

Data Source: [Soil and Groundwater Pollution Remediation Web of Taiwan](http://sgw.epa.gov.tw/public/En/index.htm)

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Soil and Groundwater Remediation Act Passes

On the evening of January 13th 2000, a full meeting of the Legislative Yuan completed the second and third reading of the Soil and Groundwater Pollution Remediation Act, officially bringing the new Act into law. The Legislature confirmed that the new Act will fully address groundwater pollution remediation, and established a system where soil and groundwater pollution sites will be divided into two categories. When levels of soil or groundwater pollution exceed set control standards, the site will be listed as a "control site", and the competent authority will be charged with taking steps to prevent further spread of pollution. Control sites assessed to be high risk will then be listed as "remedial sites", and the polluter or person involved with the land must remediate the site in accordance with regulations. Sale of the polluter or involved persons' land will also be prohibited.

The original EY version was focused heavily on the remediation of soil pollution, however most of the legislators involved favored broadening the scope of the Act to equally include groundwater remediation. After an assessment, the EPA agreed to accept the LY suggestion and incorporate groundwater remediation together in the Act.

After determining that groundwater would be included, the original two level monitoring and remediation system was changed to a three level monitoring, control and remediation system. According to the new Act, if soil or groundwater pollution has a clear source and concentrations exceed control standards, the competent authority must declare the site as a "control site". The competent authority must then take necessary measures and can request the polluter to provide pollution control plans (not remediation), to be implemented after approval by the competent authority.

When control sites, after going through set assessment procedures, are suspected of posing a threat to public health and the environment, the competent authority will declare it to be a "remedial site". At such time, the polluter will be required to provide a remediation plan. In principle, the

remediation standards to be used should be below control standard values and will be reviewed on a case-by-case basis after their proposal by the polluter in the remediation plans. If, for reasons of geographic nature, unique character of the pollutant, or the limitation of remedial technologies, there is no way to treat a site to below control standards, the results of a health risk assessment may be used to set flexible remediation standards.

In addition, if the source of groundwater contamination is unclear, but pollutant concentrations exceed control or remediation standards, the implementation of control or remedial procedures will be the same as at sites where the pollutant source is clear, but action will be undertaken by the proper government authority.

To avoid difficulties that would arise from the transfer of ownership of polluted lands, the EY draft recommended that a prohibition for the sale of land within a control site should be submitted to land registration authorities. However, because the scope of groundwater pollution is frequently greater than that of soil pollution, the new Act prohibits the polluter or interested parties from selling the entire property containing the remedial site.

The establishment of a remediation fund will continue to be structured around the collection of fees from designated chemicals. However, the new Act will increase sources for the fund by diverting money from other related environmental protection funds and environmental fines.

Operation and management of the fund is provided for by the establishment of a Fund Committee. The committee will be able to form necessary assessment and technical working groups. Committee members will be made up of at least 2/3 experts and academics, and members and their relatives must conform with articles designated to prevent a conflict of interest.

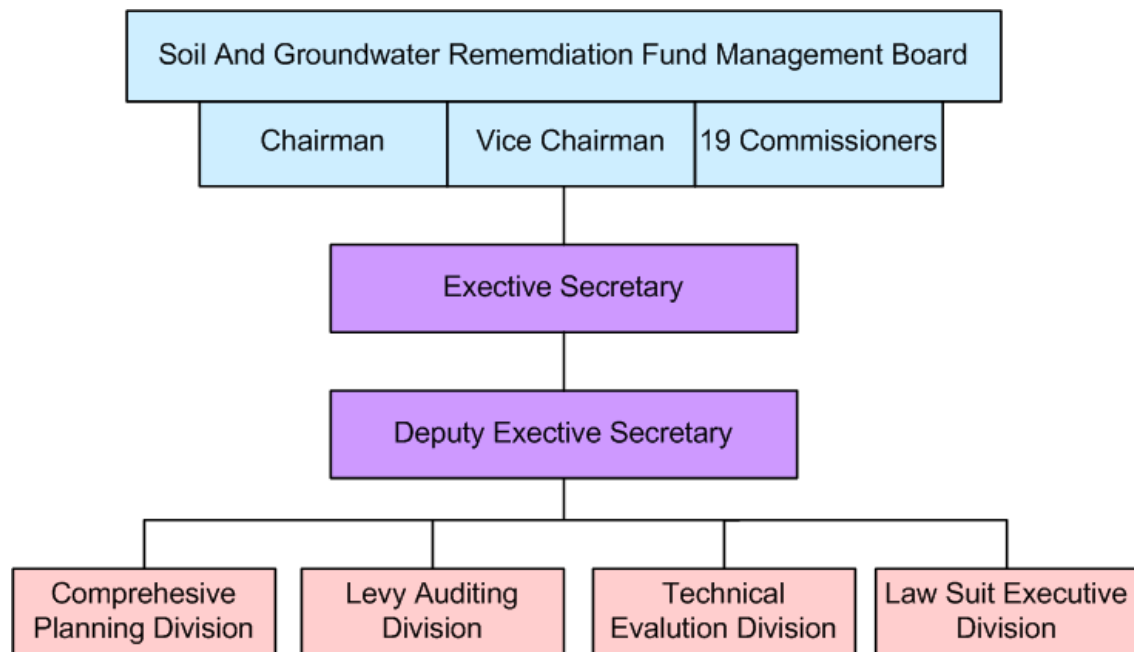
The new Act also stipulates that the law will go into effect a full year after its announcement, and maintains the EY draft stipulation that existing pollution sites will be affected by the law *ex post facto*.

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Board→3.2

Organizational Structure of Soil and Groundwater Remediation Fund Management Board



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Remediation Funds→4.1

Soil and Groundwater Pollution Remediation Fund

This Soil and Groundwater Pollution Remediation Fund was created by consulting the U.S. Superfund, and other similar environmental institutions from European countries. The purpose of this fund is to establish a fund collecting mechanism for any emergency response taken and follow-up remediation measures during and after any soil and groundwater pollution occurrence. This fund offers the government available monetary compensation to remediate the polluted site, and it mandates that the pollution causing party pays his/her share of remediation charges.

According to Article 22 of the Remediation Act, the central competent authority shall levy remediation charges from designated chemical manufacturers and importers according to the quantity of production and importation of such chemicals. These charges will contribute to the Soil and Groundwater Remediation Fund. Beginning on November 21, 2001, by Article 4 of the "Soil and Groundwater Remediation Charge Levy Executive Measures", a remediation charge payer shall pay the charges to the designated financial institution before the end of January, April, July, and October. The payer shall fill the remediation charge application attached with the payment receipt, chemical production report or import custom form and submit it to the central competent authority.

The designated chemical categories are petroleum-based organics; compounds contain chlorine, carbon and hydrogen, non-petroleum based organics, pesticide, heavy metals and their compounds, and others, approximately 125 chemicals. Payers are mostly petroleum manufacturers. The remediation charge income sources include charge levying, fund savings interest, and other incomes. The remediation charge expenditures are cost associated with remediation action taken for the pollution occurrence, general administrative management, and remediation equipment including construction.