

Atmospheric Pollution Prevention and Control Law of the People's Republic of China (2018 Amendment) [Effective]

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中华人民共和国大气污染防治法(2018修正) [现行有效]

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

中华人民共和国大气污染防治法

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(1987年9月5日第六届全国人民代表大会常务委
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大会常务委
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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)

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Chapter I General Provisions

第一章 总 则

Article 1 This Law is developed for the purpose of protecting and improving the environment, preventing and controlling atmospheric pollution, safeguarding the health of the general public, enhancing ecological civilization, and promoting the sustainable development of economy and society.

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 2 Atmospheric pollution prevention and control shall aim at improving the quality of the atmospheric environment, adhere to regulation from the source, make plans first, transform the economic development mode, optimize industry structure and layout, and adjust the energy structure.

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。

Atmospheric pollution prevention and control shall strengthen the prevention and control of atmospheric pollution from coal, industry, motor-driven vehicles and vessels, dust, and agriculture, promote joint prevention and control of regional atmospheric pollution, and conduct cooperative control of atmospheric pollutants and greenhouse gas such as particles, sulfur dioxide, nitrogen oxide, volatile organic compounds, and ammonia, etc.

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。

Article 3 The people's governments at and above the county level shall include atmospheric pollution prevention and control in the national economic and social development planning and increase financial support for it.

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。

The local people's governments at all levels shall be responsible for the quality of the atmospheric environment of their respective administrative regions, make plans, take measures, control or gradually reduce the discharge of atmospheric pollutants, and make the atmospheric environment quality reach the prescribed standards and gradually improve it.

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。

Article 4 The competent department of ecology and environment under the State Council shall, jointly with other relevant departments under the State Council, evaluate the provinces, autonomous regions and municipalities directly under the Central Government regarding the achievement of goals of improving the quality of atmospheric environment and the completion of key atmospheric pollution prevention and control tasks. The people's governments of each province, autonomous region and municipality directly under the

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

Central Government shall evaluate the achievement of goals of improving the quality of atmospheric environment and the completion of key atmospheric pollution prevention and control task within their respective administrative regions. The evaluation results shall be made available to the general public.

Article 5 The competent department of ecology and environment of the people's governments at and above the county level shall oversee and regulate the atmospheric pollution prevention and control in a unified way.

Other relevant departments of the people's governments at and above the county level shall oversee and regulate the atmospheric pollution prevention and control within the scope of their functions.

Article 6 The state encourages and supports the scientific and technological research of atmospheric pollution prevention and control, analyzes the sources and development trends of atmospheric pollution, promotes the use of advanced and applicable technologies and equipment for atmospheric pollution prevention and control, enhances the transformation of scientific and technological achievements, and gives play to the supporting role of science and technology in atmospheric pollution prevention and control.

Article 7 Enterprises, public institutions, and other business entities shall take effective measures to prevent or reduce atmospheric pollution and shall assume legal responsibility for the damage they have caused.

Citizens shall increase their awareness of protecting the atmospheric environment, take to low-carbon and economical lifestyles, and voluntarily fulfill their obligations of protecting the atmospheric environment.

Chapter II Atmospheric Pollution Prevention and Control Standards and Plans for Reaching Standards within the Prescribed Time

Article 8 When developing atmospheric environment quality standards, the competent department of ecology and environment under the State Council or the people's government of a province, autonomous region or municipality directly under the Central Government shall aim at safeguarding the public health and protecting the ecological environment, adapt to economic and social development, and ensure that they are scientific and reasonable.

Article 9 When developing atmospheric pollutant discharge standards, the competent department of ecology and environment under the State Council or the people's government of a province, autonomous region or municipality directly under the Central Government shall take [atmospheric environment quality standards](#) and the economic and technical conditions of the state as basis.

Article 10 In the development of [atmospheric environment quality](#)

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。

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。

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。

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。

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。

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。

第二章 大气污染防治标准和限期达标规划

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。

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。

第十条 制定[大气环境质量标准](#)、

[standards](#) and atmospheric pollutant discharge standards, it is required to organize experts for examination and demonstration and solicit the opinions of relevant authorities, industry associations, enterprises, public institutions, and the general public.

Article 11 The competent department of ecology and environment of a people's government at or above the provincial level shall publish atmospheric environment quality standards and atmospheric pollutant discharge standards on its website for the access of the general public and download free of charge.

Article 12 The implementation of [atmospheric environment quality standards](#) and atmospheric pollutant discharge standards shall be evaluated on a regular basis, and revisions shall be made according to the evaluation results when necessary.

Article 13 In the development of quality standards for products containing volatile organic compounds, such as coal, petroleum coke, biomass fuel, and coatings, fireworks and firecrackers, boilers, etc., the atmospheric environment protection requirements shall be specified.

Fuel quality standards shall comply with the atmospheric pollutant control requirements of the state and shall be consistent and simultaneously implemented with the atmospheric pollutant discharge standards of the state for motor-driven vehicles and vessels and non-road mobile machinery.

The term "non-road mobile machinery" as mentioned in the preceding paragraph means mobile machines and transportable industrial equipment with engines.

Article 14 The people's governments of cities failing to reach the national [atmospheric environment quality standards](#) shall timely make plans for reaching atmospheric environment quality standards within the prescribed time and take measures to reach atmospheric environment quality standards within the time limit specified by the State Council or the provincial people's governments.

In the making of plans for reaching atmospheric environment quality standards within the prescribed time, it is required to solicit the opinions of relevant industry associations, enterprises, public institutions, experts, and the general public.

Article 15 A plan made for a city to reach atmospheric environment quality standards within a prescribed time shall be made public. The plan made for a municipality directly under the Central Government or a districted city for reaching atmospheric environment quality standards within a prescribed time shall be submitted to the competent department of ecology and environment under the State Council for recordation.

Article 16 When reporting the environment condition and the achievement of environmental protection goals to the people's congress at the same level or the standing committee thereof, the

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。

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。

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。

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。

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。

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。

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。

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。

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。

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 and 环境保护目标完成情况

people's government of a city shall report the implementation of the plan for reaching atmospheric environment quality standards within the prescribed time and shall make such information available to the public.

Article 17 The plan of a city to reach atmospheric environment quality standards within the prescribed time shall be evaluated and revised according to the atmospheric pollution prevention and control requirements and the economic and technical conditions when necessary.

Chapter III Supervision and Administration of Atmospheric Pollution Prevention and Control

Article 18 When building projects that have an impact on atmospheric environment, enterprises, public institutions, and other business entities shall conduct environmental impact assessments and publish the environmental impact assessment documents according to the law; when discharging pollutants to the atmosphere, they shall conform to the atmospheric pollutant discharge standards and abide by the total quantity control requirements for the discharge of key atmospheric pollutants.

Article 19 Enterprises and public institutions discharging industrial waste gases or the toxic or hazardous atmospheric pollutants listed in the catalogue specified in Article 78 of this Law, business entities using coal heat sources for central heating facilities, and other entities subject to pollutant discharging licensing administration shall obtain a pollutant discharge license. The specific measures and implementation steps for pollutant discharge licensing shall be determined by the State Council.

Article 20 Enterprises, public institutions, and other business entities discharging pollutants to the atmosphere shall set atmospheric pollutant discharge outlets according to the laws, regulations, and the provisions of the competent department of ecology and environment under the State Council.

It is prohibited to discharge atmospheric pollutants by means of evading supervision such as secretly discharging pollutants, altering or forging monitoring data, suspending production for the purpose of evading on-site inspection, opening emergency discharge channels under non-emergent situations, or operating atmospheric pollution prevention and control facilities in an abnormal manner.

Article 21 The state exercises total volume control over the discharge of key atmospheric pollutants.

The total volume control targets for the discharge of key atmospheric pollutants shall be reported by the competent department of ecology and environment under the State Council, after soliciting the opinions of relevant departments under the State Council and the people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government, together with the general

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。

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。

第三章 大气污染防治的监督管理

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。

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。

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。

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。

第二十一条 国家对重点大气污染物排放实行总量控制。

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。

administrative department of economics under the State Council to the State Council for approval before being assigned for implementation.

The people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government shall, according to the total volume control targets assigned by the State Council, control or cut the total discharge volume of key atmospheric pollutants in their respective administrative regions.

The specific measures for determining and disassembling the total volume control targets shall be developed by the competent department of ecology and environment under the State Council together with relevant departments under the State Council. The people's governments of all provinces, autonomous regions, and municipalities directly under the Central Government may, in view of the atmospheric pollution prevention and control needs in their respective administrative regions, exercise total volume control over the discharge of atmospheric pollutants other than those under the intensified supervision of the state.

The state will gradually promote the trading of the right to discharge key atmospheric pollutants.

Article 22 For an area which exceeds the state's total discharge volume control indicators of key atmospheric pollutants or fails to achieve the atmospheric environmental quality objectives assigned by the state, the competent department of ecology and environment of the people's government at or above the provincial level shall hold interviews with the chief person-in-charge of the people's government of the area together with relevant departments, and suspend the procedures for approving the environmental impact assessment documents on construction projects in the area that will increase the total discharge volume of key atmospheric pollutants. The interview process shall be made open to the public.

Article 23 The competent department of ecology and environment under the State Council shall be responsible for developing atmospheric environmental quality and atmospheric pollution source monitoring and assessment norms, organizing the building of and managing the national atmospheric environmental quality and atmospheric pollution source monitoring net, organizing atmospheric environmental quality and atmospheric pollution source monitoring activities, and releasing information about the national atmospheric environmental quality condition in a unified way.

The competent department of ecology and environment of a local people's government at or above the county level shall be responsible for organizing the building of and managing the atmospheric environmental quality and atmospheric pollution source monitoring net for the administrative region, conducting atmospheric environmental quality and atmospheric pollution source monitoring, and releasing information about atmospheric environmental quality condition in the administrative region in a unified way.

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。

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。

国家逐步推行重点大气污染物排污权交易。

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。

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。

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。

Article 24 Enterprises, public institutions, and other business entities shall, according to relevant provisions and monitoring norms of the state, monitor the industrial waste gases and the toxic and hazardous atmospheric pollutants listed in the catalogue mentioned in Article 78 of this Law they have discharged, and preserve the original monitoring records. In particular, pollutant discharging entities under intensified supervision shall install and use automatic atmospheric pollutant discharge monitoring equipment, stay connected to the monitoring equipment of the competent departments of ecology and environment, ensure the normal functioning of the monitoring equipment, and publish the discharge information according to law. The specific measures for monitoring and the conditions for pollutant discharging entities under intensified supervision shall be determined by the competent department of ecology and environment under the State Council.

The list of pollutant discharging entities under intensified supervision shall be determined by the competent department of ecology and environment of the local people's government at or above the level of districted city by consulting relevant departments in view of the atmospheric environmental carrying capacity, the total discharge volume control indicators for key atmospheric pollutants, and the variety, quantity, and concentration of the atmospheric pollutants discharged by pollutant discharging entities in the administrative region and shall be made public.

Article 25 Pollutant discharging entities under intensified supervision shall be responsible for the veracity and accuracy of automatic monitoring data. If discovering any unusual circumstance in the data transmission of the automatic atmospheric pollutant discharge monitoring equipment of any pollutant discharging entity under intensified supervision, the competent department of ecology and environment shall conduct an investigation in a timely manner.

Article 26 It is prohibited to misappropriate, destroy, move or alter without approval atmospheric environment quality monitoring equipment or automatic atmospheric pollutant discharge monitoring equipment.

Article 27 The state shall apply an elimination system to the techniques, equipment, and products that cause serious pollution to the atmospheric environment.

The general administrative department of economics under the State Council shall, together with other relevant departments under the State Council, determine the time limits for elimination of the techniques, equipment, and products that cause serious pollution to the atmospheric environment and include them in the catalogue of comprehensive industrial policies of the state.

Producers, importers, distributors, and users shall stop producing, importing, selling or using the equipment and products in the catalogue as mentioned in the preceding paragraph within the prescribed time limits. Technique adopters shall stop adopting the techniques listed in

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。

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。

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。

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。

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。

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。

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

the catalogue as mentioned in the preceding paragraph within the prescribed time limits.

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

Article 28 The competent department of ecology and environment under the State Council shall, together with other relevant departments, establish an atmospheric pollution damage assessment system and improve it.

Article 29 The competent department of ecology and environment and the environmental law enforcement body thereof, and other departments with environmental protection regulatory functions shall have the authority to, by means of on-site inspection and monitoring, automatic monitoring, remote sensing monitoring, and remote infra-red photographing, oversee and inspect the enterprises, public institutions, and other business entities that discharge atmospheric pollutants. Entities under inspection shall honestly provide relevant information and necessary materials. Inspecting departments or institutions and the staff members thereof shall keep confidential the trade secrets of the entities under inspection.

Article 30 For enterprises, public institutions, and other business entities that discharge atmospheric pollutants in violation of any law or regulation, if it has caused or is likely to cause serious atmospheric pollution, or relevant evidence is likely to be destroyed or concealed, the competent departments of ecology and environment of the people's governments at and above the county level and other departments with environmental protection regulatory functions may seize, impound or take other compulsory administrative measures for relevant facilities, equipment, and articles.

Article 31 Competent departments of ecology and environment and other departments with environmental protection regulatory functions shall publish their tip-off hotlines and e-mail accounts to for the convenience of the general public to make tip-offs.

After receiving a tip-off, an competent department of ecology and environment or any other department with environmental protection regulatory functions shall timely handle the tip-off and keep the tipster's information confidential. If the tip-off is reported in real name, the tipster shall be informed of the handling result, and if the tip-off is verified as true, the handling result shall be disclosed to the public according to the law and the tipster shall be rewarded.

Where a tipster makes a tip-off against his or her employer, the employer shall not retaliate against the tipster by means of rescinding or modifying the employment contract with the tipster.

Chapter IV Atmospheric Pollution Prevention and Control Measures

Section 1 Prevention and Control of Pollution from Coal and Other

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。

被淘汰的设备和产品，不得转让给他人使用。

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。

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。

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。

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。

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。

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。

第四章 大气污染防治措施

Article 32 Relevant departments under the State Council and local people's governments at all levels shall take measures to revamp the energy structure, promote the production and use of clean energy, optimize the use of coal, promote the clean and efficient utilization of coal, gradually reduce the proportion of coal in primary energy consumption, and reduce the discharge of atmospheric pollutants in the production, use, and transformation of coal.

Article 33 The state promotes the washing processing of coal for the purpose of reducing the sulfur and ash in coal, and restricting the mining of high-sulfur or high-ash coal. When building a new coal mine, supporting facilities for the washing of coal shall be built simultaneously so as to ensure that the sulfur and ash in coal are within the prescribed limits. For an existing coal mine, supporting facilities for the washing of coal shall be built within the prescribed time, unless the coal mined is low-sulfur or low-ash coal or washing is not required by the relevant coal-fired power plant that has reached the discharge standards.

It is prohibited to mine coal with radioactive, arsenic, and other toxic or harmful substances beyond the prescribed limits.

Article 34 The state adopts economic and technical policies and measures conducive to the clean and efficient utilization of coal and encourages and supports the development and popularization of clean coal technology.

The state encourages coal enterprises and other business entities to adopt reasonable and feasible technologies and measures to exploit coal seam gas and comprehensively utilize coal gangue. Those engaged in the exploitation of coal seam gas shall discharge coal seam gas in compliance with relevant standards and norms.

Article 35 The state bans the import, sale, and use of coal that fails to meet the quality standards and encourages the use of quality coal.

Entities stored with materials such as coal, coal gangue, coal cinder, and coal ash shall take flameproof measures to prevent atmospheric pollution.

Article 36 Local people's governments at all levels shall take measures to strengthen the management of scattered coal for civil uses, ban the sale of coal that fails to meet the quality standards for scattered coal for civil uses, encourage residents to use quality coal and clean coal, and promote energy-saving and environment-friendly stoves.

Article 37 Petroleum refining enterprises shall produce fuel oil according to the quality standards for fuel oil.

It is prohibited to import, sell or burn petrol coke that fails to meet the quality standards.

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。

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。

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。

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。

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。

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。

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。

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。

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。

禁止进口、销售和燃用不符合质量标准的石油焦。

Article 38 Urban people's governments may delimit and publish combustion forbidden zones of high-pollution fuels and, in view of the atmospheric environment quality improvement requirements, gradually enlarge such zones. The catalogue of high-pollution fuels shall be determined by the competent department of ecology and environment under the State Council.

In combustion forbidden zones, it is prohibited to sell and use high-pollution fuels and build or expand facilities burning high-pollution fuels. Those already built shall replace high-pollution fuels with natural gas, shale gas, liquefied petroleum gas, electricity or other clean energy within the time limits as specified by the urban people's governments.

Article 39 In urban construction, overall arrangements and plans shall be made to promote combined heating and power and centralized heat supply. In areas covered by the centralized heat supply network, it is prohibited to build or expand decentralized coal-fueled heat supply boilers, and those existing coal-fueled heat boilers that fail to reach the discharge standards shall be demolished within the time limits as specified by the urban people's governments.

Article 40 The market regulatory departments of the people's governments at and above the county level shall, together with the competent departments of ecology and environment, oversee and inspect the implementation of environmental protection standards or requirements in the production, import, sale, and use of boilers. Those failing to meet the environmental protection standards or requirements shall not be produced, imported, sold or used.

Article 41 Coal-fueled power plants and other coal-fueled entities shall adopt clean production techniques, establish dust removal, desulfurization, denitration, and other supporting devices, or carry out technical transformation or take other measures to control the discharge of atmospheric pollutants.

The state encourages coal-fired entities to use advanced dust removal, desulfurization, denitration, demercurilization, and other technologies and devices for the cooperative control of atmospheric pollutants to reduce the discharge of atmospheric pollutants.

Article 42 In electric power dispatch, electricity generated by clean energy shall be fed into the power grid with priority.

Section 2 Prevention and Control of Industrial Pollution

Article 43 Steel, building materials, nonferrous metals, petroleum, chemical engineering, and other enterprises that discharge dust, sulfide or nitrogen oxide in the production process shall adopt clean production techniques and build dust removal, desulfurization, denitration, and other supporting devices, or carry out technical transformation or take other measures to control the discharge of atmospheric pollutants.

Article 44 In the production, import, sale, and use of raw materials and

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。

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。

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。

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。

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。

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。

第四十二条 电力调度应当优先安排清洁能源发电上网。

第二节 工业污染防治

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。

第四十四条 生产、进口、销售和

products containing volatile organic compounds, the content of volatile organic compounds shall meet the quality standards or requirements.

The state encourages the production, import, sale, and use of hypotoxic and low volatile organic solvents.

Article 45 Production and service activities generating waste gases containing volatile organic compounds shall be conducted in an enclosed space or equipment, for which pollution prevention and control facilities shall be installed and used as required. If the space or equipment is not enclosed, measures shall be taken to reduce the discharge of waste gases.

Article 46 Industrial coating enterprises shall use low volatile organic compounds and keep ledgers to record the consumption, discard, use, and content of volatile organic compounds of raw and auxiliary materials. Such ledgers shall be retained for not less than three years.

Article 47 Petroleum enterprises, chemical industrial enterprises, and other enterprises producing or using organic solvents shall take measures for the routine maintenance and repair of pipelines and equipment, reduce the leakage of substances, and collect and dispose of leaked substances without delay.

Oil and gas storage banks, oil and gas stations, crude oil and refined oil terminals, crude oil and refined oil transportation vessels and tankers, and gas tankers shall have oil and gas recycling devices and ensure their normal functioning.

Article 48 Steel, building materials, nonferrous metals, petroleum, chemical industrial, pharmaceutical, and mining enterprises shall strengthen intensive management and take such measures as centralized collection and disposal to strictly control the discharge of dust and gaseous pollutants.

Industrial production enterprises shall take measures such as sealing, fencing, sheltering, cleaning, and spraying, etc. to reduce the discharge of dust and gaseous pollutants in the stockpiling, transmission, loading and unloading, and other handling links of internal materials.

Article 49 The combustible gases generated from industrial production, garbage landfilling or other activities shall be recycled or, if non-recyclable, be treated for pollution prevention and control.

The recycling devices for combustible gases shall be repaired or updated without delay when they cannot function normally. Where it is really necessary to discharge combustible gases when the recycling devices cannot function normally, the discharged combustible gas shall be fully burned or other measures for control over the discharge of atmospheric pollutants shall be taken, the situation shall be reported to the local competent department of ecology and environment, and the

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。

国家鼓励生产、进口、销售和使用低毒、低挥发性有机溶剂。

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。

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。

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。

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。

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。

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。

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。

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。

devices shall be repaired or updated as required within the prescribed time.

Section 3 Prevention and Control of Pollution from Motor-driven Vehicles and Vessels

Article 50 The state shall advocate low-carbon and environment-friendly transportation, reasonably control the quantity of oil-fueled motor vehicles according to urban planning, make great efforts to develop public transportation in urban areas, and increase the proportion of public transportation.

The state shall take fiscal, tax, governmental procurement, and other measures to promote and apply energy-saving, environment-friendly and new-energy motor-driven vehicles and vessels and non-road mobile machines, restrict the development of high fuel consumption and high pollutant discharge motor-driven vehicles and vessels and non-road mobile machines, and reduce the consumption of fossil energy.

The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government may, in areas with the right conditions, implement the discharge limits for the corresponding stage of the national standards for the discharge of atmospheric pollutants by motor vehicles ahead of schedule and report to the competent department of ecology and environment under the State Council for recordation.

Urban people's governments shall strengthen and improve urban traffic management, optimize road setting, and ensure the continuity and availability of pavements and non-motor vehicle lanes.

Article 51 Motor-driven vehicles and vessels and non-road mobile machines shall not discharge atmospheric pollutants beyond the prescribed standards.

It is prohibited to produce, import or sell motor-driven vehicles and vessels and non-road mobile machines that discharge atmospheric pollutants beyond the prescribed standards.

Article 52 Manufacturers of motor vehicles and non-road mobile machines shall inspect the discharge of the newly produced motor vehicles and non-road mobile machines. Those passing such inspection may leave the factory for sale. The inspection information shall be made public.

The competent departments of ecology and environment of the people's governments at and above the provincial level may, by means of on-site inspection and sampling testing, strengthen supervision and inspection of the atmospheric pollutant discharge condition of newly manufactured and sold motor vehicles and non-road mobile machines. Industrial departments, market regulatory departments and other relevant departments shall provide assistance.

第三节 机动车船等污染防治

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。

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。

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。

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。

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。

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。

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。

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。

Article 53 For motor vehicles in use, motor vehicle discharge inspection institutions shall inspect their discharge of pollutants according to relevant national or local provisions on a regular basis. Only those passing such inspection may go on road. For those failing to pass such inspection, the traffic administrative departments of public security organs shall not issue safety and technical inspection conformity signs.

The competent departments of ecology and environment of the local people's governments at and above the county level may, at centralized parking or repair places, make random tests of the atmospheric pollutant discharge of motor vehicles in use, and may, without affecting normal traffic, make random tests of the atmospheric pollutant discharge of motor vehicles on the road by such technical means as remote sensing monitoring, in which the traffic administrative departments of the public security organs shall provide assistance.

Article 54 Motor vehicle discharge inspection institutions shall pass measurement authentication, use motor vehicle discharge inspection devices that have passed inspection according to law, inspect the discharge of motor vehicles according to the norms developed by the competent department of ecology and environment under the State Council, and remain connected to the network of environmental protection administrative departments to share inspection data on a real-time basis. Motor vehicle discharge inspection institutions and the person-in-charge shall be responsible for the veracity and accuracy of inspection data.

Competent departments of ecology and environment and authentication and certification departments shall oversee and inspect the discharge inspection work of motor vehicle discharge inspection institutions.

Article 55 Motor vehicle manufacturing and import enterprises shall disclose information about the discharge inspection, pollution control technology, and relevant maintenance technology of the motor vehicles they manufactured or imported.

Motor vehicle maintenance entities shall maintain and repair the motor vehicles in use according to the atmospheric pollution prevention and control requirements and the relevant technical standards of the state to ensure that they reach the prescribed discharge standards. Transport departments and competent departments of ecology and environment shall strengthen supervision and administration according to law.

Motor vehicle owners are prohibited to pass the motor vehicle discharge inspection by fraudulent means, such as changing the pollution control devices of motor vehicles for the occasion. Motor vehicle maintenance entities are prohibited to provide such maintenance services. The discharge diagnosis system of motor vehicles shall not be damaged.

Article 56 Competent departments of ecology and environment shall, together with transport, housing and urban-rural development,

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。

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。

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。

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。

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。

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。

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。

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

agricultural administrative, water administrative, and other relevant departments, oversee and inspect the discharge of atmospheric pollutants by non-road mobile machines, and those failing to reach the discharge standards shall not be used.

Article 57 The state advocates eco-driving and encourages drivers of oil-fueled motor vehicles to, when they need to stop the car for three minutes or longer, stop the engine without blocking the road so as to reduce the discharge of atmospheric pollutants.

Article 58 The state shall establish a motor vehicle and non-road mobile machinery recall system for environmental protection purposes.

A manufacturing and import enterprise shall, when informed that the motor vehicles or non-road mobile machines they manufactured or imported that discharge atmospheric pollutants beyond the prescribed standards, have any design or manufacturing defect, or fail to meet the prescribed durability requirements for environmental protection, recall them. If it fails to make the recall, the market regulatory department under the State Council shall, jointly with the competent department of ecology and environment under the State Council, order it to make the recall.

Article 59 Where any heavy-duty diesel-powered vehicle or non-road mobile machine in use has no pollution control device or fails to reach the discharge standards due to non-conformity of its pollution control device, a pollution control device shall be installed or replaced as required.

Article 60 Motor vehicles in use shall be repaired if their atmospheric pollutant discharge exceeds the prescribed limits. Those still failing to reach the national atmospheric pollutant discharge standards for motor vehicles in use after repair or application of pollution control technologies shall be compulsorily retired. Owners shall surrender or sell such motor vehicles to an enterprise recycling and dismantling retired motor vehicles for registration, dismantlement, and destruction under relevant state provisions.

The state shall encourage and support the advance retirement of high-emission motor-driven vehicles and vessels and non-road mobile machines.

Article 61 Urban people's governments may, in view of the quality condition of the atmospheric environment, delimit and publish the areas where the use of high-emission non-road mobile machinery is prohibited.

Article 62 Vessel inspection institutions shall conduct discharge inspections of the engines and other relevant equipment of vessels. Vessels shall not be put into operation until they are determined upon inspection that they have reached the discharge standards of the state.

Article 63 Vessels with direct access to inland rivers and river-seas

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。

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。

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。

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。

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。

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。

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。

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。

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。

第六十三条 内河和江海直达船舶

shall use regular diesel that meets the prescribed standards. Ocean-going vessels shall use marine fuels that meet the atmospheric pollutant control requirements after reaching a port.

New docks shall plan, design, and build shore-based power supply facilities, and existing docks shall gradually renovate their shore-based power supply facilities. Vessels shall give priority to shore power in use of power.

Article 64 The transport administrative department under the State Council may delimit atmospheric pollutant discharge control areas in coastal sea areas, and vessels entering into the control areas shall meet the relevant discharge requirements for vessels.

Article 65 It is prohibited to produce, import, and sell fuels that fail to reach the prescribed standards for use by motor-driven vehicles and vessels and non-road mobile machines; to sell regular diesel and other fuels not for motor vehicles to automobiles and motorcycles; and to sell residual oil or heavy oil to non-road mobile machines or vessels with direct access to inland rivers and river-seas.

Article 66 The hazardous substance content and other atmospheric environment protection indicators of engine oil, nitrogen oxide reducing agents, fuel and lubricating oil additives, and other additives shall meet the requirements of relevant standards, without damaging the effect and durability of the pollution control devices of motor-driven vehicles and vessels and increasing the discharge of atmospheric pollutants.

Article 67 The state shall actively promote the prevention and control of atmospheric pollution from civil aircrafts and encourage the taking of effective measures in the design, manufacturing, and use of civil aircrafts to reduce the discharge of atmospheric pollutants.

Civil aircrafts shall meet the engine-out emission requirements in the airworthiness standards of the state.

Section 4 Prevention and Control of Dust Pollution

Article 68 The local people's governments at all levels shall strengthen the administration of construction and transportation activities, keep the roads clean, control the storage of construction material piles and wastes, and enlarge the area of green land, water surface, wet land, and pavement area so as to prevent and control dust pollution.

Housing and urban-rural development, city appearance and environmental sanitation, transport, land and resource, and other relevant departments shall jointly conduct the prevention and control of dust pollution according to their duties determined by the people's governments at the same levels.

Article 69 A construction project owner shall include dust pollution prevention and control expenses in the costs of the project and specify

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。

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。

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。

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。

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。

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。

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。

第四节 扬尘污染防治

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。

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。

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

in the construction contracting contract the dust pollution prevention and control responsibilities of the construction contractor. The construction contractor shall make a specific implementation plan for the prevention and control of construction dust pollution.

Construction contractors engaged in house building, municipal infrastructure construction, river regulation, and building demolition shall be registered with the department in charge of the prevention and control of dust pollution.

Construction contractors shall set rigid enclosures around construction sites and shall take coverage, sectional operation, construction during scheduled periods, sprinkling for dust suppression, surface washing, car washing, and other effective measures for dust prevention and suppression. Construction earth, waste soil, and garbage shall be cleaned without delay. Stockpiles on construction sites shall be covered with enclosed dustproof net. Construction waste soil and garbage shall be utilized as resources.

Construction contractors shall publish dust pollution prevention and control measures, the persons in charge, and the departments in charge of dust supervision at construction sites.

For construction land not available for construction for the time being, construction project owner shall cover the exposed ground. If the land is not used for more than three months, it shall be greened, paved or covered.

Article 70 Vehicles transporting coal, garbage, waste soil, sandstones, earth, mortar, and other bulk or liquid materials shall take enclosed or other measures to prevent dust pollution from their loss or leakage and shall stick to the predetermined route.

Enclosure, sprinkling, and other measures shall be taken in the loading and unloading of materials to prevent and control dust pollution.

Urban people's governments shall strengthen the cleaning management of roads, squares, parking lots, and other public places, and promote low-dust operations such as mechanized sweeping by clean power so as to prevent and control dust pollution.

Article 71 For exposed ground on municipal rivers, river courses, and common land, and other exposed ground in urban areas, relevant departments shall organize the planting of trees or grass or permeable pavement according to relevant planning.

Article 72 Materials easy to produce dust such as coal, gangue, coal cinder, coal ashes, cement, lime, plaster, sandstone, lime soil, and sandy soil shall be stored in enclosed spaces. If not enclosed, tight enclosures shall be established which shall not be lower than the stockpile of such materials, and effective coverage measures shall be taken to prevent and control dust pollution.

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。

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。

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；在场内地内堆存的，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。

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。

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。

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。

装卸物料应当采取密闭或者喷淋等方式防治扬尘污染。

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。

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。

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。

For docks, mines, landfills, and disposal sites, sectional operations shall be conducted, and effective measures shall be taken to prevent and control dust pollution.

Section 5 Prevention and Control of Agricultural and Other Pollution

Article 73 The local people's governments at all levels shall promote the transformation of agricultural production mode, develop agricultural circular economy, provide more support for the comprehensive disposal of wastes, and strengthen control of the discharge of atmospheric pollutants in agricultural production and operation activities.

Article 74 Agricultural producers and business operators shall improve their fertilization methods, scientifically and reasonably apply fertilizers, use pesticides in accordance with relevant state provisions, and reduce the discharge of atmospheric pollutants, such as ammonia and volatile organic compounds.

It is prohibited to spray extremely or highly toxic pesticides to trees, flowers and grasses in densely inhabited areas.

Article 75 Livestock and poultry farms and breeding areas shall collect, store, clean, and innocuously treat sewage, livestock and poultry wastes, and livestock and poultry manure in a timely manner so as to prevent odors.

Article 76 The people's governments at all levels and the agricultural administrative departments and other relevant departments under the people's governments shall encourage and support the application of advanced and applicable technologies for the comprehensive utilization of straws and fallen leaves such as turning them into fertilizers, feeds, energy resources, industrial raw materials, and base materials for edible fungus, and increase financial subsidies for returning crop straw to farmland and integrated collection agricultural machinery.

The people's governments at the county level shall organize the establishment of a service system for the collection, storage, transportation, and comprehensive utilization of straws, and take such measures as providing financial subsidies to support rural collective economic organizations, farmers' professional cooperative and economic organizations, and enterprises in their provision of services for the collection, storage, transportation, and comprehensive utilization of straws.

Article 77 The people's governments of provinces, autonomous regions, municipalities directly under the Central Government shall delimit areas where open burning of straws, fallen leaves, and other substances causing smoke pollution is prohibited.

Article 78 The competent department of ecology and environment under the State Council shall, together with the health administrative department under the State Council, publish a directory of toxic and hazardous atmospheric pollutants for risk management in view of the

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。

第五节 农业和其他污染防治

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。

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。

禁止在人口集中地区对树木、花草喷洒剧毒、高毒农药。

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。

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。

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。

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。

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

harm and influence of atmospheric pollutants to public health and the ecological environment.

Enterprises and public institutions discharging the toxic and hazardous atmospheric pollutants listed in the directory as mentioned in the preceding paragraph shall establish an environmental risk early warning system according to relevant provisions of the state, conduct regular monitoring over discharge outlets and neighboring environment, assess the environmental risks, eliminate hidden environmental safety problems, and take effective measures to prevent environmental risk.

Article 79 Enterprises, public institutions, and other business entities that discharge permanent organic pollutants to the atmosphere, and entities operating waste burning facilities shall, according to relevant provisions of the state, take technological methods and techniques conducive to the reduction of the discharge of permanent organic pollutants, and install effective cleansing devices to reach the discharge standards.

Article 80 Enterprises, public institutions, and other business entities that produce malodorous gases shall select their sites in a scientific manner, rationally set protection distances, and install cleansing devices or take other measures to prevent the discharge of malodorous gases.

Article 81 Catering service providers that discharge soot shall install soot cleaning devices and maintain their normal functioning, or take other soot cleaning measures to ensure they reach the soot discharge standards and prevent pollution to the normal living environment of nearby residents.

It is prohibited to build, rebuild or expand catering service projects that produce soot, odor, or waste gases in residential buildings, commercial and residential complex buildings without special-purpose flues, or commercial floors adjacent to residential floors in commercial and residential complex buildings.

No entity or individual may have open-air barbecues or provide sites for open-air barbecues in areas where it is prohibited by the local people's government.

Article 82 The burning of asphalt, asphalt felt, rubber, plastics, leather, garbage, and other materials that produce toxic or harmful smoke or dust or malodorous gases in densely inhabited areas and other areas needing special protection shall be prohibited.

The production, distribution, and use of fireworks and firecrackers are prohibited. No entity or individual may use fireworks and firecrackers in the periods and areas prohibited by the local urban people's government.

Article 83 The state encourages and advocates civilized and green sacrifices.

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。

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。

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。

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。

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。

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。

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。

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。

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。

第八十三条 国家鼓励和倡导文明、绿色祭祀。

Crematories shall have dustproof and other pollution prevention and control facilities and maintain their normal functioning so as to avoid affecting the neighboring environment.

Article 84 Business operators engaged in the dry cleaning of clothing, the maintenance and repair of motor vehicles, and other service activities shall install odor and waste gas disposal devices and other pollution prevention and control devices according to the relevant standards or requirements of the state and ensure their normal functioning so as to avoid affecting the neighboring environment.

Article 85 The state encourages and supports the production and use of substitutes of ozone depleting substances so as to gradually reduce and eventually stop the production and use of ozone depleting substances.

The state applies total quantity control and quota management to the production, use, import, and export of ozone depleting substances. The specific measures shall be developed by the State Council.

Chapter V Joint Prevention and Control of Atmospheric Pollution in Key Areas

Article 86 The state shall establish a joint atmospheric pollution prevention and control mechanism for the key areas and make overall arrangements for atmospheric pollution prevention and control in the key areas. The competent department of ecology and environment under the State Council shall, according to main functional zoning, regional atmospheric environment quality condition, and atmospheric pollution transmission and dispersion laws, delimit key atmospheric pollution prevention and control areas of the state, and report them to the State Council for approval.

The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government in the key areas shall determine the leading local people's governments, convene joint meetings on a regular basis, and conduct joint atmospheric pollution prevention and control and fulfill the objectives of atmospheric pollution prevention and control according to the requirements of unified planning, unified standards, unified monitoring, and unified prevention and control measures. The competent department of ecology and environment under the State Council shall strengthen guidance and supervision.

Each province, autonomous region, and municipality directly under the Central Government may delimit key atmospheric pollution prevention and control areas in their respective administrative regions with reference to paragraph 1 herein.

Article 87 The competent department of ecology and environment under the State Council shall, together with other relevant departments under the State Council and the people's governments of the relevant provinces, autonomous regions, and municipalities directly under the

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。

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。

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。

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。

第五章 重点区域大气污染联合防治

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。

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，开展大气污染防治联合防治，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。

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。

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

Central Government in the key atmospheric pollution prevention and control areas of the state, develop action plans for the joint prevention and control of atmospheric pollution in the key areas, determine the objectives, optimize the regional economic layout, make overall plans for traffic management, develop clean energy, determine the key prevention and control tasks and measures according to the economic and social development level and the atmospheric environment capacity of such key areas so as to improve the atmospheric environment quality of such key areas.

Article 88 The general administrative department of economics under the State Council shall, together with the competent department of ecology and environment under the State Council, further improve environmental protection, energy consumption, safety, quality, and other requirements in view of the industry development condition and atmospheric environmental quality condition of the key atmospheric pollution prevention and control areas of the state.

The people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government in the key areas shall apply more rigid atmospheric pollutant discharge standards for motor vehicles, unify the inspection methods and discharge limits for motor vehicles in use, and provide vehicle fuels that meet the prescribed standards.

Article 89 An environmental impact assessment shall be conducted in the development of relevant industrial park plans, development zone plans, regional industry plans, or development plans that are likely to cause serious pollution to the atmospheric environment of a key area. The organ developing such plans shall consult with the people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government in the key area or relevant departments.

Where a construction project of a province, autonomous region, or municipality directly under the Central Government in a key area is likely to have a great impact on the atmospheric environment quality of a neighboring province, autonomous region, or municipality directly under the Central Government, relevant information shall be reported in a timely manner for consultation.

The consultation opinion and its adoption shall be taken as important basis for examination or approval of environmental impact assessment documents.

Article 90 The equal amount replacement or reduction replacement of coal shall be applied in the building, rebuilding or expansion of a coal project in a key atmospheric pollution prevention and control area of the state.

Article 91 The competent department of ecology and environment under the State Council shall establish an information sharing mechanism for the atmospheric environment quality monitoring,

发展和大气环境承载力，制定重点区域大气污染防治联合防治行动计划，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。

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。

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。

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。

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。

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。

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。

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

atmospheric pollution source monitoring, and other aspects of the key atmospheric pollution prevention and control areas of the state, apply monitoring, simulation, satellite survey, aerial survey, remote sensing, and other new technologies to analyze atmospheric pollution sources in key areas and the development trend thereof, and make such information available to the public.

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

Chapter VI Response to Heavy Air Pollution Weather

Article 93 The state shall establish a heavy air pollution weather monitoring and early warning system.

The competent department of ecology and environment under the State Council shall, together with the meteorological department and other relevant departments under the State Council and the people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government in a key atmospheric pollution prevention and control area of the state, establish a heavy air pollution weather monitoring and early warning mechanism for the key area and unify the early warning ranking standards. Where regional heavy air pollution weather is likely to occur, the people's governments of relevant provinces, autonomous regions, and municipalities directly under the Central Government in the key area shall be informed in a timely manner.

The competent department of ecology and environment of the people's government of a province, autonomous region, municipality directly under the Central Government, or districted city shall, together with the meteorological department and other relevant departments, establish a heavy air pollution weather monitoring and early warning mechanism for the administrative region.

Article 94 The local people's governments at and above the county level shall include the response to heavy air pollution weather to the emergency management system of unexpected events.

The people's government of a province, autonomous region, municipality directly under the Central Government, or districted city or the people's government at the county level of a place where heavy air pollution weather is likely to occur shall develop an emergency response plan for heavy air pollution weather, submit it to the competent department of ecology and environment of the people's government at the next higher level for recordation, and disclose it to the general public.

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。

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。

第六章 重污染天气应对

第九十三条 国家建立重污染天气监测预警体系。

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。

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。

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。

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。

Article 95 The competent department of ecology and environment of the people's government of a province, autonomous region, municipality directly under the Central Government, or districted city shall establish a consulting mechanism with the meteorological department to make atmospheric environment quality forecasts. When it is likely to be a heavy air pollution day, a report shall be submitted to the people's government at the same level without delay. The people's government of the province, autonomous region, municipality directly under the Central Government, or districted city shall make comprehensive research and judgment on the basis of heavy air pollution weather forecasts to determine the early warning rank and issue an early warning. The early warning rank shall be adjusted for the changing situation. No entity or individual may release any heavy air pollution forecasting and early warning information to the general public without approval.

Once early a warning is released, the people's government and the relevant departments thereof shall inform the general public to take health protection measures, provide travel guidance, and adjust other relevant social activities through TV, radio, network, and text messages.

Article 96 The local people's governments at and above the county level shall, according to the early warning grades of heavy air pollution weather, activate their emergency response plans in time, and may take emergency measures, such as ordering relevant enterprises to stop or limit production, restricting the driving of some motor vehicles, prohibiting the use of fireworks and firecrackers, suspending the earthwork at construction sites and the demolition of buildings, suspending barbecues, suspending the outdoor activities organized by kindergartens and schools, and organize artificial weather modification operations when necessary.

Upon completion of an emergency response, the people's government shall evaluate the implementation of the emergency response plan and modify and improve such plan if necessary.

Article 97 Where an environmental emergency occurs and causes atmospheric pollution, the people's government and relevant departments thereof, and relevant enterprises and public institutions shall conduct an emergency response under [the Emergency Response Law of the People's Republic of China](#) and [the Environmental Protection Law of the People's Republic of China](#). The competent department of ecology and environment shall timely monitor the atmospheric pollutants resulting from the environmental emergency and disclose the monitoring information to the public.

Chapter VII Legal Liabilities

Article 98 Where a violator of this Law refuses to accept the supervisory inspection conducted by the competent department of ecology and environment and the environmental law enforcement body thereof, or any other department with atmospheric environmental protection

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。

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。

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。

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。

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。

第七章 法律责任

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

regulatory functions by refusing it to enter the site, or engages in falsification when it is under supervisory inspection, the competent department of ecology and environment of the people's government at or above the county level or any other department with atmospheric environment protection regulatory functions shall order the violator to make a correction and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; for a violation of public security administration, the public security organ shall impose punishment for public security administration according to law.

Article 99 For a violation of this Law under any of the following circumstances, the competent department of ecology and environment of the people's government at or above the county level shall order it to make a correction or restrict or suspend production for rectifications, and impose a fine of not less than 100,000 yuan but not more than one million yuan; if the circumstances are serious, order the violator to stop business operations or close down with the approval of the competent people's government:

(1) Discharging atmospheric pollutants without lawfully obtaining a pollutant discharge license.

(2) Discharging atmospheric pollutants beyond the atmospheric pollutant discharge standards or the total quantity control requirements for the discharge of key atmospheric pollutants.

(3) Discharging atmospheric pollutants by evading supervision.

Article 100 For a violation of this Law under any of the following circumstances, the competent department of ecology and environment of the people's government at or above the county level shall order it to make correction and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the violator refuses to make correction, order it to suspend production for rectification:

(1) Misappropriating, destroying, or moving or altering without approval any atmospheric environment quality monitoring equipment or automatic atmospheric pollutant discharge monitoring equipment.

(2) Failing to monitor the industrial waste gases and the toxic and hazardous atmospheric pollutants discharged or failing to preserve the original monitoring records as required.

(3) Failing to install or use automatic atmospheric pollutant discharge monitoring equipment, connect to the monitoring equipment of the environmental protection administrative departments, and ensure the normal functioning of monitoring equipment as required.

(4) For pollutant discharging entities under intensified supervision, failing to disclose or truthfully disclose automatic monitoring data.

(5) Failing to set atmospheric pollutant discharge outlets as required.

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。

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:

(一) 未依法取得排污许可证排放大气污染物的;

(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;

(三) 通过逃避监管的方式排放大气污染物的。

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:

(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;

(二) 未按照规定对所排放的工业废气和有毒有害气体进行监测并保存原始监测记录的;

(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;

(四) 重点排污单位不公开或者不真实公开自动监测数据的;

(五) 未按照规定设置大气污染物排放口的。

Article 101 Where a violator of this Law produces, imports, sells or uses any equipment or product prohibited in the catalogue of comprehensive industrial policies of the state, applies any technique prohibited in the catalogue of comprehensive industrial policies of the state, or transfers any eliminated equipment or product to others, the general administrative department of economics under the people's government at or above the county level or the Customs shall, according to its duties, order the violator to make a correction, confiscate the illegal proceeds, and impose a fine of not less than one time but not more than three times the monetary value of the equipment or product concerned; if the violator refuses to make a correction, order it to stop its business operations or close down with the approval of the competent people's government. If the import conduct constitutes smuggling, the customs shall impose punishment according to the law.

Article 102 Where, as in violation of this Law, a coal mine fails to build supporting facilities for the washing of coal as required, the energy administrative department of the people's government at or above the county level shall order it to make a correction and impose a fine of not less than 100,000 yuan but not more than one million yuan; if the violator refuses to make a correction, order it to stop its business operations or close down with the approval of the competent people's government.

Where a violator of this Law mines coal with radioactive, arsenic, and other toxic or harmful substances beyond the prescribed limits, the people's government at or above the county level shall order it to stop its business operations or close down according to the powers prescribed by the State Council.

Article 103 For a violation of this Law under any of the following circumstances, the market regulatory department of the local people's government at or above the county level shall order the violator to make a correction, confiscate the raw materials, products, and illegal proceeds, and impose a fine of not less than one time but not more than three times the monetary value of the things in question:

(1) Selling coal or petrol coke that fails to meet the quality standards.

(2) Producing or selling raw materials and products whose content of volatile organic compounds fails to meet the quality standards or requirements.

(3) Producing or selling fuels for use by motor-driven vehicles and vessels and non-road mobile machines, engine oil, nitrogen oxide reducing agents, fuel and lubricating oil additives, and other additives that fail to reach the prescribed standards.

(4) Burning high-pollution fuels in combustion forbidden zones.

Article 104 For a violation of this Law under any of the following circumstances, the Customs shall order the violator to make a

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。

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。

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。

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：

(一) 销售不符合质量标准的煤炭、石油焦的；

(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；

(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；

(四) 在禁燃区内销售高污染燃料的。

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

correction, 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 monetary value of the things at issue; if the import conduct constitutes smuggling, the customs shall impose punishment according to the law:

(1) Importing coal or petro coke that fails to reach the prescribed quality standards.

(2) Importing raw materials and products whose content of volatile organic compounds fails to meet the quality standards or requirements.

(3) Importing fuels for use by motor-driven vehicles and vessels and non-road mobile machines, engine oil, nitrogen oxide reducing agents, fuel and lubricating oil additives, and other additives that fail to reach the prescribed standards.

Article 105 Where a violator of this Law burns coal or petro coke that fails to reach the prescribed quality standards, the competent department of ecology and environment of the people's government at or above the county level shall order it to make a correction and impose a fine of not less than one time but not more than three times the monetary value of the coal or coke at issue.

Article 106 Where a violator of this Law uses marine fuels that fail to meet the prescribed standards or requirements, the marine safety administration or fishery administrative department shall, according to its duties, impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 107 Where a violator of this Law builds or expands facilities that burn high-pollution fuels in a combustion forbidden zone, fails to stop using high-pollution fuels as required, builds or expands decentralized coal-fueled heat supply boilers in areas covered by the centralized heat supply network, or fails to demolish those existing coal-fueled heat boilers that fail to reach the discharge standards as required, the competent department of ecology and environment of the local people's government at or above the county level shall confiscate the facilities at issue, organize the demolition of the coal-fired heat boilers, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Where a violator of this Law produces, imports, sells, or uses boilers that fail to reach the prescribed standards or requirements, the market regulation department or the competent department of ecology and environment of the people's government at or above the county level shall order it to make a correction, confiscate the illegal proceeds, and impose a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Article 108 Where a violation of this Law is under any of the following circumstances, the competent department of ecology and environment of the people's government at or above the county level shall order it to make a correction, impose a fine of not less than 20,000 yuan but not

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；构成犯罪的，由海关依法予以处罚：

(一) 进口不符合质量标准的煤炭、石油焦的；

(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；

(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。

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。

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。

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。

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。

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

more than 200,000 yuan, and, if it refuses to make a correction, order it to stop production for rectifications:

(1) Failing to conduct the production and service activities that generate waste gases containing volatile organic compounds in an enclosed space or equipment, failing to install and use pollution prevention and control facilities as required, or failing to take measures to reduce the discharge of waste gases.

(2) In the case of an industrial coating enterprise, failing to use low volatile organic compounds or failing to establish and retain ledger books.

(3) In the case of a petroleum enterprise, chemical industrial enterprise, or any other enterprise that produces or uses organic solvents, failing to take measures for the routine maintenance and repair of pipelines and equipment, failing to reduce the leakage of substances, or failing to collect and dispose of leaked substances without delay.

(4) Failing to install and normally use gas recycling devices in oil and gas storage banks, oil and gas stations, oil tankers, and gas tankers.

(5) In the case of a steel, building materials, nonferrous metals, petroleum, chemical industrial, pharmaceutical, or mining enterprise, failing to take measures such as centralized collection and disposal, sealing, fencing, sheltering, cleaning, and spraying so as to control and reduce the discharge of dust and gaseous pollutants.

(6) Failing to recycle the combustible gases generated from industrial production, garbage landfilling or other activities or failing to treat them for pollution prevention and control purposes if they are not recyclable, or failing to repair or update the recycling devices for combustible gases updated in a timely manner when they cannot function normally.

Article 109 Where a violator of this Law manufactures motor vehicles or non-road mobile machines that exceed the pollutant discharge standards, the competent department of ecology and environment of the people's government at or above the provincial level shall order it to make a correction, confiscate the illegal proceeds, impose a fine of not less than one time but not more than three times the monetary value of the vehicles or machines at issue, and confiscate and destroy those motor vehicles or non-road mobile machines that fail to reach the pollutant discharge standards. If the violator refuses to make a correction, the competent department of ecology and environment shall order it to stop production for rectifications, and the motor vehicle production administrative department under the State Council shall order it to stop the manufacturing of the models concerned.

Where a motor vehicle or non-road mobile machine manufacturing enterprise, as in violation of this Law, makes falsification, passes off inferior products as superior ones, or sells such vehicles as products that have passed discharge inspections, the competent department of ecology and environment of the people's government at or above the

以上二十万元以下的罚款；拒不改正的，责令停产整治：

（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；

（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；

（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；

（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；

（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；

（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。

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。

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

provincial level shall order the violator to stop production for rectifications, confiscate the illegal proceeds, impose a fine of not less than one time but not more than three times the monetary value of vehicles and machines at issue, and confiscate and destroy those that fail to reach the pollutant discharge standards, and the motor vehicle production administrative department under the State Council shall order to stop the production of the models concerned.

Article 110 Where a violator of this Law imports or sells motor vehicles or non-road mobile machines that exceed the pollutant discharge standards, the market regulatory department of the people's government at or above the county level or the Customs shall order it to make a correction, confiscate the illegal proceeds, impose a fine of not less than one time but not more than three times the monetary value of the vehicles or machines at issue, and confiscate and destroy those that fail to reach the pollutant discharge standards. If the import conduct constitutes smuggling, the customs shall impose punishment according to law.

Where a violator of this Law sells motor vehicles or non-road mobile machines that fail to reach the pollutant discharge standards, the seller shall be responsible for repair, replacement or return of the vehicles and machines at issue; if the buyer has suffered any losses, the seller shall compensate for the losses.

Article 111 Where a motor vehicle manufacturing or import enterprise, as in violation of this Law, fails to disclose the discharge inspection data or pollution control technical data of the motor vehicle models it manufactures or imports as required, the competent department of ecology and environment of the people's government at or above the provincial level shall order it to make a correction and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Where a motor vehicle manufacturing or import enterprise, as in violation of this Law, fails to disclose the maintenance technical data of the motor vehicle models it manufactures or imports as required, the transport administrative department of the people's government at or above the provincial level shall order it to make a correction and impose a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Article 112 Where a violator of this Law forges the discharge inspection result of any motor vehicle or non-road mobile machine or issues any false discharge inspection report, the competent department of ecology and environment of the people's government at or above the county level shall confiscate the illegal proceeds and impose a fine of not less than 100,000 yuan but not more than 500,000 yuan; if the circumstances are serious, the accreditation department shall disqualify it from inspection.

Where a violator of this Law forges the discharge inspection result of any vessel or issues any false discharge inspection report, the marine safety administration shall impose punishment according to law.

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。

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。

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。

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。

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。

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。

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。

Where a violator of this Law passes the motor vehicle discharge inspection by fraudulent means such as changing the pollution control devices of motor vehicles for the occasion or damages the discharge diagnosis system of motor vehicles, the competent department of ecology and environment of the people's government at or above the county level shall order it to make a correction, impose a fine of 5,000 yuan upon each motor vehicle owner, and impose a fine of 5,000 yuan per motor vehicle upon the motor vehicle maintenance entity.

Article 113 Where a motor vehicle driver, as in violation of this Law, drives on road a motor vehicle that fails to pass the discharge inspection, the traffic administrative department of the public security organ shall impose punishment according to law.

Article 114 Where a violator of this Law uses any non-road mobile machine that fails to reach the discharge standards, or installs or replaces pollution control devices on any heavy-duty diesel vehicle or non-road mobile machine, the environmental protection administrative department and other relevant departments of the people's government at or above the county level shall order him or it to make a correction and impose a fine of 5,000 yuan according to their duties.

Where a violator of this Law uses any high-emission non-road mobile machine in an area where the use of high-emission non-road mobile machinery is prohibited, the environmental protection administrative department and other relevant departments of the urban people's government shall impose punishment according to law.

Article 115 Where a construction contractor, as in violation of this Law, has any of the following conduct, the housing and urban-rural development administrative department and other relevant departments of the people's government at or above the county level shall order it to make a correction and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan; if it refuses to make correction, order it to stop construction for rectifications:

(1) Failing to set rigid enclosures at the construction site, or failing to take coverage, sectional operation, construction work at scheduled period, sprinkling for dust suppression, surface washing, car washing, and other effective measures for dust prevention and suppression.

(2) Failing to pick up construction earth, waste soil, and garbage in a timely manner, or failing to cover with enclosed dustproof net.

Where a construction project owner, as in violation of this Law, fails to cover the exposed ground of the construction land not available for construction for the time being or fails to green, pave or cover the exposed ground when the construction land is not available for use for more than three months, the housing and urban-rural development administrative department and other relevant departments of the people's government at or above the county level shall impose punishment under the preceding paragraph.

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。

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。

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。

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。

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：

(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；

(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。

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。

Article 116 Where a vehicle transporting coal, garbage, waste soil, sandstones, earth, mortar, and other bulk or liquid materials, as in violation of this Law, fails to take enclosed or other measures to prevent the loss or leakage of such materials, the regulatory department designated by the local people's government at or above the county level shall order the vehicle operator to make a correction and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan; if the relevant entity refuses to make correction, the vehicle shall not be driven on road.

Article 117 Where a violator of this Law has any of the following conducts, the environmental protection administrative department and other relevant departments of the people's government at or above the county level shall order it to make a correction and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan according to their duties; if the violator refuses to make a correction, order it to shut down or stop its business operations for rectifications:

(1) Failing to store materials easy to produce dust such as coal, gangue, coal cinder, coal ashes, cement, lime, plaster, sandstone, lime soil, and sandy soil in an enclosed space.

(2) Where it is impossible to store materials easy to produce dust in enclosed space, failing to set tight enclosures not lower than the stockpile of such materials or take effective coverage measures to prevent and control dust pollution.

(3) Failing to control the discharge of dust by means of sealing or spraying in the loading and unloading of materials.

(4) Failing to take flameproof measures in the storage of materials such as coal, coal gangue, coal cinder, and coal ash.

(5) Failing to take effective measures to prevent and control dust pollution at docks, mines, landfills, and disposal sites.

(6) In the case of an enterprise or public institution that discharges toxic or hazardous atmospheric pollutants as listed in the directory of toxic and hazardous atmospheric pollutants, failing to establish an environmental risk early warning system, conduct regular monitoring over discharge outlets and the neighboring environment, assess environmental risk, eliminate hidden environmental safety problems, and take effective measures to prevent environmental risk as required.

(7) In the case of an enterprise, a public institution, or any other business entity that discharges permanent organic pollutants to the atmosphere, or an entity operating waste burning facilities, failing to take technological methods and techniques conducive to the reduction of the discharge of permanent organic pollutants and install effective cleansing devices to reach the discharge standards according to the relevant provisions of the state.

(8) Failing to take measures to prevent the discharge of malodorous gases.

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。

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：

(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；

(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；

(三) 装卸物料未采取密闭或者喷淋等方式控制扬尘排放的；

(四) 存放煤炭、煤矸石、煤渣、煤灰等物料，未采取防燃措施的；

(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；

(六) 排放有毒有害气体名录中所列有毒有害气体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；

(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；

(八) 未采取措施防止排放恶臭气体的。

Article 118 Where a catering service provider discharges soot as in violation of this Law or discharges soot beyond the prescribed discharge standards as a result of its failure to install soot cleaning devices, use them normally, or take other soot cleaning measures, the regulatory department designated by the local people's government at or above the county level shall order it to make a correction and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan; if it refuses to make a correction, order it to stop its business operations for rectifications.

Where a violator of this Law builds, rebuilds or expands a catering service project that produces soot, odor, or waste gas in a residential building, a commercial and residential complex building without special-purpose flues, or a commercial floor adjacent to residential floors in a commercial and residential complex building, the regulatory department designated by the local people's government at or above the county level shall order it to make a correction; if it refuses to make a correction, order it to close down and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Where a violator of this Law has an open-air barbecue or provides a site for open-air barbecues in a period or area forbidden by the local people's government, the regulatory department designated by the local people's government at or above the county level shall order it to make a correction, confiscate the barbecue tools and illegal proceeds, and impose a fine of not less than 500 yuan but not more than 20,000 yuan.

Article 119 Where a violator of this Law sprays extremely or highly toxic pesticides to trees, flowers and grasses or burns straws, fallen leaves or other materials producing smoke pollution in a densely inhabited area, the regulatory department designated by the local people's government at or above the county level shall order it to make a correction, and may concurrently impose a fine of not less than 500 yuan but not more than 2,000 yuan.

Where a violator of this Law burns asphalt, asphalt felt, rubber, plastics, leather, garbage, and other materials that produce toxic or harmful smoke or dust or malodorous gases in a densely inhabited area or any other area needing special protection, the regulatory department designated by the local people's government at or above the county level shall order it to make a correction and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan upon the entity or a fine of not less than 500 yuan but not more than 2,000 yuan upon the individual concerned.

Where a violator of this Law uses fireworks and firecrackers in a period or area prohibited by the local urban people's government, the regulatory department designated by the local people's government at or above the county level shall impose punishment according to law.

Article 120 Where a violator of this Law fails to install odor and waste gas disposal devices and other pollution prevention and control devices

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。

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。

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。

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。

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。

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。

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，

and ensure their normal functioning when engaging in the dry cleaning of clothing, the maintenance and repair of motor vehicles, or other service activities, which affects the neighboring environment, the competent department of ecology and environment of the local people's government at or above the county level shall order it to make a correction and impose a fine of not less than 2,000 yuan but not more than 20,000 yuan; if it refuses to make a correction, order it to stop its business operations for rectifications.

Article 121 Where a violator of this Law releases any heavy air pollution forecasting and early warning information to the public without approval, if it constitutes a violation of public security administration, the public security organ shall impose punishment for public security administration according to law.

Where a violator of this Law refuses to execute the heavy air pollution weather emergency response measures such as stopping earthwork at construction sites or stopping the demolition of buildings, the regulatory 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.

Article 122 Where a violation of this Law results in an atmospheric pollution accident, the competent department of ecology and environment of the people's government at or above the county level shall impose a fine under paragraph 2 of this Article, and, for the directly liable person in charge and other directly liable persons, may impose a fine of not more than 50% of their income from the enterprise or public institution in the last year.

Where an ordinary or less serious atmospheric pollution accident is caused, the fine shall be not less than one time but not more than three times the direct losses resulting from the accident; where a serious or especially atmospheric pollution serious accident is caused, the fine shall be not less than three times but not more than five times the direct losses resulting from the accident.

Article 123 Where any enterprise, public institution, or other business entity is fined and ordered to make a correction for any of the following conduct in violation of this Law but refuses to make a correction, the administrative organ lawfully making the punishment decision may impose continuous fines on it in the amount of the original fine for each day from the next day after it is ordered to make a correction:

(1) Discharging atmospheric pollutants without lawfully obtaining a pollutant discharge license.

(2) Discharging atmospheric pollutants beyond the atmospheric pollutant discharge standards or the total quantity control requirements for the discharge of key atmospheric pollutants.

(3) Discharging atmospheric pollutants by evading supervision.

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。

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。

违反本法规定，拒不执行停止工地土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。

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。

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。

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：

(一) 未依法取得排污许可证排放大气污染物的；

(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；

(三) 通过逃避监管的方式排放大气污染物的；

(4) Failing to take effective measures to prevent dust pollution in the construction of projects or the storage of materials easy to produce dust.

Article 124 Where a violator of this Law retaliates against a tipster by means of rescinding or modifying the employment contract with the tipster, it shall assume liability pursuant to relevant laws.

Article 125 An entity causing damage by discharging atmospheric pollutants shall assume tort liabilities according to law.

Article 126 Where the local people's governments at all levels, the competent departments of ecology and environment and other departments with atmospheric environment protection regulatory functions under the people's governments at and above the county level, or the staff members thereof abuse powers, neglect duties, practice favoritism, or make falsification, disciplinary actions shall be taken according to law.

Article 127 Where a violation of this Law constitutes a crime, the violator shall assume criminal liabilities according to law.

Chapter VIII Supplementary Provisions

Article 128 The prevention and control of atmospheric pollution from ocean engineering projects shall be governed by relevant provisions of [the Marine Environment Protection Law of the People's Republic of China](#).

Article 129 This Law comes into force on January 1, 2016.

(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。

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。

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。

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。

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。

第八章 附 则

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。

第一百二十九条 本法自2016年1月1日起施行。