

ENFORCEMENT DECREE OF THE SOIL ENVIRONMENT CONSERVATION ACT

Amended by Presidential Decree No. 14848, Dec. 29, 1995
Presidential Decree No. 16058, Dec. 31, 1998
Presidential Decree No. 17432, Dec. 19, 2001
Presidential Decree No. 17698, Aug. 8, 2002
Presidential Decree No. 17816, Dec. 26, 2002
Presidential Decree No. 18213, Jan. 9, 2004
Presidential Decree No. 18312, Mar. 17, 2004
Presidential Decree No. 18910, Jun. 30, 2005
Presidential Decree No. 18953, Jul. 22, 2005
Presidential Decree No. 20297, Aug. 28, 2007
Presidential Decree No. 21078, Oct. 8, 2008
Presidential Decree No. 21542, Jun. 16, 2009
Presidential Decree No. 21626, Jul. 7, 2009

Article 1 (Purpose)

The purpose of this Decree is to provide the matters delegated by the Soil Environment Conservation Act and the necessary matters for the enforcement thereof. *<Amended by Presidential Decree No. 18910, Jun. 30, 2005>*

Articles 2 and 3 Deleted. *<by Presidential Decree No. 17432, Dec. 19, 2001>*

Article 4 (Formulation of Basic Plan and Regional Plan, etc.)

(1) When the Minister of Environment deems it necessary to formulate the basic plan for soil conservation (hereinafter referred to as “basic plan”) as provided in the provisions of Article 4 (1) of the Soil Environment Conservation Act (hereinafter referred to as the “Act”), he may request the head of the relevant central administrative agency, the Special Metropolitan City Mayor, the Metropolitan City Mayor or the *Do* governor (hereinafter referred to as the “Mayor/*Do* governor”) and the heads of the relevant agencies or organizations to submit materials necessary for the formation of the basic plan. *<Amended by Presidential Decree No. 18910, Jun. 30, 2005>*

(2) When the basic plan has been formed, or when the Minister of Environment has approved the regional soil conservation plan (hereinafter referred to as “regional plan”) in accordance with the provisions of Article 4 (4) of the Act, he shall, without any delay, notify the head of the relevant administrative agency of that fact. The head of the relevant administrative agency who has been thus notified shall take measures necessary for the enforcement of the basic plan or the regional plan, unless there exist any special circumstances to the contrary.

Article 5 (Compensation for Loss)

(1) The amount of compensation for loss as provided in the provisions of Article 9 (1) of the Act, shall be determined in consideration of the transaction price, rent, profitability of the land, buildings, standing timber, earth and rocks, and other constructions concerned.

(2) Any person who intends to claim for compensation for a loss in accordance with the provisions of Article 9 (2) of the Act, shall submit to the Minister of Environment, the Mayor/*Do* governor, the head of *Si/Gun/ Gu* (referring to an autonomous *Gu*; hereinafter the same shall apply) or the head of any soil-related specialized institution (hereinafter

referred to as “soil-related specialized institution”) provided for in Article 23-2 of the Act a written claim stating the following particulars accompanied by documents evidencing the loss to it: *⟨Amended by Presidential Decree No. 17432, Dec. 19, 2001; Presidential Decree No. 18910, Jun. 30, 2005⟩*

1. The name, resident registration number and address of the claimant;
2. The date and place where the loss occurred;
3. The contents of the loss; and
4. The amount of the loss and the method of assessing it.

(3) Upon receiving the written claim for the compensation for loss as provided in paragraph (2), the Minister of Environment, the Mayor/*Do* governor, the head of *Si/Gun/Gu* or the head of any soil-related specialized institution shall, without any delay, notify the claimant of the following matters: *⟨Amended by Presidential Decree No. 17432, Dec. 19, 2001; Presidential Decree No. 18910, Jun. 30, 2005⟩*

1. The period and method of consultation; and
2. The time, method and procedures of compensation.

(4) Any person who intends to file a motion for adjudication with the Land Expropriation Committee in accordance with the provisions of Article 9 (4) of the Act, shall submit the written motion for adjudication stating the following matters to the relevant Land Expropriation Committee:

1. The name and address of the person who has filed a motion for adjudication and of the adverse party;
2. Kinds of the business involved;
3. The fact that the loss has been incurred;
4. The particulars with respect to the amount of the compensation for the loss as determined by the disposition bureau and the amount as claimed by the person who has filed a motion; and
5. Details of the consultation.

(5) Deleted. *⟨by Presidential Decree No. 17432, Dec. 19, 2001⟩*

Article 5-2 (Order Given to Conduct Detailed Survey, etc.)

(1) The head of *Si/Gun/Gu* shall, when he orders any person responsible for contamination to conduct the detailed soil survey under Article 11 (3) of the Act, fix the performance period within the limit of six months, taking account of the scope, etc. of the contaminated soil area: *Provided*, That with respect to any person who inevitably has failed to perform the order during the performance period due to the size, etc. of the area subject to a survey, the head of *Si/Gun/Gu* may extend such performance period within the limit of six months.

(2) The head of *Si/Gun/Gu* shall, when he orders any person responsible for contamination to take measures to purify the contaminated soil (referring to the soil contaminated beyond the worrisome level of soil contamination under Article 4-2 of the Act; hereinafter the same shall apply) under Article 11 (3) of the Act, fix the performance period within the limit of two years, taking consideration of the scale, etc. of the contaminated soil: *Provided*, That with regard to any person who inevitably has failed to carry out the order during the performance period due to the scale, engineering methods, etc. of the purification works, the head of *Si/Gun/Gu* may extend such performance within the limit of one year per each time up to two times.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 6 (Report, etc. on Specific Facilities Subject to Control of Soil Contamination)

(1) Any person who intends to file a report on the installation of specific facilities subject

to the control of soil contamination pursuant to Article 12 (1) of the Act shall file such report with the head of *Si/Gun/Gu*, accompanied by documents referred to in the following subparagraphs: *Provided*, That in cases of oil storage facilities installed for use by the military under Article 2 (1) 3 of the Act on National Defense and Military Installations Projects, part of the documents required to be accompanied may be exempted or part of matters to be entered in such documents may be omitted under conditions prescribed by Ordinance of the Ministry of Environment: *<Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 21542, Jun. 16, 2009>*

1. Drawings for locations, structures and installations of specific facilities subject to the control of soil contamination;
2. Permits for installation of a factory, storing place and office of dangerous substances under Article 6 of the Safety Control of Dangerous Substances Act and detailed statements of structures and installations by storage facilities; and
3. Other matters deemed necessary by the head of *Si/Gun/Gu* for prevention of soil contamination.

(2) Any person who intends to alter the specific facilities subject to the control of soil contamination (including the shutdown of such facilities) under the latter part of Article 12 (1) of the Act shall file a report thereon with the head of *Si/Gun/Gu*, accompanied by a statement detailing the alteration (shutdown) of such specific facilities subject to the control of soil contamination. *<Amended by Presidential Decree No. 18910, Jun. 30, 2005>*

[This Article Wholly Amended by Presidential Decree No. 17432, Dec. 19, 2001]

Article 7 (Installation of Facilities to Prevent Soil Contamination in Specific Facilities Subject to Control of Soil Contamination)

(1) Any installer of specific facilities subject to the control of soil contamination (including any operator of such facilities; hereinafter the same shall apply) shall, under Article 12 (3) of the Act, install the facilities to prevent soil contamination falling under each of the following subparagraphs by the specific facilities subject to the control of soil contamination: *<Amended by Presidential Decree No. 17432, Dec. 19, 2001; Presidential Decree No. 18910, Jun. 30, 2005>*

1. Installation of facilities to prevent any leakage, such as facilities going through the process to prevent corrosion and oxidization of the specific facilities subject to the control of soil contamination, facilities using materials that have the leakage-prevention performance, or tanks with double walls, etc.;
2. In the case of storage facilities, among the specific facilities subject to the control of soil contamination, that will be located underground, installation of facilities that can detect the leakage of soil pollutants or can confirm whether or not soil pollutants are leaking and installation of measuring instruments, etc.; and
3. Installation of such facilities as are necessary for the measures to prevent diffusion of contamination or to reduce the degree of toxicity, in the event that soil pollutants leak from the specific facilities subject to the control of soil contamination.

(2) Other matters necessary for the installation of the facilities to prevent soil contamination as provided in any subparagraphs of paragraph (1), shall be publicly notified by the Minister of Environment following a consultation with the head of the relevant central administrative agency. *<Amended by Presidential Decree No. 17432, Dec. 19, 2001>*

Article 8 (Examination of Soil Contamination on Specific Facilities Subject to Control of Soil Contamination)

(1) Any installer of specific facilities subject to the control of soil contamination shall

undergo an examination of soil contamination regularly under Article 13 (1) of the Act according to the classification referred to in the following subparagraphs: *Provided*, That in cases where an examination of soil contamination level under subparagraph 1 and an examination of leakage under subparagraph 2 fall in the same year, he may undergo an examination of soil contamination level in the following year:

1. He shall undergo an examination of soil contamination level by a soil-related specialized institution once a year at the time prescribed by Ordinance of the Ministry of Environment: *Provided*, That in cases where he has installed facilities for prevention of soil contamination under Article 7, an examination interval may be adjusted within the limit of five years according to the standards prescribed by Ordinance of the Ministry of Environment; and
 2. When ten years have passed after the installation of specific facilities subject to the control of soil contamination falling under the proviso to Article 13 (3) of the Act (excluding facilities subject to regular examination under Article 17 of the Enforcement Decree of the Safety Control of Dangerous Substances Act; hereinafter referred to as "facilities subject to examination of leakage"), he shall undergo an examination of leakage by a soil-related specialized institution within six months, and thereafter undergo an examination of leakage, as prescribed by Ordinance of the Ministry of Environment.
- (2) Any installer of specific facilities subject to the control of soil contamination shall undergo examinations under the following subparagraphs by a soil-related specialized institution in addition to an examination of soil contamination under paragraph (1): *Provided*, That, this shall not apply in cases where a reason falling under any of subparagraphs 1 through 3 arises within three months after he has undergone an examination of soil contamination level under paragraph (1) 1:
1. In cases where any installer of specific facilities subject to the control of soil contamination terminates the use of such facilities or closes such facilities, he shall undergo an examination of soil contamination level in the period from three months prior to the termination date or closing date to the preceding date of the termination date or that of the closing date;
 2. In cases where an operator of the specific facilities changes due to transfer, lease or such of specific facilities subject to the control of soil contamination, he shall undergo an examination of soil contamination level in the period from three months prior to the date of such change to the preceding date of the date of such change;
 3. In cases where any installer of specific facilities subject to the control of soil contamination replaces the facilities or changes the kinds of soil pollutants that are stored in the facilities, he shall undergo an examination of soil contamination level in the period from three months prior to the date of replacement or change to the preceding date of the date of replacement or change;
 4. In cases of facilities subject to examination of leakage, as a result of the examination of soil contamination level under the provisions of paragraph (1) 1 and subparagraphs 1 through 3 of this paragraph, in cases where it has been confirmed that soil is contaminated beyond the standards prescribed by Ordinance of the Ministry of Environment, he shall undergo an examination of leakage without delay; and
 5. In cases where he has come to know the fact that soil pollutants have been leaked out of specific facilities subject to the control of soil contamination, he shall undergo an examination of soil contamination level and examination of leakage (limited to facilities subject to examination of leakage) without delay.

(3) In cases where he has undergone an examination of soil contamination level under paragraph (2) 1 through 3 or 5, he shall be deemed to have undergone the next examination of soil contamination level under paragraph (1) 1, and in cases where he has undergone an examination of leakage under paragraph (2) 4 or 5, he shall undergo an examination of leakage under paragraph (1) 2 on the basis of the date when he has undergone the examination.

(4) Even in cases falling under any of paragraph (2) 1 through 3, in cases where he has undergone the examination under subparagraph 5 of the same paragraph within the relevant examination period, he need not undergo any separate examination of soil contamination.

(5) Necessary matters concerning items of an examination of soil contamination shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Presidential Decree No. 21542, Jun. 16, 2009]

Article 8-2 (Exemption, etc. from Examination of Soil Contamination)

(1) Cases where the head of *Si/Gun/Gu* can give approval for the exemption from the examination of soil contamination on the specific facilities subject to the control of soil contamination under the proviso to Article 13 (1) of the Act shall be as follows:

1. Where, with respect to oil pipeline facilities under the Oil Pipeline Safety Control Act from among the specific facilities subject to the control of soil contamination, the devices of confirming the leakage of oil are installed (limited to the examination of the level of soil contamination) or the safety check-up is undergone under Article 8 of the said Act (limited to the examination of leakage);
2. Where a soil contamination survey agency deems it impossible to take a soil sample because the relevant facilities are established in the undersurface of ground or the basement of a building, etc. incapable of soil boring;
3. Where a soil-related specialized institution deems it unnecessary to conduct the examination of soil contamination because soil pollutants have not been stored in storage facilities for one year or more or due to the existence of other causes;
4. Where, among multiple facilities storing the same type of soil pollutants, the use of some facilities is terminated or closed (limited to the examination of the level of soil contamination under Article 8 (2) 1);
5. Where it is intended to change the stored soil pollutants to other soil pollutants on which the items of examination under Article 8 (5) are of the same kind (limited to the examination of the level of soil contamination under Article 8 (2) 3); and
6. Where, otherwise, the head of *Si/Gun/Gu* deems it unnecessary to conduct the examination of soil contamination because purification works are under way pursuant to a soil purification order or due to the existence of other causes.

(2) In cases of paragraph (1) 1, 4, 5 and 6, the opinions of soil-related specialized institutions shall not be required to be attached at the time of applying for approval for exemption from the examination of soil contamination under the proviso to Article 13 (2) of the Act.

(3) Where the specific facilities subject to the control of soil contamination referred to in paragraph (1) 1 are installed over the jurisdictional areas of the heads of not less than two *Sis/Guns/Gus*, the head of *Si/Gun/Gu* who has jurisdiction over the main office of the installer of the specific facilities subject to the control of soil contamination shall be entitled to give approval for exemption from the examination of soil contamination on the said facilities.

(4) Where the specific facilities subject to the control of soil contamination exempted from

the examination of soil contamination no more have any ground for such exemption, the head of *Si/Gun/Gu* shall, without delay, withdraw approval for such exemption.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 8-3 (Corrective Orders, etc.)

(1) The head of *Si/Gun/Gu* shall, when he orders any installer of specific facilities subject to the control of soil contamination to install or improve facilities for prevention of soil contamination, or to conduct a detailed soil survey pursuant to Article 14 (1) of the Act, fix the performance period within the extent of six months in consideration of the result of the examination of soil contamination under Article 8 and types, scales or such of specific facilities subject to the control of soil contamination: *Provided*, That the head of *Si/Gun/Gu* may grant the extension of the performance period within the extent of six months only once to any person who has failed to perform the order unavoidably within the performance period due to the scale or such of an area to be surveyed.

(2) The head of *Si/Gun/Gu* shall, when he orders any installer of specific facilities subject to the control of soil contamination to take measures for purification of contaminated soil pursuant to Article 14 (1) of the Act, fix the performance period within the extent of two years: *Provided*, That the head of *Si/Gun/Gu* may grant the extension of the performance period within the extent of one year for each time and up to two times to any person who has failed to perform the order for purification measures unavoidably due to the scale, construction method or such.

[This Article Wholly Amended by Presidential Decree No. 21542, Jun. 16, 2009]

Article 9 (Order Given to Conduct Detailed Soil Survey, etc.)

(1) The Mayor/*Do* governor or the head of *Si/Gun/Gu* shall, when he orders any person responsible for contamination to undergo a detailed soil survey under Article 15 (1) of the Act, fix the performance period within the limit of six months, taking account of the scope of soil-contaminated area, etc.: *Provided*, That with respect to any person who inevitably has failed to perform the order due to the size of the area subject to a survey, etc., the Mayor/*Do* governor or the head of *Si/Gun/Gu* may extend the performance period within the limit of six months. *<Amended by Presidential Decree No. 18910, Jun. 30, 2005>*

(2) Deleted. *<by Presidential Decree No. 18910, Jun. 30, 2005>*

[This Article Wholly Amended by Presidential Decree No. 17432, Dec. 19, 2001]

Article 9-2 (Order Given to Take Steps, etc.)

(1) The Mayor/*Do* governor or the head of *Si/Gun/Gu* shall, when he orders any person responsible for contamination to take steps to prevent soil from being contaminated under Article 15 (3) of the Act (hereinafter referred to “order given to take steps”), fix the performance period within the limit of two years, taking account of soil pollutants and the kind, size, or such of facilities. *<Amended by Presidential Decree No. 18910, Jun. 30, 2005>*

(2) With respect to any person who inevitably has failed to perform the order given to take steps within the performance period referred to in paragraph (1) due to the scale, construction method, or such, the Mayor/*Do* governor or the head of *Si/Gun/Gu* may extend such performance period within the extent of one year for each time and up to two times. *<Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 21542, Jun. 16, 2009>*

[This Article Newly Inserted by Presidential Decree No. 17432, Dec. 19, 2001]

Article 10 (Standards for and Methods of Purifying Contaminated Soil)

(1) Standards for purifying contaminated soil under Article 15-3 (1) of the Act shall follow the worrisome level of soil contamination under Article 4-2 of the Act. *<Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005>*

(2) The methods of purifying contaminated soil under Article 15-3 (1) of the Act shall

be as follows: *⟨Amended by Presidential Decree No. 18910, Jun. 30, 2005⟩*

1. Biological treatment, including decomposition of contaminated materials, using microorganism;
 2. Physical and chemical treatment, including cutting off, separation-extraction and cleansing treatment of contaminated materials, etc.; or
 3. Heat treatment, including burning and decomposition of contaminated materials.
- (3) Detailed matters concerning the methods of purification under each subparagraph of paragraph (2) shall be prescribed and published by the Minister of Environment. *⟨Amended by Presidential Decree No. 18910, Jun. 30, 2005⟩*

[This Article Wholly Amended by Presidential Decree No. 17432, Dec. 19, 2001]

Article 11 (Direct Performance of Purification Works by Persons Responsible for Contamination)

With respect to contaminated soil falling under any of the following subparagraphs, a person responsible for such soil contamination may purify it himself without commissioning the purification work to a person who has made a registration of the soil purification business (hereinafter referred to as “soil purification business operator”) under Article 23-7 (1) of the Act, pursuant to the proviso to Article 15-3 (2) of the Act:

1. Contaminated soil in the facilities of military units under the Act on National Defense and Military Installations Projects or soil contaminated in the course of military activities, each of which is less than 50 cubic meters in quantity; and
2. Soil contaminated by organic solvents or oil, which is less than 5 cubic meters in quantity.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 11-2 (Omission of Verification of Purification Process)

Where the amount of contaminated soil is found to be less than 1000 cubic meters [excluding the soil contaminated by heavy metals, the extent of whose contamination is not less than 500 cubic meters in excess of the standards of measures against soil contamination (hereinafter referred to as “measure standards”) under Article 16 of the Act] under the proviso to Article 15-6 (1) of the Act, the verification of the purification process may be omitted.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 12 (Designation of Area Requiring Measures for Soil Conservation)

(1) The term “any area that falls under cases prescribed by Presidential Decree” in the proviso to Article 17 (1) of the Act means any of the following: *⟨Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005⟩*

1. Farmland where the size of land in which the pollutant content of crops under cultivation is in excess of the maximum residue limit of heavy metal (hereinafter referred to as “maximum residue limit of heavy metal”) under Article 7 of the Food Sanitation Act is not less than 10,000 square meters; and
2. Area for which special measures are to be taken to prevent any damage to people’s health or environment because the soil, underground water, etc. is simultaneously contaminated with soil pollutants, such as heavy metals and oil.

(2) The head of *Si/Gun/Gu* shall, when he asks the Minister of Environment to designate any area requiring measures for soil conservation pursuant to Article 17 (2) of the Act, file a written application for designating such area requiring measures for soil conservation with the Minister of Environment. *⟨Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 21542, Jun. 16, 2009⟩*

(3) The standards for designating the area requiring measures for soil conservation under

Article 17 (3) of the Act shall be as follows: *<Amended by Presidential Decree No. 18910, Jun. 30, 2005>*

1. In cases of farmland, the area where the soil contamination level 30 centimeters deep from the surface of the earth is in excess of the measure standards for soil contamination level and other area which is asked by the head of *Si/Gun/Gu* to be designated as an area requiring measures for soil conservation after the contents of contaminated materials in crops grown in such area are found to be in excess of the maximum residue limit of heavy metal; and
2. In cases of area other than farmland, the area where the soilcontamination level between the surface of the earth and the upper soil of ground water (aquifer) is in excess of the measure standards for soil contamination level and other area which is asked by the head of *Si/Gun/Gu* to be designated as an area requiring measures for soil conservation after such area is feared to inflict a physical injury upon persons and such area must be not less than 10,000 square meters.

(4) The Minister of Environment shall, when he designates and publishes any area requiring measures for soil conservation under Article 17 (4) of the Act, furnish the details of such publication and the relevant documents to the head of *Si/Gun/Gu* concerned for public perusal and signboards publishing the details of such designation shall be put up in places that are frequented by the public within the area requiring measures for soil conservation.
<Amended by Presidential Decree No. 18910, Jun. 30, 2005>

[This Article Wholly Amended by Presidential Decree No. 17432, Dec. 19, 2001]

Article 12-2 (Formulation of Countermeasure Plan)

Where the countermeasure area referred to in Article 18 (1) of the Act extends over not less than two *Sis/Guns/Gus*, the head of the *Si/Gun/Gu* which includes a wider countermeasure area shall formulate a countermeasure plan. In such cases, the head of *Si/Gun/Gu* who formulates the countermeasure plan shall consult thereabout with the heads of the other *Sis/Guns/Gus* concerned.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 13 (Kinds of Projects to Improve Contaminated Soil)

The kinds of the projects to improve contaminated soil pursuant to Article 18 (3) of the Act, shall be as follows: *<Amended by Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 21542, Jun. 16, 2009>*

1. Cultivation of fertile farmland, such as the use of a soil controller or bringing soil from another land and mixing it with the soil in question;
2. Dredging projects of contaminated waterways;
3. Hygienic reclamation and purification projects of contaminated soil;
4. Cultivation projects of such plants as are strong absorbents of soil pollutants; and
5. Other projects deemed necessary by the head of *Si/Gun/Gu*.

Article 13-2 (Survey, etc. of Damage to Health of Residents)

The details of the survey of damage to the health of residents and the countermeasures therefor as provided for in Article 18 (4) of the Act shall be as follows:

1. Scope of residents subject to the survey of damage to health and the methods of such survey;
2. Institution in charge of the survey of damage to health;
3. Decision on damage to health and the countermeasures therefor; and
4. Other necessary matters relating to the survey of damage to health and the countermeasures therefor.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 14 (Accommodating Jurisdiction of Regions Requiring Measures)

(1) The projects to improve contaminated soil within the region requiring measures in accordance with the provisions of Article 19 (4) of the Act, shall be implemented for each jurisdictional area. In cases where the implementation of the projects of each jurisdictional area is difficult, the head of *Si/Gun/Gu* who has jurisdiction over the region more widely contaminated, shall implement the projects to improve contaminated soil. *<Amended by Presidential Decree No. 18910, Jun. 30, 2005>*

(2) The heads of *Sis/Guns/Gus* concerned who are not the main bodies of the projects as provided in paragraph (1), shall actively cooperate with the implementation of the pertinent projects to improve contaminated soil. *<Amended by Presidential Decree No. 18910, Jun. 30, 2005>*

Article 15 (Limitations on Use of Land, etc.)

When the head of *Si/Gun/Gu* intends to set a limitation on the use of land or on the installation of facilities within the region requiring measures in accordance with the provisions of Article 20 of the Act, he shall determine and give a public notice of the object, method, period, region, etc. of the limitation. In this case, he shall take into consideration the purpose of the designation of the region for a particular use and the limitation of activities as prescribed in the National Land Planning and Utilization Act. *<Amended by Presidential Decree No. 17816, Dec. 26, 2002; Presidential Decree No. 18910, Jun. 30, 2005>*

Article 16 (Limitations on Installation of Facilities Within Region Requiring Measures)

The term “facilities, installed in the region requiring measures, which are deemed to have the possibility to harm the purpose of the designation of the region requiring measures, and are determined by the Presidential Decree” in Article 21 (2) of the Act means facilities which produce pollutants mainly causing the designation of the region requiring measures, facilities which use raw materials containing pollutants, or facilities which produce goods containing pollutants.

Article 17 (Special Cases on Abandoned Metal Mining Region)

The heads of *Sis* (excluding the head of a *Si* in which *Gus* are established)/*Guns/Gus* shall investigate the present conditions of the metal mining regions, among the regions under their jurisdiction, for which the responsibility of the mining right holder or a mining concession right holder is extinguished in accordance with the provisions of Article 18 of the Mining Safety Act and shall report the results of the investigation to the Mayor/*Do* governor and the Minister of Environment. *<Amended by Presidential Decree No. 18910, Jun. 30, 2005>*

Article 17-2 (Standards, etc. for Designation of Soil-Related Specialized Institution)

(1) Any person who intends to be designated as a soil-related specialized institution pursuant to the former part of Article 23-2 (1) of the Act shall equip himself with the examination facilities and equipment and the technical manpower as shown in the attached Table 1.

(2) The change of the designated matters subject to the latter part of Article 23-2 (1) of the Act shall be as follows:

1. Any change in the trade name or the location of business place;
2. Replacement of the representative; and
3. Replacement of the technical manpower.

(3) In changing the matters provided for in each subparagraph of paragraph (2), the designation of the changed matters shall be made within 60 days from the date when the cause of such change accrues. *<Amended by Presidential Decree No. 21542, Jun. 16, 2009>*

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 17-3 (Soil Contamination Survey Agencies)

The term “agencies prescribed by Presidential Decree” in the proviso to Article 23-2 (2) of the Act shall be as follows: *<Amended by Presidential Decree No. 18213, Jan. 9, 2004; Presidential Decree No. 18910, Jun. 30, 2005; Presidential Decree No. 18953, Jul. 22, 2005; Presidential Decree No. 21078, Oct. 8, 2008; Presidential Decree No. 21542, Jun. 16, 2009>*

1. National Institute of Environmental Research;
2. City/Do health and environmental research institutes;
3. Basin environment offices or regional environment offices; and
4. and 5. Deleted. *<by Presidential Decree No. 21542, Jun. 16, 2009>*

[This Article Newly Inserted by Presidential Decree No. 17432, Dec. 19, 2001]

Article 17-4 (Requirements, etc. for Registration of Soil Purification Business)

(1) Any person who intends to get his soil purification business registered pursuant to the former part of Article 23-7 (1) of the Act shall equip himself with the facilities, equipment and technical manpower as shown in the attached Table 2.

(2) The change of the registered matters subject to the latter part of Article 23-7 (1) of the Act shall be as follows:

1. Any change in the trade name or the location of business place;
2. Replacement of the representative;
3. Replacement of the technical manpower; and
4. Any change in the carry-in purification facilities provided for in subparagraph 1 (b) of the attached Table 2.

(3) In changing the matters provided for in paragraph (2) 1 through 3, the registration of the changed matters shall be made within 30 days from the date when the cause of such change accrues, and in changing the matters provided for in paragraph (2) 4, the registration of such change shall be made in advance.

[This Article Newly Inserted by Presidential Decree No. 18910, Jun. 30, 2005]

Article 18 (Delegation of Authority)

The Minister of Environment shall delegate the following authority to the head of a basin environment office or the head of a regional environment office in accordance with the provisions of Article 27 of the Act: *<Amended by Presidential Decree No. 17432, Dec. 19, 2001; Presidential Decree No. 17698, Aug. 8, 2002; Presidential Decree No. 18910, Jun. 30, 2005>*

1. Establishment of the measuring network and regular measuring in accordance with the provisions of Article 5 (1) of the Act;
2. Detailed soil survey in accordance with the provisions of Article 5 (4) of the Act;
3. Expropriation or use of land, etc. in accordance with the provisions of Article 7 (1) of the Act;
4. Designation of soil-related specialized institutions and publication thereof under Article 23-2 (1) and (3) of the Act;
5. Administrative disposition taken against any soil-related specialized institutions under Article 23-6 of the Act;
- 5-2. Registration of any soil purification business, and any change in such registration, under Article 23-7 (1) of the Act;
- 5-3. Revocation of a soil purification business registration, and suspension of the operator's business, under Article 23-10 of the Act;
6. Report, submission of data, and inspection under Article 26-2 (2) of the Act;
7. Hearings held under subparagraphs 2 and 3 of Article 26-5 of the Act; and

8. Imposition and collection of fines for negligence in accordance with the provisions of Article 32 of the Act.

Article 18-2 (Reexamination of Regulations)

The Minister of Environment shall examine, until December 31, 2011, whether the performance period of measures for purification of contaminated soil and the extension thereof and the number of times to extend such period under Article 8-3 (2) are appropriate, and then take measures, such as repeal, deregulation, maintenance, etc.

[This Article Newly Inserted by Presidential Decree No. 21626, Jul. 7, 2009]

Article 19 (Standards for Imposition of Fines for Negligence)

The standards for imposition of fines for negligence under Article 32 (1) of the Act shall be as the attached Table 3.

[This Article Wholly Amended by Presidential Decree No. 21542, Jun. 16, 2009]

ADDENDUM

This Decree shall enter into force on January 6, 1996.

ADDENDA *<Presidential Decree No. 16058, Dec. 31, 1998>*

(1) (Enforcement Date) This Decree shall enter into force on January 1, 1999: *Provided*, That the amended provisions of Article 8 (3) 3 shall enter into force on April 1, 1999.

(2) (Transitional Measures concerning Examination of Level of Soil Contamination) With respect to facilities which fall under the amended provisions of Article 8 (2) 1 (a) or (b) at the time this Decree enters into force under the main sentence of paragraph (1) and for which six months have not passed since the examination of the level of soil contamination was made under the previous provisions, the examination of the level of soil contamination which is to be conducted first after the enforcement of this Decree shall be exempted, notwithstanding the amended provisions of Article 8 (2) 1: *Provided*, That this shall not apply to the facilities which fall under the proviso of the same subparagraph.

(3) Omitted.

ADDENDUM *<Presidential Decree No. 17432, Dec. 19, 2001>*

This Decree shall enter into force on January 1, 2002.

ADDENDA *<Presidential Decree No. 17698, Aug. 8, 2002>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 5 Omitted.

ADDENDA *<Presidential Decree No. 17816, Dec. 26, 2002>*

Article 1 (Enforcement Date)

This Decree shall enter into force on January 1, 2003.

Articles 2 through 17 Omitted.

ADDENDA *<Presidential Decree No. 18213, Jan. 9, 2004>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDUM <Presidential Decree No. 18312, Mar. 17, 2004>

This Decree shall enter into force on the date of its promulgation.

ADDENDA <Presidential Decree No. 18910, Jun. 30, 2005>

Article 1 (Enforcement Date)

This Decree shall enter into force on July 1, 2005: *Provided*, That the amended provisions of Articles 8-2 (1) 1, 11, and 11-2 shall take effect on January 1, 2006, and the amended provisions of Article 8 (1) 2 and (3) (limited to the matters relating to the examination of leakage) on July 1, 2006.

Article 2 (Applicable Cases concerning Corrective Order)

The amended provisions of Article 8-3 concerning the period of implementing a corrective order and the extension of such a period shall apply to any person to whom such corrective order is given on or after the enforcement date of this Decree.

Article 3 (Transitional Measures concerning Leakage Examination)

(1) Notwithstanding the amended provisions of Article 8 (1) 2 concerning the examination of leakage, the facilities subject to leakage examination for which not less than fifteen years have passed at the time of the enforcement of the said provisions since they were installed shall undergo the examination of leakage not later than June 30, 2007, and the facilities subject to leakage examination for which not less than ten years but less than fifteen years have passed at the time of the enforcement of the said provisions since their installation, not later than June 30, 2008, respectively.

(2) Notwithstanding the provisions of paragraph (1), if the examination of leakage as referred to in Article 8 (1) 2 (a) is undergone after July 1, 2001 (referring to July 1, 2002 in case of the facilities for which not less than ten years but less than fifteen years have passed since their installation) or the examination of leakage as referred to in Article 8 (1) 2 (b) is undergone after July 1, 2003 (referring to July 1, 2004 in case of the facilities for which not less than ten years but less than fifteen years have passed since their installation), the next examination of leakage shall be undergone according to the classification of items of Article 8 (1) 2 on the basis of the date when such examination is conducted.

Article 4 (Transitional Measures concerning Standards for Designation of Soil-Related Specialized Institution)

Any person who is designated as a soil contamination survey institution at the time of the entry into force of this Decree shall receive the designation of its change after equipping himself with the examination facilities and equipment and the technical manpower as described in the amended provisions of subparagraph 1 of the attached Table 1 within six months from the date when this Decree takes effect, and any person who is designated as a leakage examination institution at the time of the entry into force of this Decree shall receive the designation of its change after equipping himself with the examination facilities and equipment and the technical manpower as described in the amended provisions of subparagraph 2 of the attached Table 1 within one year from the date when this Decree takes effect.

ADDENDA <Presidential Decree No. 18953, Jul. 22, 2005>

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.
Article 2 Omitted.

ADDENDA *<Presidential Decree No. 20297, Aug. 28, 2007>*

Article 1 (Enforcement Date)

This Decree shall enter into force on October 5, 2008. (Proviso Omitted.)
Articles 2 and 3 Omitted.

ADDENDA *<Presidential Decree No. 21078, Oct. 8, 2008>*

Article 1 (Enforcement Date)

This Decree shall enter into force on the date of its promulgation.
Articles 2 through 4 Omitted.

ADDENDA *<Presidential Decree No. 21542, Jun. 16, 2009>*

Article 1 (Enforcement Date)

- This Decree shall enter into force on the date of its promulgation.
- Article 2 (Transitional Measures concerning Examination of Soil Contamination)**
The previous provisions shall apply to an examination of soil contamination level for any installer of specific facilities subject to the control of soil contamination who should undergo an examination of soil contamination level under Article 8 (1) 1 and examination of leakage under subparagraph 2 of the same paragraph not later than December 31, 2008.
- Article 3 (Transitional Measures concerning Corrective Orders)**
The previous provisions shall apply to the extension of the performance period to any installer of specific facilities subject to the control of soil contamination who has received a corrective order pursuant to Article 8-3 (1) at the time when this Decree enters into force.
- Article 4 (Transitional Measures concerning Orders for Taking Measures)**
The amended provisions of Article 9-2 (2) shall apply to the extension of the performance period to any causer of contamination who has been ordered to take measures pursuant to Article 9-2 (1) at the time when this Decree enters into force.
- Article 5 (Transitional Measures concerning Standards for Designation of Soil-Related Specialized Institutions)**
Any person who has been designated as a soil-related specialized institution at the time when this Decree enters into force shall be designated for modification with required technical human resources under the amended provisions of the attached Table 1 within one year from the date this Decree enters into force.
- Article 6 (Transitional Measures concerning Standards for Registration of Soil Purification Business)**
Any person who has registered a soil purification business at the time when this Decree enters into force shall register for modification with required technical human resources under the amended provisions of the attached Table 2 within one year from the date this Decree enters into force.

ADDENDUM *<Presidential Decree No. 21626, Jul. 7, 2009>*

This Decree shall enter into force on the date of its promulgation.