Revised Articles of the Soil and Groundwater Pollution Remediation Act Enforcement Rules

Announced in Order (90) Huan-Shu-Shui-Tzu No. 0064642 on October 17, 2001
Revisions announced in Order Huan-Shu-Tu-Tzu No. 0990118529 on December 31, 2010

Article 1 These enforcement rules are determined pursuant to Article 56 of the Soil and Groundwater Pollution Remediation Act (herein referred to as "this Act").

Article 2 In accordance with Article 6, Paragraph 1 of this Act, competent authorities at all levels shall perform regular testing of soil and groundwater quality within their jurisdiction, shall establish annual testing budgets in light of the geographical, geological, and hydrological conditions and state of land use within their areas of jurisdiction, and shall prioritize testing of areas suspected of having soil or groundwater pollution.

Article 3 Competent authorities at all levels shall adopt appropriate measures to investigate pollution pursuant to Article 6, Paragraph 1 of this Act, which include the following items:

1. Survey of land type, actual use, and state of ownership.
2. Inventory of pollution sources.
3. Preservation of verifying documents connected with the investigation of responsibilities for pollution.
4. Taking action against pollution pursuant to relevant environmental protection laws and regulations, and notification of agricultural, health, irrigation, industrial, land administration, construction, or other relevant agencies to take actions in accordance with their duties and powers.

Article 4 Competent authorities at all levels may assign a subordinate agency or commission another agency (organization), juridical person, or group to perform the following matters:
1. Testing and monitoring in Article 6, Paragraph 1 of this Act.

2. Verification work in Article 7, Paragraphs 1 and 7 and Article 12, Paragraph 1 of this Act.

3. Inspection work in Article 25 of this Act.

4. Verification work prior to approval in Article 26, Paragraph 1 of this Act.

5. Relevant audit tasks in Article 28, Paragraph 5 of this Act.

Article 5  If necessary response measures are adopted in accordance with Article 7, Paragraph 5 or Article 15, Paragraph 1, Subparagraph 8 of this Act, the following information must be reported if soil is treated off-site:

1. Off-site soil treatment methods and facilities.

2. Control measures.

Article 6  When a competent authority at any level orders a polluter or potential polluter, or site user, manager, or owner to adopt necessary response measures pursuant to Article 7, Paragraph 5 of this Act, if it is determined that the characteristics of the polluting substance or the scope or circumstances of the pollution cannot be made to comply with the requirements of Article 7, Paragraph 7 of this Act within the deadline prescribed in Paragraph 6 of the same article, the case should be handled in accordance with Article 12, Paragraph 2 of this Act.

Article 7  In Article 9, Paragraph 1, Subparagraph 2 of this Act, change of business operator refers to a change in the subject of business operation, and does not include a change in the statutory responsible person, representative, or shareholders of a company or juridical person.

Article 8  In Article 12, Paragraph 2 of this Act, the clear source of groundwater pollution refers to the determination or confirmation of substances causing groundwater pollution, or the location of such pollution, on the basis of investigation or verification results and data.
Article 9  Special municipality, county or city competent authorities may perform a preliminary assessment pursuant to Article 12, Paragraph 3 of this Act after pollutants have been removed or disposed of from a control site.

Special municipality, county or city competent authorities shall compile a budget for the implementation of matters connected with preliminary assessment of control sites.

Article 10  The content of an official announcement of a control or remediation site by competent authorities at all levels pursuant to Article 12, Paragraphs 2 and 3 of this Act shall include the following:

1. Name of polluter.
2. Site name.
3. Site address, lot number, and location or coordinates.
4. Overview of site situation.
5. Pollutants and pollution situation.
6. Other important matters.

In the first subparagraph of the foregoing paragraph, the name of the polluter may be omitted if the polluter has not been determined or if there is no polluter.

In Paragraphs 1 and 2, the site name may be expressed using the enterprise name, address, lot number, landmark, or other appropriate method.

With regard to the pollution situation in Paragraphs 1 and 5, the scope of pollution should be noted in the case of a control site and the scope of pollution and results of preliminary assessment should be noted in the case of a remediation site.

Article 11  A special municipality, county, or city competent authority may remove controls on the control site and issue an official announcement to that effect prior to requesting the central competent authority to announce as a remediation site pursuant to Article 12, Paragraph 3 of this Act, announce the cancellation of the regulatory listing of the
control site after implementation until soil and groundwater pollutant concentrations are less than the soil and groundwater pollution control standards.

Article 12 When a special municipality, county and city competent authority entrusts a registration agency with local jurisdiction with making a statement in the land registry, the entrustment document shall specifically state the following items:

1. Basic information such as the name, personal identification document number, address of the landowner.
2. Land markings.
3. Date of announcement as a control site or remediation site and document number.

When a special municipality, county and city competent authority entrusts registration of a remediation site pursuant to the foregoing paragraph, it may simultaneously perform registration of land disposal prohibition pursuant to Article 21 of this Act, in which case, apart from the items in the subparagraphs of the foregoing paragraph, the entrustment document shall specifically state the following items:

1. Scope of rights.
2. Legal basis and reasons for prohibition of land disposal.
3. Prohibition of land disposal via transfer, subdivision, or establishment of encumbrance.

Article 13 Special municipality, county and city competent authorities must include an investigation of pollution scope and pollution monitoring when adopting appropriate improvement measures pursuant to Article 13, Paragraph 2 of this Act.

Article 14 The content of a soil and groundwater pollution control plan (herein referred to as a pollution control plan) submitted pursuant to Article 13, Paragraph 1 or Article 24, Paragraphs 3 and 7 of this Act shall include the following items:

1. Information on plan submitter, writer, and implementer.
2. Plan outline.

3. Basic site information.


5. Pollution investigation method.

6. Pollutants, scope of pollution, and severity of pollution.

7. Pollution control objective and method. If soil is to be treated off-site, the control plan must include off-site soil treatment method, facilities, and control measures.

8. Pollution monitoring method.

9. Clean-up or pollution prevention.

10. Site health and safety management.

11. Self-verification method and sampling and testing plan of control results.

12. Plan implementation timetable.


14. Other matters designated by the competent authority.

If a juridical person submits the information in the first subparagraph of the foregoing paragraph, it shall include information on the juridical person, its statutory responsible person, and the project manager.

The self-verification method and sampling and testing plan of control results in Paragraph 1, Subparagraph 11 must include a representative soil and groundwater sample sampling method.

Article 15 The pollution control plan implementer in the foregoing article may, when actually necessary, apply to modify the pollution control plan, which may be implemented after approval by the competent authority.

Article 16 The content of a soil and groundwater pollution investigation and assessment plan submitted by a polluter, potential polluter, or interested party of the polluted land pursuant to Article 14, Paragraph 1 or 2 of this Act shall include the following items:
1. Information on plan submitter, writer, investigator, and assessor.

2. Basic site information.

3. Current status of site and pollution situation.

4. Pollution investigation method.

5. Pollutants, scope and severity of pollution.


7. Plan implementation timetable.

8. Estimate of expenses.

9. Other matters designated by the competent authority.

   If a juridical person submits the information in the first subparagraph of the
   foregoing paragraph, it shall include information on the juridical person, its statutory
   responsible person, and the project manager.

Article 17 When a polluter is involved in any of the following situations, the special municipality,
county or city competent authority may order the polluter to cease operation, suspend
business, or partially or completely stop work pursuant to Article 15 Paragraph 1,
Subparagraph 1 of this Act:

1. The polluter failed to comply with an order from a competent authority at any
   level to adopt measures that may mitigate harm from pollution and avoid
   spreading of pollution.

2. After the polluter has adopted measures to mitigate harm from pollution and
   avoid spreading of pollution after being ordered to do so or on its own initiative,
   investigation results have revealed that pollutant concentration or scope have still
   increased or expanded significantly.

3. Other circumstances in which the harm from pollution cannot be mitigated and
   spread of pollution cannot be avoided unless the polluter is ordered to cease
   operation, suspend business, or partially or completely stop work.
Article 18  The content of a clean-up or pollution control plan submitted pursuant to Article 19, Paragraph 1 of this Act shall include the following items:

1. Basic information on plan submitter and polluted site.
2. Explanation of pollution situation.
3. Soil removal, backfilling, temporary storage, transport methods or groundwater extraction method, estimated quantity, and control measures:
   (1) If soil is to be treated off-site, the control plan must include the soil off-site treatment method and facilities.
   (2) If soil backfilling is involved, the control plan must include the source of backfill soil and quality control methods.
4. Plan implementation timetable.
5. Pollution control strategy.
6. Health and safety management.

After completion of the plan in the foregoing paragraph, the results should be reported to the special municipality, county or city competent authority.

Article 19  Prior to the drafting of a soil and groundwater pollution remediation plan pursuant to Article 22, Paragraph 2 of this Act, special municipality, county, or city competent authorities shall notify interested parties of the remediation site that they may submit a soil and groundwater pollution remediation plan pursuant to Article 22, Paragraph 3 of this Act within a certain period of time.

Article 20  The content of a soil and groundwater pollution remediation plan in Article 22 of this Act should include the following items:

1. Information on plan submitter, writer, and implementer.
2. Plan outline.
3. Basic information concerning the site.

5. Pollutants, scope of pollution and severity of pollution.

6. Remediation goals.

7. Remediation method. If soil is to be treated off-site, the remediation plan must include off-site soil treatment method, facilities, and control measures.

8. Land use method after remediation.

9. Pollution monitoring methods.

10. Clean-up or pollution control.

11. Site health and safety management.

12. Self-verification method and sampling and testing plan after remediation.


15. Other matters specified by the competent authority.

If a juridical person submits the information in Subparagraph 1 of the foregoing paragraph, it shall include information concerning the juridical person, its statutory responsible person, and the project manager.

In Paragraph 1, Subparagraph 12, the self-verification method and sampling and testing plan following completion of remediation must include a representative soil and groundwater sample sampling method.

Article 21 When the situations in Article 24, Paragraph 2 of this Act occur, the remediation plan submitter must submit the following information, which shall be transmitted to the central competent authority for approval by the special municipality, county or city competent authority:

1. Assessment of factors such as the site's geological conditions, pollutant characteristics, or remediation techniques.

2. Expected feasible remediation goals.
3. Assessment of environmental impact of remediation goals.

4. Assessment of health risk of remediation goals.

5. Other matters specified by the central competent authority.

After the information in the various subparagraphs of the foregoing paragraph has been revised in accordance with the central competent authority's review opinions, it should be combined with the content of the remediation goals in Paragraph 1, Subparagraph 6 of the foregoing article.

Article 22 If any of the following items concerning the implementer of a remediation plan approved by a special municipality, county or city competent authority change, the implementer should apply to make a remediation plan change pursuant to Article 22, Paragraph 4 of this Act, and the change shall be effective after approval by the special municipality, county or city competent authority:

1. Plan submitter information specified in Article 20, Paragraph 1, Subparagraph 1.

2. Items specified in Article 20 Paragraph 1, Subparagraphs 5-8, 12, and 14.

3. Other matters specified by the special municipality, county or city competent authority.

Any changes apart from those specified in the various subparagraphs of the foregoing paragraph should be reported to the special municipality, county or city competent authority for subsequent reference.

Article 23 The appropriate locations specified in Article 23, Paragraph 1 of this Act shall include the rural township, urban township, city and district public offices, land administration offices and village or borough offices of the place of the remediation site, and the competent authority's web site.

Article 24 When a request for approval of the cancellation of control is made to a competent authority at any level pursuant to Article 26, Paragraph 1 of this Act, the adopter of appropriate measures or plan implementer shall submit the following information:
1. The pollution source, scope, and severity.
2. Control or remediation goals.
3. State of implementation of appropriate measures, pollution control or remediation plan, and results.
5. State of expenditures.
6. Other items designated by the competent authority.

Article 25  In addition to implementation in accordance with relevant land use laws and regulations, land use industry competent authorities performing land use restoration pursuant to Article 26, Paragraph 4 of this Act shall provide necessary guidance and assistance.

Article 26  The soil and groundwater pollution remediation works referred to in Article 30, Paragraph 2 of this Act means the following items:

1. Implementation of survey and assessment of the control site or remediation site.
2. Implementation of necessary response measures for the control site or remediation site.
3. Implementation of appropriate measures for the control site.
4. Drafting and implementation of the control plan and remediation plan.
5. Other matters entailing a conflict of interest with disbursements from the remediation fund.

Article 27  If the polluter in Article 40, Paragraph 3 and Article 41, Paragraph 4 of this Act is a juridical person, a non-juridical person group with a representative or manager, or a central or local agency (organization), or other organization, the special municipality, county or city competent authorities shall order a person authorized to represent the juridical person, agency (organization), or group to attend environmental education classes and training classes concerning statutes connected with this Act.
When a polluter has been notified by a special municipality, county or city competent authority to participate in an environmental education class or training class concerning statutes connected with this Act at a certain time, the polluter may request a postponement for attending the class if it cannot participate for some legitimate reason; a maximum of two such postponement are permitted.

Article 28 When a land development plan and a soil and groundwater pollution remediation plan pursuant to Article 51, Paragraph 2 of this Act are submitted simultaneously, the industry competent authority in charge of land development and the competent authority shall jointly perform review and approval in accordance with relevant laws and regulations by way of mutual consultation.

Article 29 These enforcement rules shall take effect on the date of promulgation.