

Revised Draft of the Air Pollution Control Act

Chapter 1 General Principles

Article 1 This Act is formulated to control air pollution, maintain public health and the living environment and improve the quality of life. The regulations of other laws shall apply to those matters not regulated by this Act.

Article 2 Terms used in this Act are defined as follows:

1. Air pollutant means an airborne substance sufficient to jeopardize directly or indirectly public health or the living environment.
2. Pollution source means a physical or chemical operating unit that emits air pollutants.
3. Motor vehicle means a vehicle that travels on a roadway under its own power and that is not dependent on rail or electric power systems, and includes cars and motorcycles using gasoline, diesel, and alternative clean fuels as engine fuel.
4. Living environment means property, animals and plants, and their reproductive environments, that have a close relationship with the lives of humans.
5. Emissions standards means the maximum concentration or total quantity allowed for the presence of each type of air pollutant in waste gas emissions, or emissions quantity per unit of raw materials and components, fuel or products.
6. Air quality standards means concentration limits for air pollutants in outdoor air.
7. Air pollution control regions (herein referred to as control regions) means each class of control region delineated based on the demands placed upon air quality by land use within a region or in accordance with current air quality conditions.
8. Nature protection and conservation areas means ecological conservation areas, nature reserves, wildlife preserves and national forest preserves.
9. Total quantity controls mean limiting measures that are formulated for total allowable emissions quantities of air pollutants within a certain area in order to effectively improve air quality.
10. Total quantity control zones means areas delineated in accordance with total quantity control requirements and based on topographical and meteorological conditions.
11. Best available control technology means commercialized technology that provides the greatest feasible reduction in pollutant emissions quantities and that pollution sources shall be required to adopt, after taking into consideration energy, environmental, and economic impacts.
12. Idle: When the engine of a motor vehicle is operating continuously while the vehicle is stationary.
13. Air quality protection areas mean specific areas in which mobile pollution sources may be restricted or prohibited in order to protect air quality.
14. Chemical products containing volatile organic substances mean any substances, products, or goods emitting volatile organic substances when used.

Article 3 "Competent authority" as referred to in this Act means the Environmental Protection Administration, Executive Yuan, at the central government level, the municipal government in special municipalities and the county or city government in counties or cities.

Article 4 Competent authorities at all levels may designate or commission dedicated organizations to perform tasks related to air pollution research, training and control.

Chapter 2 Air Quality Maintenance

Article 5 The central competent authority shall delineate and officially announce each

class of Special municipality, county, and city control region based on the demands placed upon air quality by land use or air quality conditions.

The control regions in the foregoing paragraph shall be divided into the following three classes:

1. Class 1 control regions mean such areas as national parks and nature protection and conservation areas that are delineated in accordance with the law.
2. Class 2 control regions mean areas that meet air quality standards, with the exception of Class 1 control regions.
3. Class 3 control regions mean areas that do not meet air quality standards, with the exception of Class 1 control regions.

The central competent authority in consultation with relevant agencies shall determine the air quality standards in the foregoing paragraph, and shall perform a review once every five years.

Article 6 Stationary pollution sources may not be newly added or modified within

Class 1 control regions, with the exception of facilities needed to maintain the livelihoods of residents within the region, facilities necessary for the operation and management of national parks, and national defense facilities.

Those newly added or modified stationary pollution sources within Class 2 control regions in which pollutant emissions quantities reach a certain range shall be required to perform modelling and simulation for their pollutant emissions quantities in order to verify that these quantities will not exceed allowable pollutant increase limits within the control region in which the pollution source is located or within adjacent control regions in which air quality might also be affected.

Existing stationary pollution sources within Class 3 control regions shall reduce pollutant emissions quantities. Those newly added or modified stationary pollution sources within Class 3 control regions in which pollutant emissions quantities reach a certain range shall employ best available control technology and shall also be required to perform modelling and simulation for their pollutant emissions quantities in order to verify that these quantities will not exceed allowable pollutant increase limits within the control region in which the pollution source is located or within adjacent control regions in which air quality might also be affected.

The central competent authority shall determine the pollutant emissions quantity ranges, allowable pollutant increase limits, and air quality modeling and simulation standards for Class 2 and Class 3 control regions. The central competent authority shall likewise determine the best available control technology and pollutant emissions quantity reduction criteria for existing stationary pollution sources within Class 3 control regions.

Article 7 Special municipality, county, and city competent authorities shall determine and officially announce air pollution control plans pursuant to the foregoing article, and shall review and revise said plans and submit said plans to the central competent authority for approval every five years.

Special municipality, county, and city competent authorities shall take the transmissibility of air pollutants into consideration when determining the air pollution control plans in the foregoing paragraph, and shall determine such plans in consultation with the competent authorities of neighboring special municipalities, counties, and cities.

Article 8 The central competent authority may, based on topographic and meteorological conditions, designate single or multiple special municipalities, counties or cities between which it is possible for air pollutants to circulate as total

quantity control zones, determine total quantity control plans, and officially announce and implement total quantity controls.

Within a total quantity control zone that meets air quality standards, those newly installed or modified stationary pollution sources for which pollutant emissions quantities reach a certain range shall be required to perform modelling and simulation for their pollutant emissions quantities in order to verify that these quantities will not exceed allowable pollutant increase limits within the zone.

Within a total quantity control zone that does not meet air quality standards, those existing stationary pollution sources shall apply to the special municipality, county, or city competent authority for authorization of its pollutant emissions quantity and shall make reductions in accordance with the targets and deadlines the central competent authority has designated based on air quality requirements, and those newly installed or modified stationary pollution sources for which pollutant emissions quantities reach a certain range shall employ best available control technology and obtain emissions quantities sufficient to offset pollutant emissions increases.

Those existing stationary pollution sources that, as a result of the adoption of control measures, achieve actual emissions reduction quantities greater than designated reduction quantities may bank, offset or trade the difference after authorization by the special municipality, county, or city competent authority.

The central competent authority in consultation with relevant agencies shall determine the allowable pollutant increase limits in Paragraph 2, the range of the pollutant emissions quantities in Paragraphs 2 and 3, the criteria for the authorization of the pollutant emissions quantities of existing stationary pollution sources in Paragraph 3, and the regulations for the authorization, banking, offsetting, and trading of the emissions reduction quantity difference in the foregoing paragraph.

Article 9 For the purpose of offsetting pollutant emissions increases, the newly installed or modified stationary pollution sources in Paragraph 3 of the foregoing article shall obtain emissions quantities from the following sources:

1. Actual emissions reduction quantity differences that have been banked by stationary pollution sources in accordance with regulations.
2. Emissions quantities obtained through trading or auction.
3. Emissions quantities that have been obtained through improvements to mobile pollution sources resulting in emission reductions,.
4. Other emissions quantities that have been authorized by the central competent authority.

The auctions in foregoing paragraph shall be conducted by the competent authority, and the central competent authority shall determine regulations governing such auctions.

Article 10 The total quantity control plans of total quantity control zones that meet air quality standards shall include allowable pollutant increase limits, measures for avoiding the deterioration of air quality, rules for the approval of newly added or modified stationary pollution sources, organizational and operational methods, and other matters.

The total quantity control plans of total quantity control zones that do not meet air quality standards shall include pollutant types, quantity reduction targets, quantity reduction timetables, pollutant reduction quantities and timetables that the competent authorities of each Special municipality, county, and city within the control zone shall be required to implement, rules for the approval of newly added or modified stationary pollution sources, organizational and operational methods, and other matters.

Article 11 The competent authorities of special municipalities, counties and cities within total quantity control zones shall determine and revise air pollution control plans in accordance with the total quantity control plans in the foregoing article.

In the case of air pollution control plans in the foregoing paragraph that are determined for total quantity control zones that do not meet air quality standards, the Special municipality, county, and city competent authorities shall designate the stationary pollution sources that shall be required to reduce emissions quantities, reduction quantities, and timetables in accordance with the regulations for pollutant reduction quantities and timetables in the foregoing article.

Article 12 The central competent authority in consultation with the Ministry of Economic Affairs shall officially announce and implement regulations related to total quantity control in Article 8 through the foregoing article on a stage-by-stage and zone-by-zone basis after the establishment of a checking system for pollution source emissions quantities and an emissions trading system.

Article 13 The central competent authority should establish air quality monitoring stations and regularly publicly report the state of air quality, and the original monitoring data, in cities, towns, townships, and districts where petrochemical industrial areas are located and at appropriate points selected by competent authorities at all levels.

Article 14 Competent authorities at all levels and public and private premises shall promptly adopt emergency control measures when variations in meteorological conditions or other reasons cause there to be concern of a serious deterioration in air quality. competent authorities at all levels may issue air quality deterioration alerts and may prohibit or restrict the use of transportation vehicles, the emission of air pollutants by public and private premises, and activities at government agencies and schools.

The central competent authority in consultation with relevant agencies shall determine the emergency control regulations for the serious deterioration of air quality in the foregoing paragraph.

Article 15 When developing special industrial parks, buffer zones and air quality monitoring facilities shall be planned and installed at peripheral locations within the boundaries of the parks or in appropriate areas.

The central competent authority shall determine the categories, buffer zones and air quality monitoring status reporting, and air quality monitoring facility standards for the special industrial parks in the foregoing paragraph.

The central competent authority shall regularly announce the reported status in the foregoing paragraph and the original monitoring data.

Article 16 Competent authorities at all levels may collect air pollution control fees from stationary and mobile pollution sources that emit air pollutants. The targets of such air pollution control fees are as follows:

1. Stationary pollution sources: fees shall be collected from the owners of the pollution source based on the types and quantities of air pollutants emitted; fees shall be collected from the actual user or manager if the owner of the source is not the user or manager; fees shall be collected from the construction project owner if the pollution source is a construction project; for substances designated and officially announced by the central competent authority, fees may be collected from the vendor or importer based on the sales volume of the substance.
2. Mobile pollution sources: fees shall be collected from the vendor or user based on the types and quantity of air pollutants emitted, or from the vendor or importer

based on the type, composition and quantity of fuel.

For air pollution control fees, the central competent authority in consultation with relevant agencies shall determine fee collection methods, calculation methods, reporting, payment procedures, payment deadlines, methods for the pursuit of insufficient payments, calculation methods for pollutant emissions quantities, and other binding fee collection regulation matters.

Article 17 The air pollution control fees in the foregoing article shall be collected by the central competent authority, with the exception of air pollution control fees for construction projects, which shall be collected by special municipality, county or city competent authorities. Sixty percent of the funds collected by the central competent authority from stationary pollution sources shall be allocated to the governments of the special municipalities, counties or cities in which said stationary pollution sources are located and shall be used for air pollution control work; however, if the central competent authority determines that the results of the air quality protection or improvement plans implemented by a special municipality, county or city government are inadequate or if the funds are not used pursuant to Article 18, the central competent authority may consider reducing the amount of funds to be allocated.

The central competent authority in consultation with relevant agencies shall determine the fee rates for the fees in the foregoing paragraph based on current air quality conditions, pollution sources, pollutants, fuel types, and pollution control costs. After the implementation of the fee rate in the foregoing paragraph for one full year, the Special municipality, county, and city competent authorities in total quantity control zones may, taking into consideration environmental and air quality conditions in the control zone at issue, regularly submit a recommended fee rate within a range of plus or minus 30% of the fee rate in the foregoing paragraph. This recommended fee rate shall be submitted to the central competent authority for review, approval and official announcement.

Article 18 Air pollution control fees shall be provided exclusively for air pollution control purposes. The matters for which these fees may be disbursed are as follows:

1. Matters concerning the implementation of air pollution control work by competent authorities.
2. Matters concerning the inspection of air pollution sources and the auditing of the implementation and effectiveness of such inspections.
3. Matters concerning subsidies and incentives for the performance of air pollution abatement work by each category of pollution source.
4. Matters concerning the commissioning and subsidizing of analysis laboratories for the performance of motor vehicle emissions testing.
5. Matters concerning the commissioning or subsidizing of professional organizations for the performance of the testing, guidance and evaluation of stationary pollution sources.
6. Matters concerning air pollution control technology research and development and strategy formulation.
7. Matters concerning international environmental protection work involving air pollution.
8. Matters concerning air quality monitoring and the auditing of the implementation and effectiveness of such monitoring.
9. Matters concerning the expenses related to the collection of air pollution control fees.
10. The hiring of personnel required for work related to air pollution control.
11. Matters concerning air pollution health risk assessments and management.

12. Matters concerning incentives for promoting the use of clean energy and related research and development.

13. Other matters concerning air pollution control work.

For the air pollution control fees in the foregoing paragraph, competent authorities may establish funds for the management and utilization of these fees and fund management committees for the supervision and use of these funds. Scholars, experts and environmental group representatives shall account for at least two-thirds of the members of these committees, and environmental group representatives may not account for less than one-ninth of the members of these committees.

The Executive Yuan and Special municipality, county, and city competent authorities shall respectively determine regulations for the revenues and expenditures, safekeeping and utilization of the funds in the foregoing paragraph.

Competent authorities at all levels shall, for all incentives and subsidies related to the air pollution control fees in Paragraph 1, determine regulations for targets, application qualifications, review procedures, the revocation, cancellation, and pursuit of compensation for incentives and subsidies, and other binding matters.

Article 19 Those public and private premises with stationary pollution sources that are able to effectively reduce pollutant emission quantities to a certain level due to the implementation of pollution control and quantity reduction measures may apply to the competent authority for incentives; those that have already paid air pollution control fees pursuant to Article 16, Paragraph 1 may apply to the competent authority for air pollution control fee reductions or exemptions.

The central competent authority in consultation with relevant agencies shall, for the air pollution control fee exemptions and incentives in the foregoing paragraph, determine management regulations for targets, application qualifications, review procedures, revocation, cancellation, pursuit of compensation, and other binding matters.

Chapter 3 Control

Article 20 Public and private premises with stationary pollution sources that emit air pollutants shall comply with emissions standards.

The central competent authority in consultation with relevant agencies shall determine the emissions standards in the foregoing paragraph based on specially designated industry category, facilities, pollutant items or areas. Special municipality, county, and city competent authorities may draft more stringent individual emissions standards due to special needs and submit these standards to the central competent authority for approval in consultation with relevant agencies.

The emissions standards in the Paragraph 1 shall include hazardous air pollutants, and the emissions standard values for such substances should be determined on the basis of the results of health risk assessment and the feasibility of control technology.

The central competent authority shall officially announce the types of pollutants and health risk assessment operating methods for the hazardous air pollutants in the foregoing paragraph.

Article 21 Those public and private premises possessing stationary pollution sources designated and officially announced by the central competent authority shall report the air pollutant emissions quantities of their stationary pollution sources for the previous quarter to the special municipality, county, or city competent authority on a quarterly basis before the end of each January, April, July, and October.

The central competent authority shall determine regulations for the calculation, reporting content, procedures and methods, checking, and other binding matters for

the quarterly air pollutant emissions quantities of stationary pollution sources in the foregoing paragraph.

Article 22 Those public and private premises possessing stationary pollution sources designated and officially announced by the central competent authority shall complete the installation of automatic monitoring facilities by the designated deadline in order to continuously monitor their operational or air pollutant emission status, and shall apply to the special municipality, county, or city competent authority for authorization; those that have been designated and officially announced as being required to connect via the Internet shall complete the connection of their monitoring facilities via the Internet to the special municipality, county, or city competent authority by the designated deadline.

With the exception of the pollution sources in the foregoing paragraph, the competent authority may, when it deems necessary, designate and officially announce whether a pollution source shall perform regular analysis on its own or shall commission an analysis laboratory to conduct such analysis.

Records of the results of the monitoring and analysis in the two foregoing paragraphs shall be maintained and shall be reported to the special municipality, county, or city competent authority, in accordance with regulations; the central competent authority shall determine management regulations for recordkeeping, reporting, preservation, Internet connection standards, installation completion, Internet connection deadline and other binding matters for the results of monitoring and analysis.

Article 23 Public and private premises shall effectively collect each type of air pollutant and maintain the normal operation of their air pollution control facilities and monitoring facilities; the maximum operating quantity of their stationary pollution sources may not exceed the maximum treatment capacity of their air pollution control facilities.

The central competent authority shall determine management regulations for the specifications, installation, operation, inspection, service, recordkeeping and other binding matters for stationary pollution sources and their air pollutant collection facilities, control facilities, and monitoring facilities.

Article 24 Those public and private premises possessing stationary pollution sources designated and officially announced by the central competent authority shall, prior to installation or modification, submit air pollution control plans to the special municipality, county or city competent authority or other government agency commissioned by the central competent authority in order to apply for the issuance of installation permits, and shall perform installation or modification pursuant to the permit contents.

After the installation or modification of the stationary pollution sources in the foregoing paragraph, public and private premises shall submit documents verifying compliance with the regulations of this Act to the special municipality, county or city competent authority or other government agency commissioned by the central competent authority in order to apply for the issuance of operating permits, and shall perform operations pursuant to the permit contents.

The central competent authority shall determine management regulations for the application, review procedures, review principles, issuance, cancellation, revocation, granting and suspension of commissions by the central competent authority, and other binding matters for installation and operating permits for stationary pollution sources.

Article 25 Public and private premises shall reapply for the issuance of installation and operating permits in cases of relocation or a change of industry category.

Those public and private premises that have already obtained an operating permit and for which the official announcement and implementation of total quantity controls by the central competent authority or revisions made by the competent authority in operating permit issuance standards causes the operating permit contents to be no longer in compliance with regulations shall reapply for the issuance of an operating permit to the special municipality, county or city competent authority or other government agency commissioned by the central competent authority by the deadline officially announced by the central competent authority.

Article 26 The air pollution control plans in Article 24, Paragraph 1 and the verifying documents in Paragraph 2 shall be signed by a legally registered and practicing environmental engineer or other relevant professional engineer.

In the circumstances in the foregoing paragraph, government agencies, public enterprises, and public juridical persons subject to the foregoing paragraph may have an engineer with the qualifications in the foregoing paragraph from within their internal organizations perform signing work in accordance with law.

Article 27 A single public or private premise possessing multiple stationary pollution sources that emit the same air pollutants may apply to the special municipality, county, or city competent authority to make improvements to its total quantity and concentration of air pollutant emissions; after review and approval, the emissions of its individual pollution sources may be exempt from the restrictions of the emissions standards determined pursuant to Article 20.

The public and private premises in the foregoing paragraph shall adopt the total quantity and concentration limits for air pollutants approved by the special municipality, county, or city competent authorities as their emissions standards.

The central competent authority shall determine management regulations for the application, review procedures, approval, cancellation, revocation and other binding matters for the total quantity and concentration of air pollutant emissions in Paragraph 1.

Article 28 When the fuel and auxiliary fuel used by stationary pollution sources at public and private premises contain bituminous coal, petroleum coke or other substances designated and officially announced by the central competent authority, such fuels must comply with the composition standards and mixing ratios for different fuel types determined by the central competent authority, and must obtain a use permit issued by the special municipality, county, or city competent authority before using such fuels. Records must be kept of the usage of such fuels, and usage reported to the special municipality, county, or city competent authority in accordance with regulations.

The central competent authority in consultation with relevant agencies shall determine management regulations for composition standards and mixing ratios, use permit application, review procedures, permit terms, issuance, revocation, and cancellation, recordkeeping, reporting, and other binding matters concerning the fuel types in the foregoing paragraph.

Article 29 Users of substances prone to cause air pollution shall first submit relevant documents in order to apply to the special municipality, county, or city competent authority; the use of these substances may begin only after the user has passed review and been issued a permit; records of the use of these substances shall be maintained and reported to the special municipality, county, or city competent authority in accordance with regulations.

The central competent authority in consultation with relevant agencies shall officially announce the substances that are prone to cause air pollution in the

foregoing paragraph.

The central competent authority in consultation with relevant agencies shall determine management regulations for the application, review procedures, permit terms, issuance, revocation, cancellation, recordkeeping, reporting and other binding matters for the use permits in Paragraph 1.

Article 30 The validity time period for permits issued pursuant to Article 24, Paragraphs 1 and 2, Article 28, Paragraph 1, and Paragraph 1 of the foregoing article shall be five years. Those that still wish to continue to use their permits upon expiration shall submit a permit extension application to the special municipality, county, or city competent authority or other government agency commissioned by the central competent authority between three to six months prior to expiration. Each extension shall be for from 3 to 6 years. However, if a permit-holder is punished for what are determined to be serious violations within the validity period of an extended permit, the validity time period of the permit may be shortened to between 1 and 3 years. Furthermore, if stationary pollution sources have not been installed or in operation for five years, or if they are located in total quantity control zones, the validity time period of their permits shall be approved by the special municipality, county, or city competent authority or other government agency commissioned by the central competent authority on the basis of actual needs.

The special municipality, county, or city competent authority or other government agency commissioned by the central competent authority shall reject prior to permit expiration the applications of those public and private premises for which permit extension application documents fail to meet regulations or are not corrected by the permit expiration deadline; those public and private premises that fail to apply for extensions between three to six months prior to the permit expiration deadline and for which the special municipality, county, or city competent authority or other government agency commissioned by the central competent authority has yet to make a decision concerning approval or rejection by the date of the permit expiration deadline shall suspend installation, modification, operation, or use on the date of the permit expiration deadline; the permits of those public and private premises that fail to apply for extensions prior to the permit expiration deadline shall lose validity on the date of the permit expiration deadline; public or private premises shall reapply for an installation, operating, or use permit if they need to continue installation, modification, operation, or use.

When public and private premises with stationary pollution sources apply to the special municipality, county, or city competent authority or other government agency commissioned by the central competent authority for a permit extension during the period specified in Paragraph 1, if review performed by the special municipality, county, or city competent authority or other government agency commissioned by the central competent authority causes it to be unable to complete acceptance or rejection of the extension before the expiration of the permit, such public and private premises may install, operate, and use their stationary pollution sources in accordance with their original permits from the time of permit expiration until completion of the review period.

When a special municipality, county, and city competent authorities or other government agency commissioned by the central competent authority reviews a permit extension application, apart from any of the following circumstances, it shall not alter the original permit content:

1. The emissions of an existing stationary pollution source in a Class 3 control region must be reduced in accordance with pollutant emissions quantity reduction

criteria for existing stationary pollution sources.

2. An air pollution control plan drafted pursuant to Article 7 specifies that emissions quantity from a pollution source must be reduced, and reduction quantities have been calculated in accordance with the specified period.
3. Fuel composition standards or mixing ratios have been changed in accordance with the type of fuel used.

Article 31 The central competent authority may prohibit or restrict substances that are prone to cause air pollution that are controlled under international environmental protection conventions and the manufacture, import, export, sale or use of products manufactured from or filled with such substances.

The central competent authority in consultation with relevant agencies shall officially announce the substances and products in the foregoing paragraph; the central competent authority in consultation with relevant agencies shall determine management regulations for the permit application, review procedures, cancellation, recordkeeping, reporting and other binding matters for the manufacture, import, export, sale or use of these substances and products.

Article 32 The following action are prohibited within each class of control region or within total quantity control zones:

1. Implementation of burning, melting, refining, grinding, casting, conveyance or other operation that causes the production of significant particulate pollutants that are dispersed into the air or onto the property of others.
2. Implementation of construction projects, piling of powdered or granular materials, transportation of construction materials or waste, or other industrial processes without appropriate control measures, causing airborne dust or polluted air.
3. Placement, mixing, stirring, heating or baking of substances, allowing spontaneous combustion due to poor management, or implementation of other operations that causes noxious odors or toxic gases.
4. Use, conveyance or storage of organic solvents or other volatile substances, and so causing noxious odors or toxic gases.
5. Food preparation by the food and beverage industry that causes the dispersal of oily smoke or noxious odors.
6. Other air polluting acts officially announced by the competent authority.

The air polluting actions in the foregoing paragraph mean actions in which air pollutants are not emitted through emission exhaust pipes.

The central competent authority shall determine the implementation criteria for the control of the actions in Paragraph 1.

Article 33 When the stationary pollution sources of a public or private premise emit a large quantity of air pollutants due to a sudden accident, the statutory responsible person shall promptly adopt emergency response measures and shall notify the special municipality, county, or city competent authority within one hour.

Under the circumstances in the foregoing paragraph, the special municipality, county, or city competent authority may, in addition to ordering the public or private premises to adopt necessary measures, order the public or private premises to suspend the operation of the stationary pollution sources at issue, and shall issue an air quality deterioration alert and take response measures.

Article 34 Public and private premises that have been designated and officially announced by the central competent authority shall establish dedicated air pollution control units or personnel positions.

The dedicated personnel in the foregoing paragraph shall comply with the qualifications specified by the central competent authority and undergo training in

order to obtain a qualification certificate.

The central competent authority in consultation with relevant agencies shall determine management regulations for the establishment of dedicated units and personnel positions, the qualifications and training of dedicated personnel, the acquisition, revocation and cancellation of qualification certificates, and other binding matters.

Article 35 Public and private premises shall disclose stationary pollution source installation and operating permits issued by a special municipality, county, or city competent authority, fuel use permits, data to be reported pursuant to this Act, and permit information concerning environmental engineers, dedicated air pollution control personnel, and environmental analysis laboratories on a website designated by the central competent authority.

Competent authorities at all levels may disclose statistical and individual information concerning their checking of and disciplinary actions against public and private premises, environmental engineers, dedicated air pollution control personnel, and environmental laboratories on a website designated by the central competent authority.

The central competent authority shall determine the content of information disclosure in the two foregoing paragraphs.

Article 36 Air pollutants emitted by mobile pollution sources shall meet emissions standards.

The central competent authority in consultation with relevant agencies shall determine the emissions standards in the foregoing paragraph, and may strengthen emission standards for transportation vehicles that have left the factory for over 10 years.

Every in-use motor vehicle, including both domestically-made and imported vehicles, must have a complete individual inspection, and must comply with the emission standards in Paragraph 1.

The determination and inspection methods used for in-use vehicle in the foregoing paragraph shall be announced by the central competent authority.

Motor vehicle manufacturers and importers are prohibited from installing any defeat devices that may influence the air pollutants emitted by transportation vehicles. However, such defeat devices shall not be subject to this restriction when any of the following circumstances are present:

1. Such devices have necessary protective, damage prevention, or accident avoidance functions.
2. Such devices have mechanisms that are no longer active after the engine has started and the vehicle warmed up.

Article 37 The users and owners of transportation vehicles shall maintain the effective operation of the air pollution control equipment of their vehicle and may not remove or modify air pollution control equipment without the approval of the central competent authority.

The central competent authority shall determine management regulations for the type, specifications, performance confirmation methods, labelling, approval, revocation, cancellation, and other binding matters concerning the mobile pollution source air pollution control equipment in the foregoing paragraph shall meet the regulations of the central competent authority.

Article 38 When a motor vehicle is stationary and idling at a designated premises and location, and under designated weather conditions, the idling time must comply with the regulations of the central competent authority.

The central competent authority shall determine management regulations governing the motor vehicle type, designated premises, location, weather conditions, stationary idling time, and other matters requiring compliance in the foregoing paragraph shall be determined by the central competent authority.

Article 39 The manufacture, import, sale, and use of fuel supplied for use in mobile pollution sources shall comply with the composition standards for fuel types determined by the central competent authority. However, fuel supplied exclusively for export shall not be subject to this restriction.

The fuel manufacturers in the foregoing paragraph shall obtain permits issued by the central competent authority before the fuel they produce may be sold domestically; importers shall obtain permit documents issued by the central competent authority before they may apply to the petroleum industry competent authority for import approval documents. Manufacturers and importers shall perform composition analysis on each batch (shipment) of fuel and maintain records which shall be reported to the central competent authority.

The central competent authority in consultation with relevant agencies shall determine management regulations for the fuel types and their composition standards in Paragraph 1 and the sale and import permits, revocation, cancellation, recordkeeping and reporting, and other binding matters in the foregoing paragraph.

Article 40 Competent authorities at all levels may determine air quality protection areas where needed locally and implement mobile pollution source control measures in view of air quality requirements and pollution characteristics.

The mobile pollution source control measures in the foregoing paragraph mobile pollution sources may include the following:

1. Prohibition or restriction of the import of designated motor vehicles.
2. Prohibition or restriction of the fuel used by, power type, operating conditions, operating status, and import of mobile pollution sources.
3. Other control measures that may improve air quality.

The mobile pollution sources control measures in Paragraph 1 shall be drafted by special municipality, county, or city competent authorities, and reported to the central competent authority for approval and official announcement.

Article 41 For those in-use motor vehicles that have undergone random testing of air pollutant emissions by the central competent authority and that are determined to be unable to meet air pollution emissions standards for mobile pollution sources due to poor design or assembly, the central competent authority shall order the manufacturer or importer to recall for repair within a limited time period all units of the model of the motor vehicle at issue that have already been sold; the central competent authority shall suspend the manufacture, import, and sales of those manufacturers or importers that fail to comply with this order by the deadline.

The central competent authority in consultation with relevant agencies shall determine regulations for motor vehicle recall and correction.

Article 42 Motor vehicles shall obtain vehicle model exhaust testing compliance verification issued by the central competent authority and receive the central competent authority's certification before they may apply for license plates.

The central competent authority in consultation with relevant agencies shall determine regulations for the motor vehicle air pollutant testing certification in the foregoing paragraph.

Article 43 The central competent authority shall determine regulations for the issuance, revocation and cancellation of vehicle model exhaust testing compliance verification.

The central competent authority in consultation with the Ministry of Transportation and Communications shall determine regulations for the testing and handling of air pollutants emitted by transportation vehicles.

Article 44 Motor vehicles shall undergo regular air pollutant emissions testing; when a tested vehicle fails to comply with the emissions standards in Article 36, Paragraph 2, repairs and an application for retesting must be made within one month from the day of testing.

The central competent authority shall determine and officially announce the targets, regions, frequency, and deadlines for the performance of the testing in the foregoing paragraph.

The central competent authority shall determine management regulations for the conditions, facilities, computer software, testing personnel qualifications, installation authorization, revocation, cancellation, checking, suspension of testing and other binding matters for the establishment of motor vehicle air pollutant emissions testing stations.

Article 45 Competent authorities at all levels may perform irregular air pollutant emissions testing or inspections of in-use mobile pollution sources at car parks, airports, on roadways, in port zones, on water bodies, or at other appropriate locations, or may notify transportation vehicles for which there is a concern of polluting to undergo testing at a designated location by a designated deadline.

The central competent authority in consultation with relevant agencies shall determine regulations for the irregular air pollutant emissions testing of in-use mobile pollution sources.

Article 46 Those in-use motor vehicles for which air pollutant emissions are determined through visual determination, visual inspection, or remote sensing performed by competent authority inspection personnel to fail to meet the emissions standards in Article 36, Paragraph 2 or the remote sensing screening standards officially announced by the central competent authority shall be repaired and undergo testing at a designated location by the deadline designated in the competent authority's notification.

Citizens may report the air pollutant emissions of in-use motor vehicles to the competent authority; those vehicles which have been reported and notified by the competent authority shall undergo testing at a designated location by a designated deadline.

Article 47 The manufacture, import, and sale of chemical products containing volatile organic compounds designated and officially announced by the central competent authority shall comply with composition standards for volatile organic substances contained in the chemical product at issue. However, those chemical products provided exclusively for export are not subject to this restriction.

The central competent authority shall determine composition standards for the volatile organic substances contained in chemical products in the foregoing paragraph.

Article 48 Competent authorities at all levels may dispatch personnel bearing identification documents to inspect or appraise the air pollutant emissions, air pollution collection facilities, control facilities, and monitoring facilities of public and private premises and mobile pollution sources, or the composition standards of fuel that is produced, stored or used by public and private premises or mobile pollution sources, or the composition standards of volatile organic substances in chemical products that are manufactured, imported, or sold by public and private premises, and order the provision of relevant information.

Orders to provide information pursuant to the regulations in the foregoing

paragraph shall be conducted in consultation with military authorities when military secrets are involved.

The inspections, appraisals and orders in the two foregoing paragraphs may not be evaded, obstructed or refused.

Public and private premises shall possess facilities to facilitate the inspections and appraisals in Paragraph 1; the central competent authority shall officially announce the specifications for these facilities.

Article 49 Analysis laboratories may perform analysis and testing work pursuant to this Act only after obtaining a permit approved by the central competent authority.

The central competent authority shall determine management regulations for the required conditions and facilities; the qualifications of analysis personnel; the application, review procedures, issuance, replacement, revocation, and cancellation of permits; suspension and resumption of business; checking; and evaluation procedures; and other binding matters for the analysis laboratories in the foregoing paragraph.

The central competent authority shall determine all inspection and testing methods in this Act.

Article 50 Each industry competent authority shall provide guidance for the improvement of all types of pollution sources.

Chapter 4 Penal Provisions

Article 51 Those that violate Article 33, Paragraph 1 by failure to adopt emergency response measures promptly or that fail to comply with orders issued by the competent authority pursuant to Article 33, Paragraph 2, and thereby cause human death, shall be punished by life imprisonment or a minimum of seven years imprisonment and may be fined a maximum of NT\$30 million; those that cause severe injury shall be punished by three to ten years imprisonment and may be fined a maximum of NT\$25 million; those that cause harm to human health such that it leads to illness shall be punished by a maximum of five years imprisonment and may be fined a maximum of NT\$20 million.

Article 52 Those that have application or reporting obligations pursuant to this Act that knowingly make applications on the basis of false information or that report false information or keep false records of their operations shall be punished by a maximum of three years imprisonment, detention and/or a fine of NT\$200,000 to NT\$3 million.

Article 53 Those that lack air pollution control equipment or whose air pollution control equipment is not in operation and burn substances prone to cause particular harm to health shall be punished by a maximum of three years imprisonment, detention and/or a fine of NT\$200,000 to NT\$3 million.

The central competent authority shall officially announce the substances prone to cause particular harm to health in the foregoing paragraph.

Article 54 For those circumstances in which a public or private premise fails to comply with an order to suspend work or suspend business issued by the competent authority pursuant to this Act, the statutory responsible person shall be punished by a maximum of three years imprisonment, detention and/or a fine of NT\$200,000 to NT\$3 million.

Those that fail to comply with an order to suspend operation issued by the competent authority pursuant to Article 33, Paragraph 2 or Article 68, Paragraph 2 or an order to suspend activities issued by the competent authority pursuant to Article 68, Paragraph 2 shall be punished by a maximum of one year of imprisonment, detention and/or a fine of NT\$200,000 to NT\$2 million.

Article 55 For those circumstances in which the representative of a juridical person, or an agent, employee or other working personnel of a juridical person or natural

person violates, due to the performance of business activities, Article 51, Article 52, Article 53, Paragraph 1 or Article 54, in addition to the perpetrator being punished pursuant to the regulations of each article violated, said juridical person or natural person shall also be fined pursuant to the regulations of each article violated ten times the fines specified in the regulations of each article violated.

Article 56 Those that violate the import or export regulations in the management regulations determined pursuant to Article 31, Paragraph 2 shall be punished by six months to five years imprisonment and may be fined NT\$300,000 to NT\$1.5 million.

Article 57 Those public and private premises emitting air pollutants containing hazardous air pollutants exceeding the emissions standard values determined pursuant to Article 20, Paragraph 2 by a factor of 1,000 shall be punished by a maximum of three years imprisonment, detention and/or a fine of NT\$200,000 to NT\$5 million.

When any of the following circumstances are present, those who commit the violations in the foregoing paragraph shall be punished by a maximum of five years imprisonment and may be fined NT\$200,000 to NT\$15 million:

1. Operation of a pollution source without registration or a permit.
2. Severe circumstances specified in the various subparagraphs of Article 96.

The punishment of statutory responsible persons or supervisory or planning personnel who commit the violations in the second paragraph shall be increased by one-half.

Article 58 Those public or private premises that violate Article 6, Paragraph 1 shall be fined NT\$200,000 to NT\$1 million and ordered to suspend work; if the public and private premises responsible for the violations are industrial or commercial factories/facilities or sites, they shall be fined NT\$100,000 to NT\$20 million, and ordered to suspend work.

Article 59 Those public or private premises that fail to reduce pollutant emissions quantities pursuant to Article 8, Paragraph 3 or that violate the regulations that are determined pursuant to Article 8, Paragraph 5 shall be fined NT\$20,000 to NT\$1 million; if the public and private premises responsible for the violations are industrial or commercial factories/facilities or sites, they shall be fined NT\$100,000 to NT\$20 million.

Those fined pursuant to the foregoing paragraph shall also be notified to make corrections or make improvements within a limited time period; those that have still failed to make corrections or make improvements by the deadline shall be fined per violation; in severe circumstances, orders may be issued for the suspension of work or suspension of business, and when necessary, operating permits may be cancelled or orders issued for the termination of business.

Article 60 Those public and private premises that violate the regulations of Paragraphs 1 or 2 of Article 14 shall be fined NT\$20,000 to NT\$1 million; if the public and private premises responsible for the violations are industrial or commercial factories/facilities or sites, they shall be fined NT\$100,000 to NT\$20 million; in severe circumstances, and orders may be issued for the suspension of work or suspension of business.

When the users of transportation vehicles violate the regulations of Paragraphs 1 or 2 of Article 14, the users or owners shall be fined NT\$1,500 to NT\$30,000.

Article 61 For those circumstances in which Article 15 is violated, the developer shall be fined NT\$500,000 to NT\$20 million and notified to make improvements within a limited time period; those that have still failed to complete improvements by the deadline shall be fined per violation.

Article 62 For those that fail to pay fees pursuant to the fee collection regulations

determined pursuant to Article 16, Paragraph 2 by the deadline, an overdue fine, which shall be assessed at a rate of 0.5% of the overdue amount for each day the fees are overdue, shall be paid together with the overdue fees; those that have still failed to report or pay fees 30 days after the deadline shall be fined NT\$1,500 to NT\$60,000; when the responsible premise is an industrial or commercial factory/facility or site, it shall be fined NT\$100,000 to NT\$1 million, and must pay within a limited time period.

For the fees required to be paid in the foregoing paragraph, interest shall be accrued daily from the day after the overdue deadline to the date of payment based on the fixed annual interest rate for a one-year time deposit with the Directorate General of the Postal Remittances and Savings Bank on the date of payment.

Article 63 If the air pollution control fees to be paid by a public and private premise pursuant to Article 16, Paragraph 1 are underreported by means of falsification, alternative, or other illegitimate means, or data connected with air pollution control fee calculations is not reported, competent authorities at all levels shall act in accordance with the following regulations:

1. Mobile pollution sources: The central competent authority may calculate the fees to be paid by the public and private premise at double the fee rate for air pollution control fees for mobile pollution sources.
2. Construction project: The special municipality, county, or city competent authority may, in accordance with the results of investigation and relevant information, calculate the fees to be paid by the public and private premise at double the fee rate for air pollution control fees for construction projects.
3. Stationary pollution sources apart from construction projects: The central competent authority may calculate the fees to be paid by the public and private premise based on double the emissions quantity calculated for that pollution source based on an emissions coefficient or mass balance.

When public and private premises use the methods in the foregoing paragraph to evade air pollution control fees, apart calculating and collecting the evaded air pollution control fees, competent authorities at all levels shall re-calculate the amount of payable fees retroactive to the previous five years. However, when the starting date for the collection of air pollution control fees for an air pollutant is less than five years previously, the amount of payable retroactive fees shall be calculated the starting date.

With regard to the amount of payable retroactive fees in the foregoing paragraph, interest shall be accrued daily from the day after the deadline for payment given by the competent authority or the date on which evasion of air pollution control fees occurred to the date of payment based on the fixed annual interest rate for a one-year time deposit with the Directorate General of the Postal Remittances and Savings Bank on the date of payment.

Article 64 Those public or private premises that violate Article 20, Paragraph 1; Article 21; Article 22, Paragraphs 1, 2 or 3; Article 23; Article 24, Paragraphs 1 or 2 by failure to perform installation, modification or operation pursuant to permit contents, Article 25; the emissions standards approved pursuant to Article 27, Paragraph 2; or the management regulations determined pursuant to Article 24, Paragraph 3 or Article 27, Paragraph 3 shall be fined NT\$20,000 to NT\$1 million; if the public and private premises responsible for the violations are industrial or commercial factories/facilities or sites, they shall be fined NT\$100,000 to NT\$20 million.

Those fined pursuant to the foregoing paragraph shall also be notified to make corrections or make improvements within a limited time period; those that have still

failed to make corrections or make improvements by the deadline shall be fined per violation; in severe circumstances, orders may be issued for the suspension of work or suspension of business, and when necessary, operating permits may be cancelled or orders issued for the termination of business.

For those circumstances in Paragraph 1 in which a single public or private premise has multiple stationary pollution sources or a stationary pollution source emitting multiple types of pollutants, fines shall be issued separately for each stationary pollution source or each type of pollutant.

Article 65 Those public or private premises that fail to obtain permits pursuant to Article 24, Paragraphs 1 or 2 and directly perform installation, modification or operation shall be fined NT\$20,000 to NT\$1 million; if the public and private premises responsible for the violations are industrial or commercial factories/facilities or sites, they shall be fined NT\$100,000 to NT\$20 million, and ordered to suspend work and to apply for and obtain an installation or operating permits within a limited time period.

Article 66 Those that violate Article 28, Paragraph 1 or the management regulations determined pursuant to Article 28, Paragraph 2 shall be fined NT\$1 million, and those that violate the management regulations determined pursuant to Article 29, Paragraph 1 or 3 shall be fined NT\$20,000 to NT\$1 million; if the public and private premises responsible for the violations are industrial or commercial factories/facilities or sites, they shall be fined NT\$100,000 to NT\$20 million.

Those fined pursuant to the foregoing paragraph shall also be notified to make corrections or report within a limited time period; those that have still failed to comply by the deadline shall be fined per violation; in severe circumstances, orders may be issued for the suspension of work or suspension of business and, when necessary, use permits may be cancelled or orders issued for the termination of business.

Article 67 Those that violate the management regulations determined pursuant to Article 31, Paragraph 2 shall be fined NT\$100,000 to NT\$1 million and notified to make corrections or report within a limited time period; those that have still failed to comply by the deadline shall be fined per violation; in severe circumstances, orders may be issued for the suspension of work or suspension of business and, when necessary, sales or use permits may be cancelled or orders issued for the termination of business.

Article 68 Those that violate one of the circumstances in any of the subparagraphs under Article 32, Paragraph 1 shall be fined NT\$1,200 to NT\$10,000; when an industrial or commercial factory/facility or site is responsible for the violation, it shall be fined NT\$100,000 to NT\$1 million.

Those fined pursuant to the foregoing paragraph shall also be notified to make improvements within a limited time period; those that have still failed to complete improvements by the deadline shall be fined per violation; in severe circumstances, orders may be issued for the suspension of activities or operation of the pollution source, or orders may be issued for the suspension of work or suspension of business and, when necessary, the violator's operating permit may be cancelled or orders issued for the termination of business.

Article 69 Those that violate Article 33 shall be fined NT\$100,000 to NT\$20 million; in severe circumstances, orders may be issued for the suspension of work or suspension of business and, when necessary, the violator's operating permit may be cancelled or orders issued for the termination of business.

Article 70 Those public or private premises that violate Article 34, Paragraph 1, Article 35, Paragraph 1 or the management regulations determined pursuant to Article

33, Paragraph 3 shall be fined NT\$200,000 to NT\$1 million and notified to make corrections or improvements within a limited period; those that have still failed to make corrections or make improvements by the deadline shall be fined per violation.

Those dedicated air pollution control personnel that violate the management regulations determined pursuant to Article 34, Paragraph 3 shall be fined NT\$10,000 to NT\$100,000, and, when necessary, the central competent authority may cancel their dedicated personnel qualification certificates.

Article 71 For those circumstances in which Article 36, Paragraph 1 or Article 37 is violated, the user or owner shall be fined NT\$1,500 to NT\$60,000 and notified to make improvements within a limited period; those that have still failed to complete improvements by the deadline shall be fined per violation.

Those manufacturers or importers that violate Article 36, Paragraph 5 shall be fined NT\$100,000 to NT\$5 million for each motor vehicle, and have their motor vehicle model exhaust testing compliance verification revoked.

Article 72 For those circumstances in which Article 38 or Article 40 is violated, the motor vehicle user or owner shall be fined NT\$1,500 to NT\$60,000, and the user or owner of a stationary pollution source apart from a motor vehicle shall be fined NT\$5,000 to NT\$1 million, and notified to make improvements within a limited period; those that have still failed to complete improvements by the deadline shall be fined per violation until improvements have been made.

Article 73 For those circumstances in which Article 39, Paragraph 1 or 2 or the management regulations determined pursuant to Paragraph 3 have been violated, the user shall be fined NT\$5,000 to NT\$100,000, and the manufacturer, seller, or importer shall be fined NT\$100,000 to NT\$1 million, and notified to make improvements within a limited period; those that have still failed to complete improvements by the deadline shall be fined per violation.

Article 74 Those manufacturers or importers that violate Article 41, Paragraph 1, and fail to recall and make corrections to motor vehicle within a limited period, shall be fined NT\$100,000 per motor vehicle; those that violate Article 41, Paragraph 2 shall be fined NT\$5,000 to NT\$200,000, and notified to make corrections or improvements within a limited period; those that have still failed to make corrections or make improvements by the deadline shall be fined per violation.

Article 75 Those that violate Article 43, Paragraph 1 and 2 shall be fined NT\$5,000 to NT\$200,000, and notified to make corrections or improvements within a limited period, those that have still failed to make corrections or make improvements by the deadline shall be fined per violation.

Article 76 For those that fail to undergo regular air pollutant emissions testing pursuant to Article 44, Paragraph 1, the motor vehicle owner shall be fined NT\$500 to NT\$15,000.

Those motor vehicles for which regular testing has revealed a failure to meet emissions standards and that have failed to undergo repair or retesting within one month or for which retesting after the deadline reveals a failure to meet standards shall be fined NT\$1,500 to NT\$30,000.

Those that have still failed to complete regular testing six months after the testing deadline, fail to apply for retesting in accordance with regulations or fail retesting, and fail to complete improvement by the deadline after being notified to make improvement within a limited period by the special municipality, county, or city competent authority shall be fined NT\$3,000 to NT\$60,000, and the motor vehicle oversight agency may be asked to revoke the vehicle's license plate.

Those that violate the management regulations determined pursuant to Article

44, Paragraph 3 shall be fined NT\$15,000 to NT\$60,000, and notified to make corrections or improvements within a limited period; those that have still failed to make corrections or make improvements by the deadline shall be fined per violation; in severe circumstances, the violator may be order to suspend testing services, and the violator's authorization certificate may be cancelled,.

Article 77 For those that do not undergo testing pursuant to Article 45, Paragraph 1 and Article 45, or for which testing reveals a failure to meet emissions standards, the mobile pollution source user or owner shall be fined NT\$1,500 to NT\$60,000, and notified to make improvements within a limited period; those that have still failed to complete improvements by the deadline shall be fined per violation.

Article 78 For those circumstances in which Article 47, Paragraph 1 or the standards determined pursuant to Article 47, Paragraph 2 are violated, the manufacturer, importer, or seller shall be fined NT\$100,000 to NT\$1 million, and notified to make improvements within a limited period; those that have still failed to complete improvements by the deadline shall be fined per violation.

Article 79 For those circumstances in which there is evasion, obstruction or refusal of the inspections, appraisals or orders required or issued pursuant to Article 48, Paragraph 1 or a failure to possess the facilities required pursuant to Article 48, Paragraph 4, public or private premises shall be fined NT\$200,000 to NT\$1 million, and mobile pollution source users or owners shall be fined NT\$5,000 to NT\$100,000, and may be fined per violation and be subject to the compulsory enforcement of inspection or appraisal.

Article 80 Those that violate Article 49, Paragraph 1 or the management regulations determined pursuant to Article 49, Paragraph 2 shall be fined NT\$200,000 to NT\$1 million, and notified to make corrections or improvements within a limited period, those that have still failed to make corrections or make improvements by the deadline shall be fined per violation; in severe circumstances, orders may be issued for the suspension of business and, when necessary, permits may be cancelled or orders issued for the termination of business.

Article 81 Those that fail to submit verification documents for already planned and installed buffer zones and air quality monitoring facilities that meet emissions standards, fuel composition standards, and composition standards for chemical products containing volatile organic substances or other regulations to the special municipality, county, or city competent authority for checking by the deadline for improvements of which they were notified pursuant to this Act shall be considered to have failed to complete improvements.

The central competent authority shall determine the time periods during which improvements or corrections that must be made within a limited period must be completed, improvement completion verification checking methods, enforcement methods for regulations and orders, and other binding matters for the fines per violation of those that fail to complete corrections, reporting or improvements by the deadlines determined pursuant to this Act.

Article 82 The period for making corrections, making improvements or reporting for those notified pursuant to this Act to make corrections, make improvements or report within a limited period shall be limited to ninety days. Those unable to complete improvements by the improvement deadline due to natural disaster or other force majeure shall continue to make improvements after the reason ends and shall, within 15 days, apply to the special municipality, county, or city competent authority for the approval of an improvement deadline by submitting a written explanation of cause and relevant information.

Those public or private premises that are unable to complete improvements by the deadline in the foregoing paragraph may, within 30 days after receiving notification, submit specific improvement plans to the special municipality, county, or city competent authority in order to apply for an extension; the special municipality, county, or city competent authority shall approve the improvement deadline based on actual conditions; the maximum extension may not exceed one year, but the deadline may be extended an additional year when necessary; the special municipality, county, or city competent authority may promptly terminate the improvement deadline of those that are verified through checking to have failed to strictly carry out implementation in accordance with the improvement plan, and may punish the violator severely.

Those stationary pollution sources and mobile pollution sources that, during the improvement period, emit pollutants in excess of emissions concentrations or emissions quantities for which fines were originally issued shall be fined per violation.

Article 83 Unless other regulations apply, the penalties determined pursuant to this Act shall be assessed by the Environmental Protection Administration, Executive Yuan, at the central government level, the municipal government in special municipalities and the county or city government in counties or cities.

Article 84 When the owner or user of a motor vehicle refuses to pay a fine, the special municipality, county, or city competent authority may request the cooperation of the highway supervisory agency in stopping the movement of the vehicle.

Article 85 The amount of fines for those fined pursuant to this Act shall be determined in accordance with the pollution source type, pollution items, degree of pollution, pollution characteristics, and the degree of harm caused by the pollution; when the circumstances of the violation affects a school, and the violator shall be punished severely.

The central competent authority shall determine the fine determination criteria in the foregoing paragraph.

Article 86 Apart from being fined a certain amount pursuant to this Act, those that obtain benefit from violations of their obligations under this Act, may also be compelled to pay an amount within the scope of the benefit they have obtained.

For those circumstances in which such actions are performed for the benefit of others, causing others to be subject to punishment for violations of their obligations under this Act, because the perpetrator has received material gain but has not been punished, the perpetrator may be compelled to pay an amount within the scope of the value of the material gain it has obtained.

Compulsion of payment in the three foregoing paragraphs shall be implemented by the deciding competent authority via an administrative act; as referred to here, benefit may include active benefit and passive benefit in which necessary expenditures are eliminated or reduced; the central competent authority shall determine the methods of calculating and estimating these types of benefit.

Article 87 The source of special funds established by competent authorities at all levels pursuant to Article 18, Paragraph 2 shall, apart from the air pollution control fees collected pursuant to Article 16, Paragraph 1, include the gains pursued by competent authorities at all levels in accordance with the foregoing article and those fines determined pursuant to this Act.

When fund sources in the foregoing paragraph constitute gains pursued by the competent authority and fines determined pursuant to this Act, money from the fund should be used for air pollution control purposes as a first priority.

Chapter 5 Supplementary Provisions

Article 88 Those public or private premises that possess a stationary pollution source designated and officially announced pursuant to Article 24, Paragraph 1, and for which the stationary pollution source at issue was installed prior to the official announcement, shall apply for an operating permit pursuant to Article 24, Paragraph 2 of this Act within two years of the day of the official announcement.

Article 89 When the malfunction of facilities connected with a stationary pollution source causes the violation of this Act, those public or private premises that promptly implement response measures and handle the malfunction pursuant to the following regulations may be exempt from penalties imposed pursuant to this Act:

1. Report the situation to the special municipality, county, or city competent authority within one hour of the malfunction.
2. Repair the facility or suspend operations within 24 hours of the malfunction.
3. Submit a written report to the special municipality, county, or city competent authority within 15 days of the malfunction.

Article 90 Those public or private premises that, prior to engagement in the following acts, have already applied to the special municipality, county, or city competent authority and received authorization shall be exempt from penalties imposed pursuant to this Act:

1. Fire drills.
2. The burning of infected animals or plants for the emergency control of the spread of infectious diseases.
3. Other actions officially announced by the central competent authority.

When meteorological conditions are disadvantageous to the dispersal of pollutants, there is a trend towards a significant deterioration in air quality, or public or private premises fail to perform implementation in accordance with the authorized contents, the competent authority may order the postponement or suspension of the implementation of the authorized acts in the foregoing paragraph.

Article 91 Competent authorities at all levels shall collect such official fees as review fees, testing fees and certificate fees for the performance of testing, the issuance of permits and certificates, and review of and permitting for all applications accepted pursuant to this Act.

The central competent authority in consultation with relevant agencies shall determine fee collection standards for the foregoing paragraph.

Article 92 Victims of air pollution may apply to the competent authority for appraisal of the reason for the harm they have suffered; the competent authority may, after investigating the reason in consultation with relevant agencies, order those that emit air pollutants to promptly make improvements, and the victims may seek appropriate compensation.

When, in those circumstances in which an agreement is achieved for the compensation in the foregoing paragraph, the performance of the agreement is refused, the victim may directly submit a request to a court for compulsory enforcement.

Article 93 When a public and private premise violates this Act or relevant orders determined under authorization of this Act and the competent authority is negligent in enforcement, victims or public interest groups may notify the competent authority in writing of the details of the negligent enforcement. For those competent authorities that have still failed to carry out enforcement in accordance with the law within sixty days after receipt of the written notification, the victims or public interest groups may name the competent authority at issue as a defendant and file a lawsuit directly with

an administrative court based on the negligent behavior of the competent authority in the execution of its duties in order to seek a ruling ordering the competent authority to execute its duties.

When issuing a verdict on the lawsuit in the foregoing paragraph, the administrative court may on the basis of its authority order the defendant agency to pay the appropriate attorney's fees, detection and appraisal fees and other litigation costs to plaintiffs that have made specific contributions to the maintenance of air quality.

The central competent authority in consultation with relevant agencies shall officially announce the format of the written notification in Paragraph 1.

Article 94 Members of the public may state facts or present verifying information to a special municipality, county, or city competent authority to report that the actions of a public or private premise have violated this Act, or that an in-use motor vehicle is emitting air pollutants.

Special municipality, county, and city competent authorities shall determine regulations governing reporting and incentives in the foregoing paragraph. When a public or private premise is fined after verifying the report through investigation, and the fine amount reaches a certain amount, a certain proportion of the total fine income that has been received may be given to the informant as an incentive reward.

Special municipality, county, and city competent authorities shall maintain the confidentiality of the identity of the informant in the foregoing paragraph.

Article 95 Public and private premises may not dismiss, demote, reduce the wages of, or take other unfavorable disciplinary action against dedicated air pollution control personnel or their employees because they have disclosed actions violating this Act to the competent authority or judicial authority, have served as witnesses in litigation, or refused to participate in actions violating this act.

Any dismissals, demotions, wage reductions, or other unfavorable disciplinary actions due to the actions in the foregoing paragraph implemented by public and private premises or their persons exercising management rights shall be invalid.

If public or private premises' dedicated air pollution control personnel or their employees receive unfavorable disciplinary action due to the actions in Paragraph 1, the public and private premises shall bear the burden of providing evidence proving that such unfavorable disciplinary action is unrelated to the actions in foregoing paragraph.

If public or private premises' dedicated air pollution control personnel or their employees, having previously taken part in actions subject to criminal responsibility pursuant to this Act, disclosed such actions to the competent authority or made a confession to or surrendered to the judicial authority, with the result that the principal criminal or accomplices were captured, their punishment shall be lightened or waived.

Article 96 The severe circumstances referred to in Article 59, Article 60, Article 64, and Article 66 through Article 69 in this Act mean the presence of one of the following circumstances:

1. Those circumstances in which a pollution source that has not been registered or obtained a permit violates the regulations of this Act.
2. Those circumstances in which a violator, after punishment, voluntarily reports the suspension of work and the implementation of improvements, and verification prove this to be untruthful.
3. Those circumstances in which a violator, having been notified twice within one year to make improvements within a limited period, still continues to violate the regulations of this Act.

4. Those circumstances in which the emission of large quantities of air pollutants seriously impacts the air quality of nearby areas.
 5. Those circumstances in which there is concern of the endangerment of public health due to the emission of air pollutants that contain hazardous substances.
 6. Those circumstances in which an emission flue pipe that has not received a stationary pollution source operating permit emits air pollutants, or the adjustment of the flow of exhaust discharges cause air pollutants to be emitted without passing through collection or processing facilities that have received the foregoing permit.
 7. Other actions that seriously impact the air quality in nearby areas.
- Article 97 Those public or private premises that are ordered by the competent authority to suspend the operation of a pollution source, suspend work or business pursuant to Article 59, Paragraph 2, Article 60, Paragraph 1, Article 64, Paragraph 2, Article 66, Paragraph 2, Article 67, Article 68, Paragraph 2 or Article 69 in this Act, or those that have been ordered by the special municipality, county, or city competent authority to make improvements and that voluntarily report the suspension of work or business, shall, prior to the resumption of the operation of the pollution source or the resumption of business or work, submit a trial operation plan and apply to the special municipality, county, or city competent authority for trial operation, and may only perform trial operation after approval by the special municipality, county, or city competent authority; the public or private premises shall submit verification documents demonstrating compliance with emissions standards by the trial operation deadline, and may only resume operation or resume work or business after evaluation by the competent authority demonstrates compliance; the central competent authority shall determine trial operation, evaluation and other binding matters.
- Article 98 The trial operation plans submitted by public and private premises pursuant to the foregoing article shall be posted on a public website designated by the central competent authority for public query.
- Before providing approval in the foregoing article, the special municipality, county or city competent authority shall give stakeholders and public welfare groups an opportunity to express their views, which the competent authority shall use as a reference when providing its approval; when an application in the foregoing paragraph is reviewed in conference, the views of stakeholders and public welfare groups shall subsequently be included in the conference record, and shall be publicly posted on a website designated by the central competent authority.
- Article 99 The central competent authority shall determine the enforcement rules of this Act.
- Article 100 This Act shall take effect on the date of promulgation.