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| Title : | Permit Management Regulations for Public or Private Waste Clearance and Disposal Organizations Ch |
| Date : | 2011.08.23 |
| Legislative : | 1. Formulated and announced in 29 articles by Environmental Protection Administration Order (90) Huan-Shu-Fei-Tzu No. 0075173 on November 23, 2001. 2. Several articles revised and promulgated by Environmental Protection Administration Order Huan-Shu-Fei-Tzu No. 1000071604A on August 23, 2011. |
| Content : | <p>Chapter 1 General Principles</p> <p>Article 1 These Regulations are determined pursuant to Article 42 of the Waste Disposal Act (herein referred to as the Act).</p> <p>Article 2 The term “public or private waste clearance and disposal organizations” used in these Regulations refers to the following three types of public or private organizations that engage in waste clearance and disposal: I. “Waste clearance organizations” (herein referred to as clearance organizations) are organizations that clear waste under commission for disposal overseas or at disposal sites and plants designated by the said commissioning party. II. “Waste disposal organizations” (herein referred to as disposal organizations) are organizations that dispose of waste under commission. III. “Waste clean-up organizations” (herein referred to as clean-up organizations) are organizations that clear and dispose of waste or dispose of waste under commission. The term “waste clearance and disposal technician” (herein referred to as clearance and disposal technician) used in these Regulations refers to professional technical personnel who have obtained a clearance and disposal technician qualification certificate, are employed at clearance, disposal, or clean-up organizations, and engage in waste clearance and disposal operations. The term “issuing authority” used in these Regulations refers to the special municipality, county or city competent authority or an agency commissioned by the central competent authority that issues permits to public and private waste clearance and disposal organizations pursuant to Article 41, Paragraph 1 of the Act.</p> <p>Article 3 Clearance organizations may begin to clear waste under commission after obtaining a waste clearance permit (herein referred to as clearance permit) from the issuing authority.</p> |

Disposal organizations may begin to dispose of waste after obtaining a waste disposal permit (herein referred to as disposal permit) from the issuing authority.

Clean-up organizations may begin to clean-up waste after obtaining a waste clean-up permit (herein called clean-up permit) from the issuing authority.

Before establishing a waste disposal site or plant, disposal permit or clean-up permit applicants shall obtain approval documents for the establishment of such sites or plants (herein referred to as establishment approval documents) from the issuing authority. But existing plants or waste disposal facilities may apply for disposal or clean-up permits after conducting trial operation.

Article 4

The issuing authority will not accept permit applications for relevant operations from those that need not apply for public and private waste clearance and disposal organization permits pursuant to the Act. But the issuing authority must accept applications from those to whom the proviso to Article 41, Paragraph 1 of the Act applies, if they submit an application within one year of losing the said qualification and shall issue permits after the said qualification has been lost.

Chapter 2 Permits

Article 5

Clearance organizations that apply for clearance permits shall apply to the issuing authority at the organizations' location.

Disposal organizations or clean-up organizations that apply for disposal permits, clean-up permits or establishment approval documents shall apply to the issuing authority at the location of the disposal site or plant.

Article 6

After receiving the application of the foregoing article the issuing authority shall make a decision concerning its approval or rejection after completing a single review. When necessary another review may be held.

The review period of the foregoing paragraph shall be sixty days. Under special circumstances the review deadline may be extended by up to sixty days. However, the time required when the reviewing agency requests the applicant to provide additional information shall not count toward the review period.

Article 7

Regulations on the classification of clearance organizations, their scope of business and hiring of professional technical personnel are as follows:

- I. Grade A organizations: May engage in the clearance of general waste, general industrial waste and hazardous industrial waste. They shall hire two fulltime clearance technicians of Grade B or above including at least one Grade A clearance technician.
- II. Grade B organizations: May engage in the clearance of general waste and general

industrial waste.

They shall hire one fulltime clearance technician of Grade B or above.

III. Grade C organizations: May engage in the clearance of less than 900 tons of general waste and

general industrial waste per month. They shall hire one fulltime clearance technician of Grade C or above.

Regulations on the classification of disposal organizations, their scope of business and hiring of

professional technical personnel are as follows:

I. Grade A organizations: May engage in the disposal of general waste, general industrial waste and

hazardous industrial waste. They shall hire two fulltime disposal technicians of Grade B or above

including at least one Grade A disposal technician.

II. Grade B organizations: May engage in the disposal of general waste and general industrial waste.

They shall hire one fulltime disposal technician of Grade B or above.

Regulations on the classification of clean-up organizations, their scope of business and hiring of professional technical personnel are as follows:

I. Grade A organizations: May engage in the clearance and disposal of general waste, general industrial

waste and hazardous industrial waste. They shall hire two fulltime disposal technicians of Grade B or

above including at least one Grade A disposal technician.

II. Grade B organizations: May engage in the clearance and disposal of general waste and general

industrial waste. They shall hire one fulltime disposal technician of Grade B or above.

The scope of business of Grade A clearance, disposal or clean-up organizations shall include the

clearance or disposal of hazardous industrial waste.

Upon approval by the issuing authority, Grade A disposal organizations and Grade A clean-up

organizations that use easy or simple waste disposal methods may reduce the number of disposal

technician to one Grade A disposal technician.

The required clearance technician in Paragraph 1 may be substituted by a disposal technician of the same grade.

Article 8

The positions of clearance or disposal technician at clearance, disposal or clean-up organizations shall

be filled with technicians that have obtained a technician qualification certificate issued by the central competent authority.

Article 9

Clearance organizations that apply for clearance permits shall submit the following documents to the issuing authority:

I. Application form

II. Registration approval verification documents from a government agency

- III. Personal identification document of the statutory responsible person
- IV. Qualification certificates, insurance policy datasheet (itemization) of labor insurance coverage,
employee identification and written permission to check labor insurance data for clearance or disposal technicians.
- V. Waste clearance equipment identification list and documentary proof of tool purchase (not applicable to organizations using ships or aircraft).
- VI. Storage site and transfer station land ownership title, land registration information and land parcel list;
If the land is not self-owned, attach owner's letter of consent to the use of the land or verification documents showing use approval or consent to permit application by public land management agency
(not applicable to organizations without storage sites or transfer stations)
- VII. Other documents designated by the issuing authority

Article 9-1

- Disposal or cleanup organizations that apply for establishment approval documents shall submit the following documents to the issuing authority:
- I. Application form
 - II. Registration approval verification documents from a government agency
 - III. Personal identification document of the statutory responsible person
 - IV. Waste disposal site land ownership title, land registration information and land parcel list; If the land is not self-owned, attach owner's letter of consent to the use of the land or verification documents showing use approval or consent to permit application by public land management agency
 - V. Waste disposal equipment and tool planning statement, cleanup organizations shall also include waste clearance equipment identification list and documentary proof of tool purchase.
 - VI. Project planning statement
 - VII. Pollution control plan
 - VIII. Trial operation plan, which shall include the following content:
 - A. Method, procedures, and steps of trial operation
 - B. Waste types and information, waste clearance and transportation plan during trial operation
 - C. Sampling, monitoring and quality control plan
 - D. Emergency response measures
 - IX. Other documents designated by the issuing authority

When a disposal or clearance organization applies for a project consent document in accordance with the foregoing paragraph, if the case involves a development project that has passed environmental impact assessment review, the issuing authority may directly approve the project.

Article 9-2

- Disposal organizations that apply for disposal permits shall submit the following documents to the issuing authority:
- I. Application form

- II. Registration approval verification documents from a government agency
- III. Personal identification document of the statutory responsible person
- IV. Qualification certificates, insurance policy datasheet (itemization) of labor insurance coverage,
employee identification and written permission to check labor insurance data for disposal technicians.
- V. Establishment approval documents; in accordance with the proviso in Article 3, Paragraph 4
applicants shall also submit the following documents:
 - A. Waste disposal site land ownership title, land registration information and land parcel list; If the
land is not self-owned, attach owner's letter of consent to the use of the land or verification documents showing use approval or consent to permit application by public land management agency
 - B. Statement on waste disposal equipment and tools
 - C. Pollution control plan
- VI. Regular monitoring reports from the environmental management and facility construction period.
However, when the case involves an existing factory or waste disposal facility specified in Article 3, Paragraph 4, or involves a mobile waste disposal facility, regular monitoring reports from the plant construction period are not required.
- VII. Trial operation report of the site or plant.
- VIII. Verification documents showing consent by the enforcement authority, disposal organization, clean-up
organization or government approved waste disposal site or plant to the disposal of waste generated by them.
- IX. Relevant construction permit and usage permit.
- X. Disposal plan for waste that has not yet been disposed of when it is impossible to carry out disposal
operations for some reason.
- XI. Other documents designated by the issuing authority

Article 9-3

Clean-up organizations that apply for clean-up permits shall submit the following documents to the issuing authority:

- I. Documents in the foregoing paragraph.
- II. Documents in subparagraphs 5 and 6 of Article 9.

Article 9-4

Those submitting applications pursuant to the regulations of Article 9, Article 9-2, or Article 9-3 must

submit the following documents when the waste that they have cleared or waste resulting from processing

is exported beyond the borders of the Republic of China for disposal:

- I. Verification documents showing that the competent authority of the recipient country or the Mainland

China region consents to the waste import or does not restrict its import, and clearly stating the

exporting country, importing country, disposal organization, waste name, (permitted import) quantity,

(permit) validity period, and disposal method.

II. Verification documents showing that the disposal organization in the recipient country or Mainland

China region has obtained legal qualifications for waste disposal from the local competent authority

III. Agreement signed with the local disposal organization in the recipient country or Mainland China

region or document showing that the said disposal organization has consented to the disposal and

clearly stating the name, quantity, validity period, and disposal method for the waste that it has agreed to dispose of.

IV. Statement on recipient's disposal method and disposal procedures.

Article 9-5

With regard to the documents submitted by a clearance, disposal, or cleaning organizations pursuant

to Articles 9 to 9-

3, apart from the application form, which must be the original, the remaining documents

may be submitted to the issuing authority for review in the form of photocopies. However, if necessary the

issuing authority may demand that the applicant submit the originals for checking purposes.

Article 10

Public and private waste clearance and disposal organizations shall choose one kind of permit pursuant to these Regulations.

Disposal or clean-

up organizations that do not carry out disposal within the premises of the same plant

and whose methods are of indivisible character may not apply for separate permits.

Article 11

Disposal or clean-

up organizations that have obtained establishment approval documents from the

issuing authority, shall, after establishment has been completed, send information on the trial operation

period and the waste source to the issuing authority for review and approval and, upon approval conduct

testing in accordance with the trial operation plan.

Those organizations that meet the proviso in Article 3, Paragraph 4 shall, before applying for a

disposal permit or clean-

up permit, submit to the issuing authority of the disposal site or plant's place of

business the application form, the statement on waste disposal equipment and tools, the trial operation plan

in Article 9, Paragraph 2, Item 8, the trial operation period, the waste source and other information

designated by the issuing authority, and upon approval conduct testing in accordance with the trial

operation plan.

Without approval the trial operation period may not exceed three months.

Article 12

Clearance, disposal or clean-up permits shall record the following items:

I. Name and address of organization

II. Its organizational structure

III. Name, address, and personal identification document number of the statutory responsible person

IV. Business items

V. Types of cleared and disposed waste, allowable monthly quantity, disposal method (unless the clearance permit specifies disposal outside the borders of the Republic of China, do not include disposal method).

VI. Grade

VII. Site or plant location (not required for clearance permits)

VIII. Permit validity period

IX. Other documents designated by the central competent authority

Establishment approval documents shall record the following items:

I. Name and address of organization

II. Its organizational structure

III. Name, address, and personal identification document number of the statutory responsible person

IV. Business items

V. Waste types to be disposed of, monthly permitted quantity and disposal method

VI. Grade

VII. Location of site or plant

VIII. Other items designated by the central competent authority

Article 13

The permit validity period shall be five years. But the validity period of clearance permits for disposal through export overseas or disposal permits or cleanup permits for the establishment of landfill final disposal facilities shall be shortened.

Those organizations that want to continue to conduct operations after the permit expires shall apply

for an extension within three to five months prior to expiration. Each validity period extension shall be in accordance with the regulations in the foregoing paragraph

Upon receiving the application of the foregoing paragraph the issuing authority shall make a decision

concerning approval or rejection within 30 days; Under special circumstances the review period may be

extended by a maximum of 30 days. However, the time required when the reviewing agency requests the

applicant to provide additional or corrected information shall be subtracted from the review period.

The issuing authority shall reject the applications of those whose application documents fail to meet

regulations or who cannot provide corrected information before the permit expires; those that fail to apply

for extensions between three to five months prior to permit expiry and for which the issuing authority has

not yet made a decision concerning approval or rejection by the date of expiry shall cease business on the

date of expiry. The permits of those that fail to apply for extensions prior to permit expiry shall lose

validity on the date of expiry; if they need to continue to carry out operations they shall reapply for a permit.

When the issuing authority reviews extension applications it shall take into account records on

environmental protection investigation and interdiction, variations in the quality of the environment, and

other review items deemed necessary. These review items shall be the basis for rejecting or approving extension applications.

Article 14

Clearance, disposal or clean-up organizations applying for extensions of clearance, disposal or clean-up permits shall submit the following documents to the original issuing authority:

- I. Application form
- II. Registration approval verification documents from a government agency
- III. Personal identification document of the statutory responsible person
- IV. Originally issued permit
- V. Qualification certificates, insurance policy datasheet (itemization) of labor insurance coverage,

employee identification and written permission to check labor insurance data for clearance or disposal technicians.

- VI. Identification list of waste clearance or disposal equipment and tools.

VII. Verification documents showing consent by the enforcement authority, disposal organization, clean-up

organization or government approved waste disposal site or plant to the disposal of waste generated by them (not applicable to clearance permit applicants).

- VIII. Other documents designated by the issuing authority

When organizations that apply for extensions under the foregoing paragraph export overseas waste

that they have cleared or generated during disposal, they shall submit the documents listed in Article 9-4.

Article 15

Clearance, disposal or clean-up organizations shall make modifications to permit items according to the following regulations:

I. If among the recorded permit items the organization name, address, its organization n, the name,

address or personal identification document number of the statutory responsible person changes, the

permit-holder shall submit a filled out change of registration application form within 15 days after the

occurrence of the change together with relevant verification documents to register the change.

II. When replacing disposal equipment or adding necessary auxiliary apparatus, and the case does not

involve the processes, waste types or quantities, or principal equipment or apparatus on the original

permit, the organization shall report the information to the issuing authority for future reference.

When necessary, the issuing authority may require trial operation before accepting the case for future reference.

III. Applications for other changes of already reviewed and approved permit items and application

documents content shall be made before the occurrence of the change in accordance with the

regulations on applications for relevant permits in these Regulations. But applications for changes that

do not affect other permit items may be made by submitting a change of registra

tion application form
and the changed items to the issuing authority. The issuing authority may review and approve the modified parts.
If any of the changes in the foregoing paragraph necessitates a change of the issuing authority the application shall be filed with the original issuing authority which will transfer the application to the new issuing authority for processing in accordance with designated procedures.

Chapter 3 Management

Article 16

Before moving disposal facilities disposal organizations with moveable waste disposal facilities shall ask in writing permission from the special municipality, county, or city competent authority of the disposal facilities' location before and after moving and submit the reviewed and approved application documents as well as the pollution control plan. After gaining permission the facilities may be moved.

Article 17

Except when the proviso to Article 41, Paragraph 1 of this Act allows an exemption from submission of public or private waste clearance and disposal organization permission documents, the clearance, disposal, or cleaning organization shall proceed in accordance with this Act, its related regulations, and the content of the application form which has passed review, and shall perform clearance and disposal.
The total amount of the actual monthly clearance and disposal volume of the organizations in the foregoing paragraph may exceed the permitted maximum for the said waste quantity by an allowable difference of 10 percent.

Article 18

Clearance, disposal or cleaning organizations engaging in waste clearance and disposal services shall establish contracts in advance with commissioning parties, and shall preserve such contracts for three years for inspection by the competent authority. This restriction shall not apply, however, when an organization has been commissioned to clear and dispose of waste produced as a result of a natural disaster or emergency incident.
A contract in the foregoing paragraph shall include an attached photocopy of a valid permit and state the following items:
I. Waste type, code, characteristics, and quantity.
II. Clearance or disposal tools, equipment, methods, frequency, and relevant sites.
III. The contract period.
IV. The final disposal location for waste from the disposal or clearance organization and the quantity of waste.
V. Response measures if the organization cannot perform the contract for some reason or some other unforeseen incident occurs.

VI. Other items designated by the special municipality, county, or city competent authority

Article 19

Clearance, disposal or cleaning organizations shall report their operating records in accordance with

the online transmission method announced in Article 31, Paragraph 1, Subparagraph 2 of this Act. Disposal

or clearance organizations shall produce operating records containing such information as incoming and

outgoing materials at disposal facilities, operations, control, and monitoring.

Clearance organizations shall keep the operating records in the foregoing paragraph at the locations

where their permits are kept. Disposal or clearance organizations shall keep the operating and handling

records in the foregoing paragraph at the sites or plants registered on their permits.

Established clearance organizations shall apply within six months after the date of implementation of

revisions to these Regulations to the issuing authority to register the operating record and permit

safekeeping location in the foregoing paragraph, and shall be exempt from review fees.

Article 20

Clearance, disposal and clean-up organizations shall preserve the operational records for the

clearance and disposal of general waste or general industrial waste themselves for five years. Records

regarding hazardous industrial waste shall be preserved by the organizations themselves for seven years.

Article 21

Clearance, disposal or clean-up organizations shall mark the organization name, contact telephone

number and permit number in a prominent place on its equipment, machinery and tools, facilities or

disposal sites or plants.

Article 22

When clearance or disposal technicians hired by clearance, disposal or clean-up organizations are

unable to carry out their work or resign the said organizations shall designate a representative to report to

the issuing authority for future reference, and shall hire within 90 days another person that meets

qualification regulations to take over the position. But Grade A clearance and disposal technicians who are

in charge of hazardous waste clearance and disposal work shall be replaced within 30 days. When

additional technicians are hired the said organizations shall report to the issuing authority within 15 days

for future reference. Clearance and disposal technicians may also themselves report to the issuing

authority.

Article 23

Clearance, disposal or clean-up organizations that cease waste clearance and disposal work shall

report to the issuing authority for permit cancellation; Organizations that temporarily suspend business for

more than one month shall report to the issuing authority within 15 days after the one month period ends.

Article 24

If one of the following circumstances applies when clearance, disposal or clean-up organizations engage in waste clearance and disposal operations, the issuing authority may cancel or revoke their permits:

- I. When a clearance or disposal technician resigns and the said organization does not handle the issue pursuant to Article 22.
- II. When an organization has lost its ability to conduct operations or has not engaged in waste clearance and disposal operations for one year.
- III. When an organization knowingly lists false information in its permit application documents or reporting documents, reports false information or keeps false records of its operations.
- IV. When an organization violates these Regulations or fails to perform operations according to the reviewed and approved application documents content and permit items.
- V. When an organization fails to report to the issuing authority pursuant to the foregoing paragraph.
- VI. When an organization fails to collect its new permit within the deadline pursuant to Article 28, Paragraph 2.
- VII. When an organization has committed other violations of these Regulations that the competent authority has determined to be severe circumstances.
Clearance, disposal or clean-up organizations that had their permits revoked or cancelled may not reapply for the said permit under the same or similar organization name for five years.
Their statutory responsible person may not reapply as statutory responsible person for a clearance, disposal or clean-up organization for five years.
Clearance, disposal or clean-up organizations that had their permits revoked or cancelled may not again engage in waste clearance and disposal operations from the day on which they receive written notification of such penalty. But those that are already engaging in clearance and disposal and have not yet completed operations shall proceed in accordance with instructions from the special municipality, county, or city competent authority; the clearance, disposal or clean-up organizations shall bear all necessary expenses.

Chapter 4 Supplementary Provisions

Article 25

The format of all relevant documents designated in these Regulations shall be determined by the central competent authority.

Article 26

When relevant documents specified in these Regulations are in a foreign language, the organization must attach a Chinese translation certified by an overseas embassy or representative of

office or by a domestic notary public.

Article 27

Issuing authorities that have been commissioned by the central competent authority shall, when issuing permits or establishment approval documents, send a copy to the special municipality, county, or city competent authority where the said clearance organization or disposal site or plant is located.

Regarding the regulations in Chapter 3 on the documents that need to be permitted, approved, kept for reference, sent in as copy, or submitted, clearance, disposal or clean-up organizations that had their

permits or establishment approval documents issued by a central competent authority commissioned issuing authority shall send these documents separately both to the issuing authority and the special municipality, county, or city competent authority where the said clearance organization or disposal site or plant is located.

Article 28

After the implementation of these revised Regulations the issuing authority shall notify within three months clearance and disposal organizations to renew their clearance, disposal or clean-up permits or establishment approval documents. Upon renewal the validity period of the original permits remains unchanged.

Upon receiving notification from the issuing authority clearance and disposal organizations shall

return their original permits or approved documents within the deadline and collect new permits. Prior to notification by the issuing authority or during the permit renewal period, the original permit items are still valid. Clearance and disposal organizations shall engage in clearance and disposal operations based on the content of the originally approved application documents and may not engage in any non-permitted matters.

Article 29

These Regulations shall take effect on the date of promulga