

Implementation Rules for Air Pollution Control Act

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Environmental Protection Administration of the Republic of China on Taiwan

English Translation¹

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Chapter 1: General Provisions

Article 1

These Rules are promulgated pursuant to Article 54 of the Air Pollution Control Act (hereinafter "the Act").

Article 2

¹ Translators' notes: This translation is for information purposes only and does not represent the binding law of the Republic of China. The binding law appears only in the national language--Chinese. Therefore, for purposes other than acquiring information, reference must be made to the original Chinese version of these Rules.

In translating these Rules, the translators did not depart from the original Chinese text. Accordingly, ambiguities present in the translation are also present in the original.

In the Chinese version of these Rules, each paragraph is referred to as a "section" (*hsiang*). Bracketed text indicates translator additions for the purpose of increasing clarity.

The air pollutants mentioned in Item 1 of Article 2 of the Act are categorized as follows:

1. Gaseous Pollutants:

- (1) Sulfur Oxides (SO_2 and SO_3 , collectively referred to as SO_x);
- (2) Carbon Monoxide (CO);
- (3) Nitrogen Oxides (NO and NO_2 , collectively referred to as NO_x);
- (4) Hydrocarbon (C_xH_y);
- (5) Chlorine (Cl_2);
- (6) Hydrogen Chloride (HCl);
- (7) Cyanogen Chloride (HCN);
- (8) Carbon Disulphur (CS_2);
- (9) Fluoride Gas (HF and SiF_4);
- (10) Halohydrocarbon ($\text{C}_m\text{H}_n\text{X}_x$); and
- (11) Chlorofluorocarbons (CFCs);

2. Particulate Pollutants:

- (1) Total suspended particulates (TSP): Particles suspended in the air;
- (2) Suspended particulates: Particles of 10 micrometers (μm) or less in diameter;
- (3) Dust fall: substances with particulates larger than 10 μm in diameter gradually depositing as the result of gravity and inciting public outcry;
- (4) Metal fumes and compounds thereof: Particulates containing metal(s) or metallic compounds;

- (5) Black smoke: Smoke of a dark gray or black color primarily consisting of carbon particulates;
 - (6) Acid mist: Mist containing fine liquid droplets containing sulfuric acid, nitric acid or hydrochloric acid; and
 - (7) Oily smoke: Smoke of a bluish color containing hydrocarbons;
3. Secondary Pollutants:
- (1) Photochemical smog: Aerosols resulting from photochemical reactions that are suspended in the air potentially resulting in a reduction of visibility; and
 - (2) Photochemical oxidants: Strong oxidizers formed by photochemical reactions such as ozone, peroxyacetylnitrate (PAN), etc., which may ionize iodine from neutral potassium iodine solution, but not including nitrogen dioxide;
4. Odorous Substances:
- (1) Ammonia (NH_3);
 - (2) Hydrogen Sulfide (H_2S);
 - (3) Dimethylsulfide ($(\text{CH}_3)_2\text{S}$);
 - (4) Mercaptens (RSH); and
 - (5) Methylamines ($(\text{CH}_3)_x\text{NH}_{3-x}$, $X=1,2,3$);
5. Organic Solvent Vapor;
6. Plastic/Rubber Vapor;
7. Asbestos: Asbestos and substances containing asbestos; and

8. Any other substances designated by the Responsible Agency at the central government level.²

Article 3

The pollution sources mentioned in Item 2 of Article 2 of the Act are categorized as follows:

1. Stationary sources: Pollution sources which cannot change location via their own power; and
2. Mobile sources: Pollution sources other than the stationary sources mentioned in the preceding Item.

Article 4

The Responsible Agency at the central government level shall be responsible for the following matters:

1. To propose, make and supervise execution of nationwide air pollution control policies, programs and plans;
2. To prepare, promulgate and interpret nationwide air pollution control-related laws and regulations;
3. To conduct nationwide air quality monitoring and to promulgate rules for conducting the monitoring;
4. To supervise, assist and approve local air pollution control and monitoring work;
5. To coordinate or implement matters concerning air pollution control involving two or more provinces (municipalities);
6. To inspect and approve new vehicle models and to conduct spot checks of new vehicles to ascertain air pollutant emissions (from the vehicles);

² Translators' note: Otherwise known as the Environmental Protection Administration of the Republic of China on Taiwan, or "TEPA."

7. To approve and manage air pollution inspection and testing institutions;
8. To promote and coordinate matters relating to the protection of global air quality;
9. To train and administer nationwide air pollution control personnel;
10. To conduct air pollution control-related research, development and public education;
11. To promote international cooperation and exchange of technologies relating to air pollution control; and
12. [To administer] other matters pertaining to nationwide air pollution control.

Article 5

The Responsible Agency at the provincial (or municipal) government level shall be responsible for the following matters:

1. To propose, make and execute province- (or municipality-) wide air pollution control implementation programs and plans;
2. To draft, promulgate and interpret province- (or municipality-) wide air pollution control-related laws and regulations;
3. To conduct province- (or municipality-) wide air pollution control-related research, development and personnel training;
4. To monitor, maintain and improve province- (or municipality-) wide air quality;
5. To supervise, assist and approve province- (or municipality-) wide air pollution control and monitoring work;
6. To coordinate or implement matters concerning air pollution control involving two or more counties (or cities);

7. To coordinate air pollution-related disputes occurring within a province (or municipality);
8. To educate the public concerning province- (or municipality-) wide air pollution control;
9. To inspect and verify air pollutant emissions from public and private premises, as well as modes of transportation;
10. To approve and administer stations for inspecting and testing emissions of air pollutants from automobiles (including motorcycles) within provincial (or municipal) territory;
11. To prepare and report statistics on province- (or municipality-) wide air pollution control activities;
12. To issue air quality deterioration warnings and to execute emergency control measures; and
13. To administer other matters pertaining to province- (or municipality-) wide air pollution control.

Article 6

The Responsible Agency at the county (or city) government level shall be responsible for the following matters:

1. To propose, make and execute county- (or city-) wide air pollution control implementation programs and plans;
2. To promulgate and interpret [county- (or city-) wide] air pollution control-related laws and regulations;
3. To conduct county- (or city-) wide air pollution control-related research, development and personnel training;
4. To implement county- (or city-) wide air pollution control and to coordinate

air pollution-related disputes occurring within a county (or city);

5. To monitor, maintain and improve county- (or city-) wide air quality;
6. To administer stations for inspecting and testing emissions of air pollutants from automobiles (including motorcycles) within county (or city) territory;
7. To prepare and report statistics on county- (or city-) wide air pollution control activities;
8. To educate the public concerning county- (or city-) wide air pollution control;
9. To implement emergency control measures during air quality deterioration warning periods;
10. To administer other matters pertaining to county- (or city-) wide air pollution control.

Chapter 2: Maintenance of Air Quality

Article 7

The air pollution control regions mentioned in Article 5 of the Act shall be classified into the following three classes:

1. Class I Regions: Regions demarcated according to law as national parks, nature preserves and [wildlife] refuges;
2. Class II Regions: Regions other than Class I Regions, which meet air quality standards;
3. Class III Regions: Regions other than Class I Regions, which do not meet air quality standards;

In order to prevent significant deterioration of the air quality of Class I and II Regions, the Responsible Agency at the central government level shall define the

maximum allowable increase of air pollutant concentrations in these Regions.

Article 8

Air quality maintenance and improvement plans mentioned in Article 6 of the Act shall include:

1. Legal basis [for the plans];
2. Goals to be achieved;
3. Analyses of air quality status quo and problems associated therewith;
4. Analyses of air pollution-source status quo and problems associated therewith;
5. Analyses of total annual air pollutant emissions and statements of regulatory and implementation strategies;
6. Statements regarding measures for improving emissions from existing sources and examination and approval of proposals for establishing new sources;
7. Emergency measures for preventing air quality deterioration;
8. Annual review of regulation implementation;
9. Coordination with relevant agencies;
10. Implementation period and work schedule;
11. Expenses, personnel and materials required; and
12. Other necessary information required by the Responsible Agency at the central government level.

Article 9

The air quality monitoring stations mentioned in Article 7 of the Act shall be classified as follows:

1. General air quality monitoring stations: established in populous areas or in locations where serious air pollution is likely to occur;
2. Traffic air quality monitoring stations: established in areas with high traffic flows;
3. Industrial air quality monitoring stations: established in leeward positions in an industrial park;
4. National park air quality monitoring stations: established at appropriate locations in national parks;
5. Background air quality monitoring stations: established in windward positions in areas without man-made air pollution; and
6. Other air quality monitoring stations: established for special monitoring purposes.

Article 10

Siting decisions regarding air quality monitoring stations mentioned in Article 7 of the Act shall take the following factors into account:

1. The category of the air quality monitoring station;
2. The distribution and type of pollution source, as well as the concentration and disbursement of air pollutants;
3. Terrain, topography and meteorological conditions;
4. Distribution of population and traffic conditions;
5. Judgments facilitating achievement of air pollution control; and
6. Urban, regional, or other land-use plans.

The number of air quality monitoring stations shall be determined based on the following principles:

1. The number of general air quality monitoring stations shall be based on population and habitable area (such as construction land, paddies and dry farm land); if population density equals fifteen thousand (15,000) persons or more per square kilometer, one station shall be established per two hundred fifty thousand (250,000) persons; [if population density is] less than fifteen thousand (15,000) persons, one station shall be established per three hundred thousand (300,000) persons; station numbers may be increased in municipalities;
2. Other classes of air quality monitoring stations shall be established based on actual needs.

The Responsible Agencies at the central and provincial (or municipal) government levels may, when necessary, establish monitoring centers to be connected with various monitoring stations.

The locations of sampling intakes of air quality monitoring stations shall be selected according to the following principles:

1. [Avoiding] locations directly affected by pollution from [smoke] stacks and exhaust outlets;
2. Avoiding [locations] where nearby obstacles might interfere with air flow and the concentration of air pollutants;
3. Avoiding [locations] where nearby surfaces of buildings or obstacles might interfere with the concentration of air pollutants;
4. Considering the altitude for the sampling intake in accordance with the vertical spread of the concentration of pollutants in the vicinity of the monitoring station.

Article 11

Items to be monitored by the following air quality monitoring stations:

1. General air quality monitoring stations:

(1) Items which must be monitored:

- (i) Suspended Particulates;
- (ii) Sulfur Oxides;
- (iii) Carbon Monoxide;
- (iv) Nitrogen Oxides;
- (v) Ozone; and
- (vi) Wind direction and velocity;

(2) Items which may be monitored:

- (i) Hydrocarbons;
- (ii) Dust fall;
- (iii) Coal dust;
- (iv) Acid deposition;
- (v) Carbon Dioxide and other greenhouse gases; and
- (vi) Other meteorological factors;

2. Traffic air quality monitoring stations:

(1) Items which must be monitored:

- (i) Suspended particulates;

- (ii) Carbon Monoxide;
 - (iii) Nitrogen Oxides;
 - (iv) Hydrocarbons; and
 - (v) Lead;
- (2) Items which may be monitored:
- (i) Sulfur Oxides;
 - (ii) Coal dust;
 - (iii) Traffic flow; and
 - (vi) Wind direction and velocity;
3. Industrial air quality monitoring stations:
- (1) Items which must be monitored:
- (i) Suspended Particulates;
 - (ii) Sulfur Oxides;
 - (iii) Nitrogen Oxides; and
 - (iv) Hydrocarbons;
- (2) Items which may be monitored:
- (i) Substances causing malodors;
 - (ii) Toxic gases; and
 - (iii) Wind direction and velocity.

4. Provisions of Item 1 of this Article shall apply, *mutatis mutandis*, to national park and background air quality monitoring stations.
5. Items to be monitored by stations established for special purposes shall be selected in accordance with the nature of the special purposes.

Article 12

The Responsible Agency at the central government level shall periodically publish monitoring results in accordance with the following provisions:

1. The Responsible Agency at the local government level shall publish statistical values of various air pollutants monitored during the preceding month by the end of each month;
2. The Responsible Agencies at various government levels shall publish the statistical values of various air pollutants monitored during the preceding year by March 15 of each year;
3. The Responsible Agencies at various government levels shall publish a review and analysis of the air quality during the preceding year by the end of June of each year; and
4. The Responsible Agencies at various government levels shall immediately publish current measurements of air quality conditions when the air quality is likely to significantly deteriorate.

Article 13

The term “development” used in Section 1 of Article 9 of the Act means the (new) establishment, expansion, or modification of a special industrial park.

Where a general industrial park is expanded or modified to accommodate special industries, and the land occupied by these special industries covers more than a quarter of the total area of the general industrial park, the general industrial park shall be considered a “special industrial park.”

Article 14

The air pollution control fees levied in accordance with Article 10 of the Act by the Responsible Agencies at various government levels shall be expended exclusively for air pollution control purposes.

For management purposes, the fees mentioned in the preceding Section may be channeled into a fund. The measures for collecting, safekeeping and apportioning the fund shall be promulgated by the Responsible Agency.

Chapter 3: Prevention and Control

Article 15

The emissions standards mentioned in Section 1 of Article 11 of the Act shall include regulatory standards based upon density (concentration of air pollutants) and the total amount of emissions. The regulatory standards based upon the total amount of emissions shall be stipulated by the Responsible Agency at the central government level based on actual needs after consultation with relevant agencies.

The regulatory standards based upon the total amount of emissions mentioned in the preceding Section shall define the geographic areas, business sectors and pollutants subject to implementation.

Article 16

The scope and type of the “certain industries” mentioned in Section 2 of Article 11 of the Act shall be publicly announced by the Responsible Agency at the central government level after consulting with relevant agencies.

Article 17

The air pollution control facilities prescribed in the Act shall include equipment and measures.

The equipment mentioned in the preceding Section shall include:

1. For stationary sources: Smoke filters; detoxification devices; dust collectors; washing equipment; dust covers; or other devices capable of preventing and controlling air pollutant emissions; and
2. For modes of transportation: Catalytic converters; evaporation control devices; smoke filters; or other devices capable of preventing and controlling air pollutant emissions.

Article 18

Where the same air pollutants are emitted by the same stationary source via several emissions channels, the emission from each emissions channel and the total amount of emissions from the stationary source shall meet emissions standards.

Where two or more stationary sources emit the same air pollutants via one emissions channel, the emissions from each stationary source and the total emissions from all stationary sources shall meet emissions standards.

Article 19

The air pollution control plans mentioned in Section 1 of Article 14 of the Act shall include:

1. Goals to be achieved;
2. Map showing natural surroundings to a distance of two (2) kilometers from the periphery of the [stationary source];
3. Plat map of the [stationary source];
4. Production process flow chart and production schedule;
5. Type, composition and dose of raw materials and fuels to be used; kinds of products and production capacity;
6. Manner of transport, storage and stacking of materials;
7. Categories, compositions, concentrations and amounts of pollutant emissions;

8. Types, structures, functions, processes, conditions and schematics of air pollution control facilities;
9. Expenses required and construction schedules for air pollution control facilities;
10. Pollution control measures to be taken during period of construction of public and private premises; and
11. Other matters designated by the Responsible Agencies.

Article 20

The evidentiary documents certifying compliance with emissions standards prescribed in Section 2 of Article 14 and Article 46 of the Act shall include:

1. Descriptions of the equipment, structure and scale, as well as schematics, of the stationary source;
2. Production process flow chart and production schedule;
3. Type, composition and dose of raw materials and fuels to be used; kinds of products and production capacity;
4. Categories, compositions, concentrations and amounts of pollutant emissions;
5. Types, structures, functions, processes, use conditions and schematics of air pollution control facilities;
6. Verification report certifying compliance with regulations issued by an environmental inspection and testing institution approved by the Responsible Agency at the central government level; and
7. Other relevant documentary information Responsible Agencies that may explain air pollution improvement measures taken.

Article 21

The virgin coal mentioned in Section 1 of Article 17 of the Act means non-refined coals with a fuel ratio of less than four (4).

The fuel ratio mentioned in the preceding section means the ratio of fixed-carbon-to-volatile components.

Article 22

The relevant information to be submitted by a seller as provided in Section 1 of Article 17 of the Act shall include:

1. The name and composition of the substance prone to cause air pollution;
2. The source and quantity of the substance [prone to cause air pollution];
3. A map showing the location of storage facilities and a description of air pollution control measures; and
4. Other information designated by the Responsible Agencies;

The relevant information to be submitted by a user [as provided in Section 1 of Article 17 of the Act] shall include:

1. The name and composition of the substance prone to cause air pollution;
2. Descriptions of the equipment, structure, scale and operation methods, as well as a production process flow chart and schematics, of the stationary source.
3. Types, structures, functions, processes, use and operation conditions, operation methods, records and schematics of air pollution control facilities;
4. Inspection and testing plans for emissions; and
5. Other information designated by the Responsible Agencies.

Article 23

The other operations mentioned in Item 1 of Article 19 of the Act means desynthesizing, synthesizing, filtering, drying, oxidizing, microwaving, spraying, cutting, or crushing operations.

The other engineering activities mentioned in Item 3 of Article 19 of the Act means one of the following activities:

1. Construction, laying, dismantling, piling, or transporting other work equipment (on land); and
2. Construction, dismantling, piling, or removing various pipes.

Article 24

The toxic gases mentioned in Section 4 of Article 19 shall be categorized as follows:

1. Fluoride gas;
2. Chlorine (Cl₂);
3. Ammonia (NH₃);
4. Hydrogen Sulfide (H₂S);
5. Formaldehyde (HCHO);
6. Organic solvent vapor;
7. Gases containing heavy metals;
8. Acid Gas;
9. Vinyl Chloride Monomer (VCM);

10. Gaseous PCBs;
11. Hydrogen Cyanide (HCN);
12. Dioxins; and
13. Other toxic gases announced by the Responsible Agency at the central government level.

Article 25

The malodors mentioned in Items 4-6 of Article 19, means any odor which may cause public outcry or unpleasant sensations.

Article 26

The Responsible Agencies at the provincial (or municipal) and county (or city) government levels, when publicly announcing the other activities contributing to air pollution prescribed in Item 7 of Article 19 of the Act, shall submit the public announcements to the Responsible Agency at the central government level for approval.

Article 27

The emergency measures prescribed in Section 1 of Article 20 of the Act shall include one of the following situations:

1. Any pollution-control measures capable of immediately controlling large quantities of emissions and returning the stationary source to a normal [operating] condition;
2. Suspension of all or part of a production operation; and
3. Taking emergency measures as prescribed by the Responsible Agencies in the event of a chemical disaster.

Article 28

The necessary measures mentioned in Section 2 of Article 20 of the Act shall include:

1. Controlling air pollution and returning [air quality] to a condition meeting emissions standards based upon density (concentration of air pollutants) or the total amount of emissions;
2. Suspending of all or part of a production operation;
3. Notifying nearby residents to evacuate; and
4. Other necessary measures.

Article 29

The inspection and verification facilities mentioned in Section 4 of Article 21 shall include:

1. Safe sampling platforms;
2. Openings for sampling at appropriate places along emissions channels;
3. Sufficient water and electrical facilities; and
4. Other necessary devices.

Article 30

The modes of transportation mentioned in the Act shall be categorized as follows:

1. Motor vehicles: Automobiles (including motorcycles);
2. Trains;
3. Ships and other powered water vessels; and
4. Aircraft.

Article 31

The Responsible Agencies at various government levels may, depending upon actual needs for control of air pollutants emitted from modes of transportation, organize integrated inspection teams to conduct inspections and issue notices of violation.

Article 32

The methods for inspection of air pollutant emissions at public and private premises shall include:

1. Inspection with devices: Conducting investigations using devices in the manner prescribed by the Responsible Agency at the central government level;
2. Inspection with physical senses:
 - (1) Visual inspection and survey: Visual inspection shall mean inspection by an inspector via the naked eye, whereby the inspector observes air pollution control facilities, operating conditions, information, or air pollutant emissions. Visual survey shall mean inspection by an inspector via the naked eye to judge the density of the particulate emissions.
 - (2) Malodor inspection: Inspection by an inspector via olfactory senses.

Article 33

The methods for inspection of air pollutant emissions from modes of transportation shall include:

1. Idle inspections: Inspections conducted at parking lots, stations, curbsides, or other appropriate places; upon finding a violation, a written notice shall be immediately issued to the violator;
2. Mobile inspections: Inspections of emissions of particulates from moving

modes of transportation via visual survey methods; upon finding that an [emissions] density exceeds prescribed standards, a written notice of violation indicating the time, place, mode of transportation and license plate number shall be immediately issued [to the violator]. [The Responsible Agency] shall also request that the Responsible Agency in charge of Transportation and Communications provide the name and address of the owner of the mode of transportation [at issue].

If necessary, the inspections prescribed in the preceding Section may be conducted in conjunction with the police department.

Article 34

Inspections of air pollutant emissions by devices and visual survey and issuance of notices of violations to public and private premises and modes of transportation shall be conducted by trained and certified personnel.

Inspections made by visual survey, mentioned in the preceding Section concerning emissions of particulates by public and private premises and modes of transportation, shall be deemed [the equivalent of] determinations made via “inspections by devices.”

The measures governing the training of personnel mentioned in Section 1 of this Article, shall be stipulated by the Responsible Agency of the central government level.

Article 35

Where a public or private premises is ordered by the Responsible Agencies, in accordance with Section 2 of Article 36, Article 37, Section 2 of Article 38, Section 2 of Article 39, or Article 40, to suspend operations, terminate business, or voluntarily suspend operations upon receipt of an order mandating improvement within a certain time period, the public or private premises shall file an application with the Responsible Agency at the local government level accompanied by a test-run plan for approval before resuming operation or business.

The Responsible Agency shall make a decision concerning the [abovementioned] application within fifteen (15) days. The test-run period shall not

exceed thirty (30) days; if necessary, the test-run period may be extended, upon application, for a period of no more than sixty (60) days.

Article 36

A pollution source which is conducting a test-run in accordance with the preceding Article shall submit an emissions inspection and testing plan, as well as other information designated by the Responsible Agencies, to the Responsible Agency at the local government level, for approval of resumption of operations and business, prior to the expiration of the test-run period.

The Responsible Agency shall make a decision concerning the application mentioned in the preceding Section within fifteen (15) days. The public and private premises concerned shall, pursuant to the decision rendered [on the application], commission at its own cost an inspection and testing institution approved by the Responsible Agency at the central government level to complete inspection and testing and submit evidentiary documents in accordance with Article 20 of the Act certifying compliance with emissions standards.

Upon receipt of the evidentiary documents as prescribed in the preceding Section, the Responsible Agency shall evaluate the improvements made [by the pollution source] and approve the resumption of the operations or business if the public or private premises concerned passes the evaluation.

Article 37

When applying for a test run and resumption of business approval in accordance with the provisions of the preceding two Articles, the public or private premises may continue to operate as a [stationary] source as long as the source's emissions meet [stipulated] standards. The Responsible Agencies shall conduct random inspections; upon finding violations of the provisions of the Act, the public or private premises shall be subject to punishment in accordance with applicable provisions of the Act.

Where a public or private premises fails to pass the evaluation conducted by the Responsible Agency under Section 3 of the preceding Article, the public or private premises shall suspend operations and proceed with improvements [(corrective actions)]; [where the public or private premises fails the evaluation, the premises]

may not reapply for a test run for one (1) month.

Article 38

In the event that a public or private premises is unable to complete required improvements within the given time limit as the result of an Act of God or *force majeure*, the premises shall continue the improvement work after the Act of God or *force majeure* ceases to exist and shall, within fifteen (15) days, file an application accompanied by a written statement of the reasons [for the delay of completion] with the Responsible Agency at the local government level to [enable the Responsible Agency to] determine the starting date for the calculation of the time remaining in the time limit for making improvements.

Article 39

Where a public or private premises was punished by the Responsible Agencies in accordance with Articles 36, 39, or 42 of the Act, was notified to make improvements within a given time period and continues to emit air pollutants exceeding the total amount of emissions or concentration (density) stipulated for a particular air pollutant, additional punishments shall be imposed [*i.e.*, no more time will be given for improvement].

Article 40

If a violation continues after the specified time period, continuous daily administrative penalties shall be imposed as prescribed in Articles 36, 37, 39, or 42 of the Act with a commencement date for punishment to be determined in accordance with the following:

1. In the event of a failure to submit evidentiary documents and to report the completion of necessary improvements in accordance with the Act before the expiration of a given time period, punishment shall be imposed commencing from the day following the expiration of the given time period for improvement; and
2. Where evidentiary documents have been submitted [and application has been made for an evaluation conducted by the Responsible Agency] in accordance with the Act before the expiration of a given time period, but thereafter the

evaluation was failed, punishment shall be imposed commencing from the day following date of the expiration of the given time period for improvement.

Article 41

In the event that a public or private premises subject to continuous daily administrative penalties in accordance with Articles 36, 37, 39 or 42 of the Act has completed necessary improvements and has submitted evidentiary documents in accordance with the provisions of the Act and these Rules to the Responsible Agencies, the Responsible Agencies shall suspend imposition of daily penalties starting from the date following the date of receipt of the evidentiary documents.

If the public or private premises are found to be in violation of the Act during the inspection [following suspension of daily penalties] conducted by the Responsible Agency, continuous daily penalties shall be reimposed commencing from the date of the cessation of penalties mentioned in the previous Section; whereas, if the results of the inspection conducted by the Responsible Agency reveals that [the public and private premises] is not in violation of the Act, the imposition of continuous daily fines shall be ceased.

Article 42

In the event of serious violation of the Act, the Responsible Agency may, pursuant to the provisions of the Act, directly order [the pollution source] to suspend operations, terminate business, or if necessary, revoke [the source's operations] permit, or order [the source] to wind-up its business.

Article 43

In the event that a violation of the Act is caused by malfunction of relevant facilities of a stationary source, the public or private premises concerned shall immediately engage in response actions and report the [malfunction] event to the Responsible Agency at the local government level within one (1) hour.

If the stationary source is unable to correct the malfunction within twenty four (24) hours, the public or private premises shall immediately suspend operations of the pollution source.

The report mentioned in Section 1 of this Article shall include: the name and title of the reporter; the time that the event occurred; the location of the malfunctioning facilities; the cause of the malfunction; the emissions condition; and the expected malfunction repair time; this information shall be recorded by the Responsible Agency.

Article 44

Public and private premises shall, within fifteen (15) days of the occurrence of a malfunction of a stationary source, submit to the Responsible Agency at the local government level a written report including the following:

1. Name and location of the facility(ies);
2. Cause of the malfunction and correction method;
3. Pollution control measures taken and estimate of air pollutants emitted during the malfunction period;
4. Methods to prevent reoccurrence of similar malfunctions; and
5. Other information as required by the Responsible Agencies.

A stationary source which has reported the malfunction in accordance with the preceding Section and completed the necessary corrections or suspended operations within twenty four (24) hours after the occurrence of the malfunction and submitted a written report to the Responsible Agency at the local government level within fifteen (15) days, may be exempted from punishment.

Article 45

The business enterprise mentioned in Section 2 of Article 43 of the Act means those enterprises engaged in passenger or cargo transportation.

Article 46

When deemed necessary by the Responsible Agency at the location at which

a violation occurred, said Responsible Agency may refer a motor vehicle violation to the Responsible Agency at the location where the motor vehicle is registered.

Article 47

Article 39 of the Act shall apply, *mutatis mutandis*, when a mode of transportation violates the provisions of the Act during the time period given for making corrections for a prior violation.

Article 48

Upon temporary seizure of a motor vehicle license plate pursuant to Article 27 or Section 1 of Article 43 of the Act, the Responsible Agencies shall issue and deliver to the violator a written notice and inform the Motor Vehicle Administration. The violator shall, after completing the necessary corrections [to the motor vehicle], request the return of the seized motor vehicle by presenting the written notice [issued by the Responsible Agencies] or other evidentiary document.

Article 49

The motor vehicle registration alteration mentioned in [Section 2 of] Article 49 of the Act includes one of the following:

1. Title transfer;
2. Changes in contents of registration [document];
3. Suspension of [registration];
4. Resumption of [registration];
5. Abandonment;
6. [Temporary] revocation of license plate;
7. Cancellation of license plate;

8. Other matters provided for by the Responsible Agency in charge of transportation and communications.

Chapter 4: Supplemental Provisions

Article 50

The format of the certificates, administrative decisions, notices of referrals of violations [to other entities] or other documents prescribed in the Act and these Implementation Rules shall be stipulated by the Responsible Agency at the central government level.

Article 51

The Responsible Agencies at the provincial (or municipal) and county (or city) government levels shall prepare and submit monthly reports on actions taken in response to violations of the Act to their respective superior Responsible Agencies for reference and record.

Article 52

These Rules shall come into force upon the date of promulgation.