章 重污染天气应对

Chapter 6 Responses to Heavy Pollution Weather

第九十三条   国家建立重污染天气监测预警体系。

Article 93 The State shall establish a heavy pollution weather monitoring and warning system.

国务院生态环境主管部门会同国务院气象主管机构等有关部门、国家大气污染防治重点区域内有关省、自治区、直辖市人民政府，建立重点区域重污染天气监测预警机制，统一预警分级标准。可能发生区域重污染天气的，应当及时向重点区域内有关省、自治区、直辖市人民政府通报。

The department in charge of ecology and environment under the State Council shall, in conjunction with other relevant departments such as the meteorological department under the State Council as well as the people's governments of relevant provinces, autonomous regions or centrally-administered municipalities within national key regions for the prevention and control of atmospheric pollution, establish a monitoring and early warning mechanism for heavy pollution weather in key regions, and unify the classification standards for early warning. Where there is a possibility of heavy pollution weather, the relevant People's Governments of provinces, autonomous regions and centrally-administered municipalities within the key regions shall be promptly notified.

省、自治区、直辖市、设区的市人民政府生态环境主管部门会同气象主管机构等有关部门建立本行政区域重污染天气监测预警机制。

The departments in charge of ecology and environment under the people's governments of provinces, autonomous regions, municipalities directly under the Central Government and cities divided into districts shall, in concert with the meteorological departments and other relevant departments, establish a mechanism for monitoring and early warning of heavy pollution weather in their respective administrative regions.

第九十四条   县级以上地方人民政府应当将重污染天气应对纳入突发事件应急管理体系。

Article 94 Local People's Governments of county level and above shall include heavy pollution weather contingency plans in their emergency response management system.

省、自治区、直辖市、设区的市人民政府以及可能发生重污染天气的县级人民政府，应当制定重污染天气应急预案，向上一级人民政府生态环境主管部门备案，并向社会公布。

People's Governments of provinces, autonomous regions, centrally-administered municipalities and municipalities divided into districts and People's Governments of counties which may encounter heavy pollution weather shall formulate a heavy pollution weather contingency plan, file the contingency plan with the ecology and environment department of the higher-level People's Government for record, and announce to the public.

第九十五条   省、自治区、直辖市、设区的市人民政府生态环境主管部门应当会同气象主管机构建立会商机制，进行大气环境质量预报。可能发生重污染天气的，应当及时向本级人民政府报告。省、自治区、直辖市、设区的市人民政府依据重污染天气预报信息，进行综合研判，确定预警等级并及时发出预警。预警等级根据情况变化及时调整。任何单位和个人不得擅自向社会发布重污染天气预报预警信息。

Article 95 The departments in charge of ecology and environment under the people's governments of provinces, autonomous regions, municipalities directly under the Central Government and cities divided into districts shall, in conjunction with the meteorological authorities, establish a consultation mechanism for forecasting the quality of atmospheric environment. Any probable occurrence of heavy pollution weather shall be reported to the people's government at the same level in a timely manner. People's Governments of provinces, autonomous regions, centrally-administered municipalities and municipalities divided into districts shall carry out comprehensive study and judgement based on heavy pollution weather forecast information, determine the warning grade, and promptly issue warning. The warning grading shall be promptly adjusted in accordance with the change in conditions. No organisation or individual shall issue warning of heavy pollution weather to the public arbitrarily.

预警信息发布后，人民政府及其有关部门应当通过电视、广播、网络、短信等途径告知公众采取健康防护措施，指导公众出行和调整其他相关社会活动。

Upon issuance of warning information, the People's Government and its relevant departments shall notify the public to adopt health protection measures through television, radio, Internet, short message service etc, and guide the public on commuting and adjustment of other relevant public activities.

第九十六条   县级以上地方人民政府应当依据重污染天气的预警等级，及时启动应急预案，根据应急需要可以采取责令有关企业停产或者限产、限制部分机动车行驶、禁止燃放烟花爆竹、停止工地土石方作业和建筑物拆除施工、停止露天烧烤、停止幼儿园和学校组织的户外活动、组织开展人工影响天气作业等应急措施。

Article 96 Local People's Governments of county level and above shall, based on the warning grade for heavy pollution weather, promptly launch contingency plans, and may, based on contingency requirements, order the relevant enterprises to stop or restrict production, restrict certain motor vehicles on the roads, prohibit setting off of fireworks and firecrackers, suspend earthwork operations and building demolition and construction activities at construction sites, stop open air barbecue, stop outdoor activities organised by kindergartens and schools, organise and launch contingency measures such as artificial weather modification operations, etc.

应急响应结束后，人民政府应当及时开展应急预案实施情况的评估，适时修改完善应急预案。

Upon completion of emergency response, the People's Government shall promptly evaluate implementation of the contingency plan, revise and improve upon the contingency plan when appropriate.

第九十七条   发生造成大气污染的突发环境事件，人民政府及其有关部门和相关企业事业单位，应当依照《中华人民共和国突发事件应对法》、《中华人民共和国环境保护法》的规定，做好应急处置工作。生态环境主管部门应当及时对突发环境事件产生的大气污染物进行监测，并向社会公布监测信息。

Article 97 Upon occurrence of an environmental emergency which causes atmospheric pollution, the People's Government and its relevant departments and the relevant enterprises and institutions shall, pursuant to the provisions of the Emergency Response Law of the People's Republic of China and the Environmental Protection Law of the People's Republic of China, carry out proper emergency response. The competent authority of ecology and environment shall monitor the atmospheric pollutants produced by an environmental emergency in a timely manner, and announce the monitoring information to the public.

第七章 法律责任

Chapter 7 Legal Liabilities

第九十八条   违反本法规定，以拒绝进入现场等方式拒不接受生态环境主管部门及其环境执法机构或者其他负有大气环境保护监督管理职责的部门的监督检查，或者在接受监督检查时弄虚作假的，由县级以上人民政府生态环境主管部门或者其他负有大气环境保护监督管理职责的部门责令改正，处二万元以上二十万元以下的罚款；构成违反治安管理行为的，由公安机关依法予以处罚。

Article 98 Where any entity, in violation of the provisions hereof, refuses to accept the supervision and inspection by the competent authority of ecology and environment or the law enforcement agency for environment or other departments having the responsibility of supervising and administering the protection of atmospheric environment by means of refusing to enter the site or otherwise, or practices fraud when accepting the supervision and inspection, the competent authority of ecology and environment under the people's government at or above the county level or other departments having the responsibility of supervising and administering the protection of atmospheric environment shall order the entity to make corrections, and impose a fine of not less than CNY20,000 but not more than CNY200,000; if the act constitutes a violation of public security administration, the public security organ shall impose a punishment in accordance with the law.

第九十九条   违反本法规定，有下列行为之一的，由县级以上人民政府生态环境主管部门责令改正或者限制生产、停产整治，并处十万元以上一百万元以下的罚款；情节严重的，报经有批准权的人民政府批准，责令停业、关闭：

Article 99 Where any entity, in violation of this Law, commits any of the following acts, the department in charge of ecology and environment under the people's government at or above the county level shall order the entity to make corrections, restrict production or suspend production for rectification, and impose a fine of not less than 100,000 yuan but not more than 1 million yuan; if the circumstance is serious, the entity shall be ordered to suspend the business or shut down after the decision is reported to the people's government with the approval authority for approval,

（一）未依法取得排污许可证排放大气污染物的；

1. air pollutants are emitted without the pollution discharge permit legally obtained;

（二）超过大气污染物排放标准或者超过重点大气污染物排放总量控制指标排放大气污染物的；

2. the air pollutants are emitted to the extent of exceeding the limit specified by the standards for discharge of air pollutants or the total emission control targets for key air pollutants;

（三）通过逃避监管的方式排放大气污染物的。

3. air pollutants are emitted by way of evading the supervision and administration.

第一百条   违反本法规定，有下列行为之一的，由县级以上人民政府生态环境主管部门责令改正，处二万元以上二十万元以下的罚款；拒不改正的，责令停产整治：

Article 100 Where any entity, in violation of this Law, commits any of the following acts, the department in charge of ecology and environment under the people's government at or above the county level shall order the entity to make corrections, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the entity refuses to make corrections, it shall be ordered to suspend production for rectification:

（一）侵占、损毁或者擅自移动、改变大气环境质量监测设施或者大气污染物排放自动监测设备的；

1. occupying, damaging, or moving or changing without authorization, the monitoring facilities for atmospheric environment quality or the automatic air pollutant emission monitoring equipment;

（二）未按照规定对所排放的工业废气和有毒有害大气污染物进行监测并保存原始监测记录的；

(II) failing to monitor the industrial waste gas and poisonous and harmful air pollutants emitted and to keep the original monitoring records in accordance with the provisions;

（三）未按照规定安装、使用大气污染物排放自动监测设备或者未按照规定与生态环境主管部门的监控设备联网，并保证监测设备正常运行的；

(III) Failing to install and use the automatic air pollutant emission monitoring equipment as required or failing to link up with the monitoring equipment of the competent authority of ecology and environment as required and ensure the normal operation of the monitoring equipment;

（四）重点排污单位不公开或者不如实公开自动监测数据的；

(IV) key pollutant discharging entities fail to disclose or faithfully disclose the automatic monitoring data;

（五）未按照规定设置大气污染物排放口的。

(V) failing to install emission outlets for air pollutants in accordance with the provisions.

第一百零一条   违反本法规定，生产、进口、销售或者使用国家综合性产业政策目录中禁止的设备和产品，采用国家综合性产业政策目录中禁止的工艺，或者将淘汰的设备和产品转让给他人使用的，由县级以上人民政府经济综合主管部门、海关按照职责责令改正，没收违法所得，并处货值金额一倍以上三倍以下的罚款；拒不改正的，报经有批准权的人民政府批准，责令停业、关闭。进口行为构成走私的，由海关依法予以处罚。

Article 101 Offenders who violate the provisions of this Law in manufacturing, importation, sale or use of equipment and products prohibited in the national integrated industry policies, or adopting processes prohibited in the national integrated industry policies, or transfer of eliminated equipment and products to others for their use, shall be ordered by the economic liaison department of the People's Governments of county level and above and the Customs to make correction, illegal income shall be confiscated, and a fine ranging from one to three times the amount of the value of the goods shall be imposed; offenders who refuse to make correction shall be ordered to cease operation and close down, upon approval of the People's Government with approval powers. Where the import act constitutes smuggling, the Customs shall impose punishment pursuant to the law.

第一百零二条   违反本法规定，煤矿未按照规定建设配套煤炭洗选设施的，由县级以上人民政府能源主管部门责令改正，处十万元以上一百万元以下的罚款；拒不改正的，报经有批准权的人民政府批准，责令停业、关闭。

Article 102 Offenders who violate the provisions of this Law in failing to build complementary coal washing and processing facilities for coal mines pursuant to the provisions shall be ordered by the energy department of People's Governments of county level and above to make correction, and be subject to a fine ranging from RMB100,000 to RMB1 million; offenders who refuse to make correction shall be ordered to cease operation and close down, upon approval of the People's Government with approval authority.

违反本法规定，开采含放射性和砷等有毒有害物质超过规定标准的煤炭的，由县级以上人民政府按照国务院规定的权限责令停业、关闭。

Any unit that, in violation of the provisions of this Law, mines the coal containing toxic or harmful substances, such as radioactive and arsenic substances, that exceed the prescribed limits, shall be ordered to suspend operation or to close down by the people's government at or above the county level within the limits of its power prescribed by the State Council.

第一百零三条   违反本法规定，有下列行为之一的，由县级以上地方人民政府市场监督管理部门责令改正，没收原材料、产品和违法所得，并处货值金额一倍以上三倍以下的罚款：

Article 103 If any of the following acts is committed in violation of the provisions hereof, the market regulatory authority of the people's government at or above the county level shall order the party concerned to make corrections, confiscate the raw materials, products and illegal gains, and impose a fine of not less than one time but not more than three times the value of goods:

（一）销售不符合质量标准的煤炭、石油焦的；

1. selling any coal or petroleum coke which does not meet the quality standards;

（二）生产、销售挥发性有机物含量不符合质量标准或者要求的原材料和产品的；

2. producing or selling any raw materials or products with the content of volatile organic compounds exceeding the quality standards or requirements;

（三）生产、销售不符合标准的机动车船和非道路移动机械用燃料、发动机油、氮氧化物还原剂、燃料和润滑油添加剂以及其他添加剂的；

(III) producing or selling any fuels for motor vehicles, vessels and non-road mobile machinery, engine oil, nitrogen oxide reductants, fuel and lubricating oil additives or other additives not meeting the standards; or

（四）在禁燃区内销售高污染燃料的。

(IV) selling any seriously polluting fuel in any zone where burning is prohibited.

第一百零四条   违反本法规定，有下列行为之一的，由海关责令改正，没收原材料、产品和违法所得，并处货值金额一倍以上三倍以下的罚款；构成走私的，由海关依法予以处罚：

Article 104 Where anyone, in violation of the provisions of this Law, commits one of the following acts, the Customs shall order him to rectify, confiscate the raw materials, products and illegal gains and impose a fine of not less than one time but not more than three times the value of the goods. If the act constitutes smuggling, the Customs shall impose a punishment in accordance with law:

（一）进口不符合质量标准的煤炭、石油焦的；

1. Importing coal or petroleum coke not conforming to the quality standards;

（二）进口挥发性有机物含量不符合质量标准或者要求的原材料和产品的；

2. importing any raw materials or products with the content of volatile organic compounds exceeding the quality standards or requirements;

（三）进口不符合标准的机动车船和非道路移动机械用燃料、发动机油、氮氧化物还原剂、燃料和润滑油添加剂以及其他添加剂的。

3. importing any fuels for motor vehicles, vessels and non-road mobile machinery, engine oil, nitrogen oxide reductants, fuel and lubricant additives or other additives not meeting the standards.

第一百零五条   违反本法规定，单位燃用不符合质量标准的煤炭、石油焦的，由县级以上人民政府生态环境主管部门责令改正，处货值金额一倍以上三倍以下的罚款。

Article 105 Organisations which violate the provisions of this Law in using coal and petroleum coke which do not comply with quality standards shall be ordered by the ecological environment department of People's Governments of county level and above to make correction, and be subject to a fine ranging from one to three times the amount of the value of the goods.

第一百零六条   违反本法规定，使用不符合标准或者要求的船舶用燃油的，由海事管理机构、渔业主管部门按照职责处一万元以上十万元以下的罚款。

Article 106 Offenders who violate the provisions of this Law in using marine fuel which do not comply with the standards or requirements shall be subject to a fine ranging from RMB10,000 to RMB100,000 imposed by the maritime administration authorities and fishery administration authorities in accordance with their duties.

第一百零七条   违反本法规定，在禁燃区内新建、扩建燃用高污染燃料的设施，或者未按照规定停止燃用高污染燃料，或者在城市集中供热管网覆盖地区新建、扩建分散燃煤供热锅炉，或者未按照规定拆除已建成的不能达标排放的燃煤供热锅炉的，由县级以上地方人民政府生态环境主管部门没收燃用高污染燃料的设施，组织拆除燃煤供热锅炉，并处二万元以上二十万元以下的罚款。

Article 107 Where any entity, in violation of this Law, newly builds or expands facilities consuming seriously polluting fuels in no-fire zones, or fails to stop consuming seriously polluting fuels in accordance with provisions, or builds or expands scattered coal-fired heating boilers in the areas covered by central heating pipelines, or fails to dismantle in accordance with provisions the coal-fired heating boilers that fail to meet the emission standards, the departments in charge of ecology and environment under the local people's governments at or above the county level shall confiscate the facilities consuming seriously polluting fuels, organize the dismantlement of the coal-fired heating boilers, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan.

违反本法规定，生产、进口、销售或者使用不符合规定标准或者要求的锅炉，由县级以上人民政府市场监督管理、生态环境主管部门责令改正，没收违法所得，并处二万元以上二十万元以下的罚款。

Offenders who violate the provisions of this Law in manufacturing, importation, sale or use of boilers which do not comply with the stipulated standards or requirements shall be ordered by the market supervision and administration department and the ecology and environment department of People's Governments of county level and above to make correction, illegal income shall be confiscated, and a fine ranging from RMB20,000 to RMB200,000 shall be imposed.

第一百零八条   违反本法规定，有下列行为之一的，由县级以上人民政府生态环境主管部门责令改正，处二万元以上二十万元以下的罚款；拒不改正的，责令停产整治：

Article 108 Where any entity, in violation of this Law, commits any of the following acts, the department in charge of ecology and environment under the people's government at or above the county level shall order the entity to make corrections, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the entity refuses to make corrections, it shall be ordered to suspend production for rectification:

（一）产生含挥发性有机物废气的生产和服务活动，未在密闭空间或者设备中进行，未按照规定安装、使用污染防治设施，或者未采取减少废气排放措施的；

1. conducting production and service activities generating the waste gas containing volatile organic compounds in the confined space or equipment, failing to install or use the pollution prevention and control facilities in accordance with the provisions, or failing to take measures to reduce waste gas emission measures;

（二）工业涂装企业未使用低挥发性有机物含量涂料或者未建立、保存台账的；

2. for industrial coating enterprises, not using the paints containing low volatile organic compounds, or not establishing or keeping the ledgers;

（三）石油、化工以及其他生产和使用有机溶剂的企业，未采取措施对管道、设备进行日常维护、维修，减少物料泄漏或者对泄漏的物料未及时收集处理的；

(III) for any petroleum enterprise, chemical enterprise or other enterprise producing and using organic solvents, not taking measures for daily maintenance or repair of the pipelines or equipment, not taking measures to reduce the material leakage, or not collecting or treating the material leaked in a timely manner; or

（四）储油储气库、加油加气站和油罐车、气罐车等，未按照国家有关规定安装并正常使用油气回收装置的；

(IV) for any oil and gas storage, gasoline and gas station, oil tanker truck or gas tank truck, not installing oil and gas recovery devices and using such devices in a normal manner in accordance with the relevant provisions of the State;

（五）钢铁、建材、有色金属、石油、化工、制药、矿产开采等企业，未采取集中收集处理、密闭、围挡、遮盖、清扫、洒水等措施，控制、减少粉尘和气态污染物排放的；

(V) for any enterprise in iron and steel, building materials, non-ferrous metals, petroleum, chemical, pharmaceutical, mining or any other sector, not taking measures such as centralized collection and treatment, sealing, enclosure, covering, cleaning or watering to control or reduce the emission of dust and gaseous pollutants;

（六）工业生产、垃圾填埋或者其他活动中产生的可燃性气体未回收利用，不具备回收利用条件未进行防治污染处理，或者可燃性气体回收利用装置不能正常作业，未及时修复或者更新的。

(VI) Not recycling the inflammable gas generated from industrial production, landfill or other activities, failing to carry out pollution prevention and control treatment when the conditions for recycling are not met, or not timely repairing or updating the inflammable gas recycling device that cannot work normally.

第一百零九条   违反本法规定，生产超过污染物排放标准的机动车、非道路移动机械的，由省级以上人民政府生态环境主管部门责令改正，没收违法所得，并处货值金额一倍以上三倍以下的罚款，没收销毁无法达到污染物排放标准的机动车、非道路移动机械；拒不改正的，责令停产整治，并由国务院机动车生产主管部门责令停止生产该车型。

Article 109 Offenders who violate the provisions of this Law in manufacturing motor vehicles and non-road mobile machinery with excessive emission of pollutants shall be ordered by the ecology and environment department of People's Governments of provincial level and above to make correction, illegal income shall be confiscated, and a fine ranging from one to three times the amount of the value of the goods shall be imposed; motor vehicles and non-road mobile machinery which do not comply with the emission standards for pollutants shall be confiscated and destroyed; offenders who refuse to make correction shall be ordered to suspend production for correction, and shall be ordered by the motor vehicle manufacturing administration department of the State Council to stop manufacturing the said model (s).

违反本法规定，机动车、非道路移动机械生产企业对发动机、污染控制装置弄虚作假、以次充好，冒充排放检验合格产品出厂销售的，由省级以上人民政府生态环境主管部门责令停产整治，没收违法所得，并处货值金额一倍以上三倍以下的罚款，没收销毁无法达到污染物排放标准的机动车、非道路移动机械，并由国务院机动车生产主管部门责令停止生产该车型。

Manufacturing enterprises of motor vehicles and non-road mobile machinery which violate the provisions of this Law in committing fraud in engine and pollution control device and passing off inferior products as compliant ones for sale shall be ordered by the ecology and environment department of People's Governments of provincial level and above to suspend production and rectify, illegal income shall be confiscated, and a fine ranging from one to three times the amount of the value of the goods shall be imposed, motor vehicles and non-road mobile machinery which do not comply with emission standards for pollutants shall be confiscated and destroyed, and the motor vehicle manufacturing administration department of the State Council shall order the offenders to stop manufacturing the said model (s).

第一百一十条   违反本法规定，进口、销售超过污染物排放标准的机动车、非道路移动机械的，由县级以上人民政府市场监督管理部门、海关按照职责没收违法所得，并处货值金额一倍以上三倍以下的罚款，没收销毁无法达到污染物排放标准的机动车、非道路移动机械；进口行为构成走私的，由海关依法予以处罚。

Article 110 For violation of the provisions of this Law in importation or sale of motor vehicles and non-road mobile machinery with excessive emission of pollutants, the market supervision and administration department of People's Governments of county level and above and the Customs shall confiscate the illegal income in accordance with their duties, and impose a fine ranging from one to three times the amount of the value of the goods, confiscate and destroy motor vehicles and non-road mobile machinery which do not comply with the emission standards for pollutants; for importation which constitutes smuggling, the Customs shall impose punishment pursuant to the law.

违反本法规定，销售的机动车、非道路移动机械不符合污染物排放标准的，销售者应当负责修理、更换、退货；给购买者造成损失的，销售者应当赔偿损失。

Sellers who, in violation of the provisions hereof, sell motor vehicles or non-road mobile machinery that do not meet the standards for the discharge of pollutants shall be responsible for the repair, replacement or return of the goods. Sellers shall compensate buyers for any losses caused thereby.

第一百一十一条   违反本法规定，机动车生产、进口企业未按照规定向社会公布其生产、进口机动车车型的排放检验信息或者污染控制技术信息的，由省级以上人民政府生态环境主管部门责令改正，处五万元以上五十万元以下的罚款。

Article 111 Manufacturing and importing enterprises of motor vehicles which violate the provisions of this Law in failing to announce emission inspection information or information on pollution control techniques for motor vehicles manufactured and imported by them pursuant to the provisions shall be ordered by the ecological environment department of People's Governments of provincial level and above to make correction, and be subject to a fine ranging from RMB50,000 to RMB500,000.

违反本法规定，机动车生产、进口企业未按照规定向社会公布其生产、进口机动车车型的有关维修技术信息的，由省级以上人民政府交通运输主管部门责令改正，处五万元以上五十万元以下的罚款。

Manufacturing and importing enterprises of motor vehicles which violate the provisions of this Law in failing to announce pursuant to the provisions information on the relevant maintenance and repair techniques for motor vehicles manufactured and imported by them shall be ordered by the transport authorities of People's Governments of provincial level and above to make correction, and be subject to a fine ranging from RMB50,000 to RMB500,000.

第一百一十二条   违反本法规定，伪造机动车、非道路移动机械排放检验结果或者出具虚假排放检验报告的，由县级以上人民政府生态环境主管部门没收违法所得，并处十万元以上五十万元以下的罚款；情节严重的，由负责资质认定的部门取消其检验资格。

Article 112 Where any entity, in violation of this Law, forges any emission test result of a motor vehicle or non-road mobile machinery or issues a false emission test report, the department in charge of ecology and environment under the people's government at or above the county level shall confiscate the illegal gains, and impose a fine of not less than 100,000 yuan but not more than 500,000 yuan; if the circumstance is serious, the department responsible for qualification accreditation shall revoke its qualification for inspection.

违反本法规定，伪造船舶排放检验结果或者出具虚假排放检验报告的，由海事管理机构依法予以处罚。

Offenders who violate the provisions of this Law in committing forgery of vessel emission inspection findings or issuing false emission inspection reports shall be punished by the maritime administration authorities pursuant to the law.

违反本法规定，以临时更换机动车污染控制装置等弄虚作假的方式通过机动车排放检验或者破坏机动车车载排放诊断系统的，由县级以上人民政府生态环境主管部门责令改正，对机动车所有人处五千元的罚款；对机动车维修单位处每辆机动车五千元的罚款。

Motor vehicle owners who violate the provisions of this Law in using fraudulent means such as impromptu replacement of motor vehicle pollution control device to pass motor vehicle emission inspection or sabotage of diagnostic system for motor vehicle emission shall be ordered by the ecological environment department of People's Governments of county level and above to make correction, the motor vehicle owner shall be subject to a fine of RMB5,000; the motor vehicle maintenance and repair organisation shall be subject to a fine of RMB5,000 for each motor vehicle.

第一百一十三条   违反本法规定，机动车驾驶人驾驶排放检验不合格的机动车上道路行驶的，由公安机关交通管理部门依法予以处罚。

Article 113 Motor vehicle drivers who violate the provisions of this Law in driving motor vehicles which do not pass emission inspection shall be punished by the traffic administration department of the public security bureau pursuant to the law.

第一百一十四条   违反本法规定，使用排放不合格的非道路移动机械，或者在用重型柴油车、非道路移动机械未按照规定加装、更换污染控制装置的，由县级以上人民政府生态环境等主管部门按照职责责令改正，处五千元的罚款。

Article 114 Where, in violation of the provisions hereof, any non-road mobile machinery not passing the emission test is used, or the pollution control device for any in-use heavy-duty diesel vehicle or non-road mobile machinery is not installed or replaced as required, the competent authority for ecology and environment or any other competent authority under the people's government at or above the county level shall order the relevant user to make corrections according to the corresponding duties, and impose a fine of CNY5,000.

违反本法规定，在禁止使用高排放非道路移动机械的区域使用高排放非道路移动机械的，由城市人民政府生态环境等主管部门依法予以处罚。

Offenders who violate the provisions of this Law in using high emission non-road mobile machinery in prohibited areas for high emission non-road mobile machinery shall be punished by the ecological environment department etc of the municipal People's Government pursuant to the law.

第一百一十五条   违反本法规定，施工单位有下列行为之一的，由县级以上人民政府住房城乡建设等主管部门按照职责责令改正，处一万元以上十万元以下的罚款；拒不改正的，责令停工整治：

Article 115 Builders who violate the provisions of this Law in committing any of the following acts shall be ordered by the housing and urban-rural development department etc of People's Governments of county level and above to make correction pursuant to their duties, and be subject to a fine ranging from RMB10,000 to RMB100,000; offenders who refuse to make correction shall be ordered to suspend work for correction:

（一）施工工地未设置硬质围挡，或者未采取覆盖、分段作业、择时施工、洒水抑尘、冲洗地面和车辆等有效防尘降尘措施的；

1. failing to set up hard enclosures for the construction site, or failing to take effective dust prevention and reduction measures such as covering, segmented operation, optional construction, spraying water to suppress dust, and washing floors and vehicles;

（二）建筑土方、工程渣土、建筑垃圾未及时清运，或者未采用密闭式防尘网遮盖的。

(II) failing to clear or remove earthwork, construction dregs and construction waste in a timely manner or failing to use a closed dust screen for coverage.

违反本法规定，建设单位未对暂时不能开工的建设用地的裸露地面进行覆盖，或者未对超过三个月不能开工的建设用地的裸露地面进行绿化、铺装或者遮盖的，由县级以上人民政府住房城乡建设等主管部门依照前款规定予以处罚。

Where any construction entity, in violation of this Law, fails to cover the bare ground on which the construction cannot start temporarily, or fails to afforest, pave or cover the bare ground on which the construction cannot start within three months, the department for housing and urban-rural development or any other competent authority under the people's government at or above the county level shall punish it in accordance with the provisions of the preceding paragraph.

第一百一十六条   违反本法规定，运输煤炭、垃圾、渣土、砂石、土方、灰浆等散装、流体物料的车辆，未采取密闭或者其他措施防止物料遗撒的，由县级以上地方人民政府确定的监督管理部门责令改正，处二千元以上二万元以下的罚款；拒不改正的，车辆不得上道路行驶。

Article 116 If, in violation of the provisions hereof, any vehicle transporting coal, garbage, dirt, sand and pebble, earth, mortar and other bulk or liquid materials fails to take sealing or other measures to prevent the dropping of materials, the supervision and administration department designated by the people's government at or above the county level shall order the vehicle user to make corrections, and impose a fine of not less than CNY2,000 but not more than CNY20,000; the vehicle shall not be allowed to be driven on the road, provided that no correction is made.

第一百一十七条   违反本法规定，有下列行为之一的，由县级以上人民政府生态环境等主管部门按照职责责令改正，处一万元以上十万元以下的罚款；拒不改正的，责令停工整治或者停业整治：

Article 117 Where any entity, in violation of the Law, commits any of the following acts, the competent authority of ecology and environment under the people's government at or above the county level shall order the entity to make corrections, and impose a fine of not less than CNY10,000 but not more than CNY100 ,000; or order the construction or business halt for rectification, provided that no correction is made:

（一）未密闭煤炭、煤矸石、煤渣、煤灰、水泥、石灰、石膏、砂土等易产生扬尘的物料的；

1. not storing materials likely to generate fugitive dust such as coal, coal gangue, coal cinder, coal ash, cement, lime, gypsum and sand in closed space;

（二）对不能密闭的易产生扬尘的物料，未设置不低于堆放物高度的严密围挡，或者未采取有效覆盖措施防治扬尘污染的；

2. For materials that are likely to generate fugitive dust but cannot be stored in closed space, not setting up fences that are not lower than the height of the piled materials, or not taking effective covering measures to prevent and control fugitive dust pollution;

（三）装卸物料未采取密闭或者喷淋等方式控制扬尘排放的；

3. for loading or unloading materials, not taking measures such as sealing and spraying to control over fugitive dust emission;

（四）存放煤炭、煤矸石、煤渣、煤灰等物料，未采取防燃措施的；

(IV) Storing coal, coal gangue, coal cinder, coal ash and other materials without taking any flameproof measure;

（五）码头、矿山、填埋场和消纳场未采取有效措施防治扬尘污染的；

(V) failing to take effective measures to prevent and control fugitive dust pollution at wharves, mines, landfills and processing sites;

（六）排放有毒有害大气污染物名录中所列有毒有害大气污染物的企业事业单位，未按照规定建设环境风险预警体系或者对排放口和周边环境进行定期监测、排查环境安全隐患并采取有效措施防范环境风险的；

(VI) for enterprises and public institutions emitting toxic and hazardous air pollutants listed in the catalog of toxic and hazardous air pollutants, failing to establish an environmental risk warning system, or failing to conduct regular monitoring of the emission outlets and the surrounding environment, identify environmental safety hazards and take effective measures to prevent environmental risks in accordance with the provisions;

（七）向大气排放持久性有机污染物的企业事业单位和其他生产经营者以及废弃物焚烧设施的运营单位，未按照国家有关规定采取有利于减少持久性有机污染物排放的技术方法和工艺，配备净化装置的；

(VII) Enterprises, public institutions, and other producers and operators discharging persistent organic pollutants into the atmosphere, as well as entities operating waste incineration facilities, fail to adopt technologies and techniques conducive to reducing persistent organic pollutant emissions and install purification devices in accordance with the relevant provisions of the State; and

（八）未采取措施防止排放恶臭气体的。

(VIII) not taking measures to prevent the discharge of malodorous gases.

第一百一十八条   违反本法规定，排放油烟的餐饮服务业经营者未安装油烟净化设施、不正常使用油烟净化设施或者未采取其他油烟净化措施，超过排放标准排放油烟的，由县级以上地方人民政府确定的监督管理部门责令改正，处五千元以上五万元以下的罚款；拒不改正的，责令停业整治。

Article 118 Food and beverage business operators which emit fume and violate the provisions of this Law in failing to install and use fume purification facilities properly or failing to adopt other fume purification measures and emit fume beyond the emission standards shall be ordered by the supervision and administration authorities determined by the local People's Governments of county level and above to make correction, and be subject to a fine ranging from RMB5,000 to RMB50,000; offenders who refuse to make correction shall be ordered to suspend operation for correction.

违反本法规定，在居民住宅楼、未配套设立专用烟道的商住综合楼、商住综合楼内与居住层相邻的商业楼层内新建、改建、扩建产生油烟、异味、废气的餐饮服务项目的，由县级以上地方人民政府确定的监督管理部门责令改正；拒不改正的，予以关闭，并处一万元以上十万元以下的罚款。

Offenders who violate the provisions of this Law in undertaking new establishment, alteration and expansion of food and beverage business operations which emit fume, odour and waste gases within residential buildings, commercial cum residential buildings which have not installed complementary dedicated flue, and commercial floors of commercial cum residential buildings adjacent to residential floors, shall be ordered by the supervision and administration authorities determined by the local People's Governments of county level and above to make correction; offenders who refuse to make correction shall be ordered to close down, and be subject to a fine ranging from RMB10,000 to RMB100,000.

违反本法规定，在当地人民政府禁止的时段和区域内露天烧烤食品或者为露天烧烤食品提供场地的，由县级以上地方人民政府确定的监督管理部门责令改正，没收烧烤工具和违法所得，并处五百元以上二万元以下的罚款。

If any entity or individual conducts open air barbecue or provides any site for open air barbecue in any period or area as prohibited by the local government, in violation of the provisions hereof, the supervision and administration department designated by the local people's government at or above the county level shall order the entity or individual to make corrections, confiscate the barbecue tools and illegal gains, and impose a fine of not less than CNY500 but not more than CNY20,000.

第一百一十九条   违反本法规定，在人口集中地区对树木、花草喷洒剧毒、高毒农药，或者露天焚烧秸秆、落叶等产生烟尘污染的物质的，由县级以上地方人民政府确定的监督管理部门责令改正，并可以处五百元以上二千元以下的罚款。

Article 119 Offenders who violate the provisions of this Law in spraying extremely toxic and highly toxic pesticides on trees and plants in populated areas, or carry out open air burning of straw, leaves etc which produce smoke or dust pollution, shall be ordered by the supervision and administration authorities of the local People's Governments of county level and above to make correction, and may be subject to a fine ranging from RMB500 to RMB2,000.

违反本法规定，在人口集中地区和其他依法需要特殊保护的区域内，焚烧沥青、油毡、橡胶、塑料、皮革、垃圾以及其他产生有毒有害烟尘和恶臭气体的物质的，由县级人民政府确定的监督管理部门责令改正，对单位处一万元以上十万元以下的罚款，对个人处五百元以上二千元以下的罚款。

Offenders who violate the provisions of this Law in burning asphalt, linoleum, rubber, plastics, leather, garbage and other substances which produce toxic and hazardous dust and malodorous gases in populated areas and other regions which require special protection pursuant to the law shall be ordered by the supervision and administration authorities of the county People's Government to make correction, a fine ranging from RMB10,000 to RMB100,000 shall be imposed on the organisation which commits the offence, or a fine ranging from RMB500 to RMB2,000 shall be imposed to an individual who commits the offence.

违反本法规定，在城市人民政府禁止的时段和区域内燃放烟花爆竹的，由县级以上地方人民政府确定的监督管理部门依法予以处罚。

Offenders who violate the provisions of this Law in setting off fireworks and firecrackers at prohibited timings and within areas prohibited by the Municipal People's Government shall be punished by the supervision and administration authorities of the local People's Governments of county level and above pursuant to the law.

第一百二十条   违反本法规定，从事服装干洗和机动车维修等服务活动，未设置异味和废气处理装置等污染防治设施并保持正常使用，影响周边环境的，由县级以上地方人民政府生态环境主管部门责令改正，处二千元以上二万元以下的罚款；拒不改正的，责令停业整治。

Article 120 Where any entity, in violation of this Law, engages in service activities such as dry cleaning of garments and motor vehicle repair, but fails to install facilities for prevention and control of pollution, such as devices for treating peculiar smells and waste gases, and keep them in normal use, thus affecting the surrounding environment, the department in charge of ecology and environment under the local people's government at or above the county level shall order the entity to make corrections, and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan; if the entity refuses to do so, it shall be ordered to suspend business for rectification.

第一百二十一条   违反本法规定，擅自向社会发布重污染天气预报预警信息，构成违反治安管理行为的，由公安机关依法予以处罚。

Article 121 For offenders who violate the provisions of this Law in making unauthorised release of heavy pollution weather warning to the public, where the case constitutes a violation of public security administration, the public security bureau shall impose punishment pursuant to the law.

违反本法规定，拒不执行停止工地土石方作业或者建筑物拆除施工等重污染天气应急措施的，由县级以上地方人民政府确定的监督管理部门处一万元以上十万元以下的罚款。

If any entity or individual refuses to implement emergency measures in response to heavy pollution weather, such as halt of earthwork operations or demolition of buildings, in violation of the provisions hereof, the supervision and administration department designated by the local people's government at or above the county level shall impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

第一百二十二条   违反本法规定，造成大气污染事故的，由县级以上人民政府生态环境主管部门依照本条第二款的规定处以罚款；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企业事业单位取得收入百分之五十以下的罚款。

Article 122 Where any entity, in violation of the provisions of this Law, causes an atmospheric pollution accident, the department in charge of ecology and environment under the people's government at or above the county level shall impose a fine in accordance with the provisions of Paragraph 2 of this Article; the persons who are directly in charge and the other persons who are directly responsible may be fined not more than 50% of the income received from the enterprise or public institution in the previous year.

对造成一般或者较大大气污染事故的，按照污染事故造成直接损失的一倍以上三倍以下计算罚款；对造成重大或者特大大气污染事故的，按照污染事故造成的直接损失的三倍以上五倍以下计算罚款。

For ordinary or relatively large atmospheric pollution accidents, the fine shall be computed in accordance with one to three times the direct losses caused by the pollution accident; for major or very serious atmospheric pollution accidents, the fine shall be computed in accordance with three to five times the direct losses caused by the pollution accident.

第一百二十三条   违反本法规定，企业事业单位和其他生产经营者有下列行为之一，受到罚款处罚，被责令改正，拒不改正的，依法作出处罚决定的行政机关可以自责令改正之日的次日起，按照原处罚数额按日连续处罚：

Article 123 Enterprises, institutions and other manufacturers and business operators which violate the provisions of this Law in committing any of the following acts shall be subject to a fine and be ordered to make correction; for offenders who refuse to make correction, the administrative authorities which impose the punishment pursuant to the law may, with effect from the date of order for correction, impose consecutive daily fines based on the original fine amount:

（一）未依法取得排污许可证排放大气污染物的；

1. air pollutants are emitted without the pollution discharge permit legally obtained;

（二）超过大气污染物排放标准或者超过重点大气污染物排放总量控制指标排放大气污染物的；

2. the air pollutants are emitted to the extent of exceeding the limit specified by the standards for discharge of air pollutants or the total emission control targets for key air pollutants;

（三）通过逃避监管的方式排放大气污染物的；

3. air pollutants are emitted by way of evading the supervision and administration; or

（四）建筑施工或者贮存易产生扬尘的物料未采取有效措施防治扬尘污染的。

4. no effective measures are taken to prevent and control fugitive dust pollution for construction or storage of materials likely to produce fugitive dust.

第一百二十四条   违反本法规定，对举报人以解除、变更劳动合同或者其他方式打击报复的，应当依照有关法律的规定承担责任。

Article 124 Offenders who violate the provisions of this Law in retaliating against a complainant by way of rescission or change of labour contract or by any other means shall be liable pursuant to the provisions of the relevant laws.

第一百二十五条   排放大气污染物造成损害的，应当依法承担侵权责任。

Article 125 For emission of atmospheric pollutants which cause damages, tort liability shall be borne pursuant to the law.

第一百二十六条   地方各级人民政府、县级以上人民政府生态环境主管部门和其他负有大气环境保护监督管理职责的部门及其工作人员滥用职权、玩忽职守、徇私舞弊、弄虚作假的，依法给予处分。

Article 126 Where local people's governments at any level, the departments in charge of ecology and environment under people's governments at or above the county level, other departments having the responsibility of supervising and administering the protection of atmospheric environment, or the staff thereof, abuse their power, neglect their duties, commit illegalities for personal gains or by fraudulent means, or practice fraud, they shall be punished in accordance with the law.

第一百二十七条   违反本法规定，构成犯罪的，依法追究刑事责任。

Article 127 Where a violation of the provisions of this Law constitutes a criminal offence, criminal liability shall be pursued in accordance with the law.

第八章 附 则

Chapter 8 Supplementary Provisions

第一百二十八条   海洋工程的大气污染防治，依照《中华人民共和国海洋环境保护法》的有关规定执行。

Article 128 Prevention and treatment of atmospheric pollution by marine projects shall comply with the relevant provisions of the Marine Environmental Protection Law of the People's Republic of China.

第一百二十九条   本法自2016年1月1日起施行。

Article 129 This Law shall come into force as of January 1, 2016.