

Laws and Regulations Regarding Wastes-related Information Disclosure (Extracted from Key Provisions)

The Official Information Disclosure Act

Article3(Principles for Disclosing Information) All information held and managed by public institutions shall be disclosed to assure the people's right to know under the conditions as prescribed by this Act.

Article5(Applicants for Information Disclosure) ①Every people holds the right to request information disclosure.

② Requests for disclosing information made by any foreigners shall be prescribed by the Presidential Decree.

Article6(Obligations of Public Institutions) ① Public institutions shall enforce this Act and abide by related Acts and subordinate statutes so as to respect the people's rights to request information disclosure.

② Public institutions shall create an information management system by which information can be properly kept and speedily searched, open an office and secure staff in charge of information disclosure and work to build an information disclosure system, etc. by making full use of the information and communications network.

Article7(Publication of Administrative Information) ①With respect to the information falling under any of the following subparagraphs, public institutions shall prescribe the specific scope of its disclosure and the frequency, time and methods of its disclosure, etc. in advance, and publish such standards, and regularly publish the information according to such standards: Provided, that the same shall not apply to the information falling under any of subparagraphs of Article 9 (1):

1. Information pertaining to any policy that has a substantial impact on the life of the people;
2. Information pertaining to any work or any project, etc. which is undertaken under a State policy and requires the spending of a significant amount of budget;
3. Information that is needed to perform the administrative overseeing on detailed budget spending and project evaluation outcome;
4. Other information that is prescribed by the heads of public institutions.

②The heads of public institutions shall work vigorously to make information that the people need to know accessible to them in addition to the matters referred to in Paragraph(1).

Article8(Making and Keeping of List of Information) ①Public institutions shall make and keep a list of information that they hold and manage in a manner that the people can readily understand such list of information and publish the list of information through the information disclosure system, etc. by making full use of the information and communications network: Provided, that in the event that any information that may not be disclosed under Article 9(1) is on the list of information, such information may not be provided or disclosed.

②Public institutions shall secure a place for information-disclosure and facilities needed to disclose information in order to speedily and smoothly perform the clerical work of information disclosure.

Article8-2(Disclosure of Original Copy of Information Subject to Disclosure) A public institution designated by central administrative agency or the Presidential Decree shall disclose its information classified as the information subject to disclose among its computerized information that is held and managed by the public institution through an information disclosure system by making full use of the information and communications network, although there is no request for information disclose raised by the people.

Article9(Information Subject to Non-Disclosure) ①All information that is held and managed by public institutions shall be disclosed to the public: Provided, that the information falling under any of the following subparagraphs may not be disclosed to the public:

1. Information that is classified as a matter that needs to be kept in secret or closed under orders pursuant to this Act and other Acts (limited to the rules of the National Assembly, the rules of the Supreme Court, the rules of the Constitutional Court, the rules of the National Election Commission, the Presidential Decree and municipal or local ordinances);
2. Information pertaining to matters such as the national security, the national defense, unification, diplomatic relations, etc., which, if disclosed, is feared to seriously undermine national interests;
3. Information which, if disclosed, is feared to seriously undermine the protection of the people's lives, physical safety and properties;
4. Information pertaining to matters such as a trial in progress, the prevention and investigation of crimes, the institution and maintenance of indictments, the execution of sentence and correction, and security disposition, which if disclosed, carries a reasonable probability of making it difficult to perform duties or infringing on the right of any criminal defendant to stand a fair trial;
5. Information pertaining to matters such as audit, supervision, inspection, tests, regulations, tendering contract, technological development, management of personnel affairs, decision-making processes or internal-review processes, etc., which, if disclosed, carries a reasonable possibility of seriously impeding the proper performance of work as well as research and development; Provided, that the termination of processes of decision-making and internal review shall be informed to an applicant who requests the information disclosure pursuant to Article 10, in the case where the information is not disclosed due to the processes of decision-making or internal review.
6. Information pertaining to personal matters such as names and resident registration numbers, etc., which, if disclosed, is feared to infringe on secrets of individuals or the rights to their privacy and freedom: Provided, that information pertaining to individuals, which falls under any of the following subparagraphs, shall be excluded:
 - A. Information that is made available for public investigation under the conditions as prescribed in Acts and subordinate statutes;
 - B. Information that is produced or acquired by public institutions for the purpose of publication and does not illegally infringe on secrets and individuals' rights to privacy;
 - C. Information that is produced or acquired by public institutions, and its disclosure is deemed necessary to remedy the public interest or individuals's rights;
 - D. Information pertaining to names and positions of public officials who have completed their official service;

- E. Information pertaining to name and occupation of individual who has been entrusted or commissioned by the State or local governments with a part of the latter's official service or to completed a part of such an official service under the conditions as prescribed by the Acts and subordinate statutes, the disclosure of which is necessary for the public interest;
7. Information pertaining to matters such as management and trade secrets of corporations, organizations or individuals (hereinafter referred to as "corporations"), which if disclosed, is feared to seriously undermine the legitimate interests of the corporations, etc: Provided, that the information falling under any of the following subparagraphs shall be excluded:
- A. Information that is needed to be disclosed in order to protect the lives, physical safety and health of persons from dangers arising from their business activities; and
- B. Information that is needed to be disclosed in order to protect the people's personal properties or lives from illegal and unfair business activities; and
8. Information that disclosure of which is feared to spark acts of speculation in real estate and acts of cornering and hoarding real estate, etc., bringing profits or losses to specific persons.
- ② In the event that the information falling under any of subparagraphs of Paragraph(1) is no longer needed to be kept concealed on the grounds of a fixed period expired, etc., the relevant information shall be disclosed to the public.
- ③ A public institution shall establish the detailed criteria for the scope of information subject to non-disclosure taking into account characteristics of relevant business of the public institution within the scope of each subparagraph of Paragraph(1), and open them to the public.

Wastes Control Act

Article 31 (Management of Waste Disposal Facilities) ① Any one who has installed and operates a waste disposal facility shall maintain and manage such facility in compliance with the guidelines for the management as prescribed by the Ordinance of the Ministry of Environment.

② Any one who has installed and operates a waste disposal facility specified by Presidential Decree shall take measurements of pollutants discharged from the waste disposal facility or arrange for a measuring institution specified by Ordinance of the Ministry of Environment to take such measurements, and shall submit a report on the results thereof to the Minister of Environment.

③ Any one who has installed and operate a waste disposal facility specified by Presidential Decree shall examine the impact that the installation and operation of such waste disposal facility has on its surroundings every three years, and shall submit a report on the results thereof to the Minister of Environment.

④ If a waste disposal facility fails to meet the standards for installation under Article 29 (1) or the standards for management under Paragraph(1) of this Article in its installation, maintenance or management, or if the facility is decided as inappropriate after being taken an examination pursuant to Article 30(1) or (2), the Minister of Environment may order the person who has installed and operates the facility to take measures for improving the facility within a period of time prescribed by Ordinance of the Ministry of Environment or suspend the operation of such facility, except the case where the facility is decided as inappropriate after being taken an examination pursuant to Article 30(1) or (2).

⑤ If a person to whom an order to improve or suspend the facility has been issued pursuant to Paragraph(4) fails to perform as ordered, or if it is found that such person is unable to perform as ordered, the Minister of

Environment may order him/her to close down the facility.

⑥The Minister of Environment may have a person prescribed by Presidential Decree carry out a process of shutdown such as final covering-up, if a business operator who installed a waste landfill facility receives an order of shutdown pursuant to Paragraph(5) but fails to close down the facility within the period, and may use the advance reserve for follow-up management of Performance Guarantee Bond for Follow-up Management to do so, which is deposited by a person who installed a waste landfill facility pursuant to Article52(1). In this case, if the costs exceed the reserve, the exceeded amount may be collected from a person who receives the order.

⑦The Minister of Environment may order measurement of pollutants or an impact assessment on the surroundings of a waste disposal facility as prescribed by Ordinance of the Ministry of Environment, when a person who installs and operates a waste disposal facility fails to fulfill his/her duty to measure pollutants pursuant to Paragraph(2) or fails to carry out an impact assessment on the surroundings pursuant to Paragraph(3).

⑧The pollutants subject to measurement pursuant to Paragraph(2), frequency of measurement, report on the measurement results and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

⑨The method and scope of impact assessment pursuant to Paragraph(3), report on the results and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

⑩The Minister of Environment shall make a public announcement of the results of measurement under Paragraph(2) and impact assessment under Paragraph(3), pursuant to *the Official Information Disclosure Act*.

Enforcement Decree of The Wastes Control Act

Article13(Waste Disposal Facilities Subject to Pollutants Measurement)“Waste disposal facility as specified by Presidential Decree” in Article 31(2) of the Act means a landfill facility.

Article14(Waste Disposal Facilities Subject to Impact Assessment on Surroundings) “Waste disposal facility as specified by Presidential Decree” in Article 31(3) of the Act means any of the following facilities installed and operated by a waste disposal business operator:

1. An incineration facility for commercial wastes with a daily disposal capacity of at least 50 tons (referring to a number of incineration facilities with a daily disposal capacity of at least 50 tones as a whole, in cases where there are a number of incineration facilities within an identical place of business);
2. A landfill facility for controlled commercial wastes with an area of at least 10,000 square meters for landfill;
3. A landfill facility for ordinary commercial wastes with an area of at least 150,000 square meters for landfill.
4. Cement Kilns(only when using wastes as fuel)
5. A facility for incineration heat recovery of commercial wastes with a daily recycling capacity of more than 50 tons (or, in a case where there are several facilities for incineration heat recovery in one place of business, the sum of all facilities's daily recycling capacity is more than 50 tons.)

Enforcement Rules of Wastes Control Act

[Table 13]

Standards for Impact Assessment on Surroundings of Waste Disposal Facilities

(Pursuant to Article 46)

1. Fields and Items of Assessment

A. Landfill Facility

- 1) Air: Fine dust (PM-10) that falls under the environmental standards for atmosphere pursuant to Table 1 of *the Enforcement Decree of the Framework Act on Environmental Policy*, and malodor pursuant to Article 2(1) of *the Malodor Prevention Act*.
- 2) Surface Water: Permissible emission standards of leachate pursuant to Table 11(2)(B)(2-a).
- 3) Ground Water: Water quality standards of water for living pursuant to Table 4 of the Rules on water quality conservation of ground water, etc.
- 4) Soil: Worrysome level of soil contamination pursuant to Table 3 of *the Enforcement Rules of the Soil Environment Conservation Act*

B. Incineration Facility, cement kilns and facility for incineration heat recovery

- 1) Air: Dioxin, furan and malodor pursuant to Article 2(1) of *the Malodor Prevention Act*
- 2) Surface Water: Permissible emission standards of leachate pursuant to Table 11(2)(B)(2-a), which means the case where incineration facility or facility for incineration heat recovery falls under waste water discharging facility pursuant to Article 2(10) of *the Water Quality and Aquatic Ecosystem Conservation Act*.

2. Assessment Methods

A. Frequency of Assessment: It ensures that measurements for assessment shall be conducted at least twice for each item, but not in the same season. Malodor shall be measured at least more than once in summer (from June to August).

B. Measuring Site

- 1) More than three regular measuring sites for fine dust and dioxin shall be designated among residential areas adjacent to the relevant facility.
- 2) Measuring site for malodor shall be designated among one of the most smelly site where is most adjacent to the relevant landfill facility.
- 3) More than one regular measuring site for surface water shall be designated in upstream and downstream respectively, which is adjacent to the relevant facility being witnessed or presenting concerns over any leakage or seepage of waste water, leachate, etc.
- 4) Three wells as ground water measuring site shall be designated, which are installed around the relevant landfill facility, pursuant to Table 9(2)(A)(8).
- 5) More than four measuring sites for soil shall be designated, which are adjacent to the relevant facility and pose concerns over soil contamination.

C. How to Measure: this shall observe the standards of the Official Waste Testing regarding environmental pollution pursuant to Article 6(1) of *the Environmental Examination and Inspection Act*.

3. Reporting Results: Written results shall be submitted to a mayor, a governor of province or head of regional environmental agency within 30 days after completing an assessment.

Promotion of Installation of Waste Disposal Facilities and Assistance, etc. to Adjacent Areas Act

Article9(Selection of Locations of Waste Disposal Facilities)

④When the Location Selection Committee selects a location pursuant to Paragraph(3), it shall have the institution selected by the Location Selection Committee from among the specialized research institutions prescribed by Presidential Decree examine the appropriateness of the location of the site proposed in advance, and shall consider such result of examination: Provided, that in cases where the Location Selection Committee deems it unnecessary for the specialized research institution to examine the appropriateness of the location of a proposed site, it may omit the examination or substitute it with a written opinion of examination by the related expert prescribed by Presidential Decree for the examination.

⑤The Location Selection Committee may, in cases where a majority of the heads of households residing in the area prescribed by Presidential Decree desires the installation of waste disposal facilities in such area pursuant to the plan for selection of a location under Paragraph(1), conduct the examination on the appropriateness of the location of a proposed site under Paragraph(4) for such area only.

⑥The Location Selection Committee shall open the process of the examination on the appropriateness of the location of a proposed site and the results of such examination (in cases where it has omitted the examination of the appropriateness or substituted with a written opinion of examination by the relevant expert pursuant to Paragraph(4), referring to the reason of such omission or such written opinion of examination) under Paragraph(4) and Paragraph(5) to the inhabitants of the relevant area. In such cases, an agency installing waste disposal facilities shall provide support necessary for opening to the public.

Article25(Observation by Local Residents) ①An agency installing waste disposal facilities may, if the Support Consultative Body requests, have local residents recommended by the Support Consultative Body (hereinafter referred to as "resident watchers") observe and watch the process, etc. of bringing in and disposal of waste.

③Number and activity scope of resident watchers under Paragraph(1) shall be prescribed by Presidential Decree.

Act of Liability, Compensation and Relief from Damages Caused by Environmental Pollution

Article4(Responsibilities of State, etc.) ①The State shall establish and implement a comprehensive policy for practical relief measures to deal with damages caused by environmental pollution, and develop necessary measures for reducing damage pursuant to the aims of the Act.

②Each local government shall put efforts to prevent any environmental pollution damage with safety management of environmental pollutants and relevant facilities, fully given the State's policy pursuant to Paragraph(1) and regional characteristics.

③A business operator shall put his/her efforts voluntarily to prevent any environmental pollution damage caused by the installation and operation of facilities. When an accident of environmental pollution occurs, the business operator shall take measure necessary to reduce the damages, and cooperate to promote the policies of the State and local government pursuant to Paragraph(1) and (2) in an effective manner.

Article6(Absolute Liability on Environmental Pollution of Business Operator) ①When any environmental pollution damage occurs caused by the installation and operation of facilities, a business operator of the relevant facility

shall compensate for the damage: Provided, that the same shall not apply to the damage caused by war, insurrection, riot, natural disaster or other acts of God.

②In the case where any damage caused by environmental pollution is due to certain situation before suspending operation of the facility, a business operator who had operated the facility shall compensate for the damage pursuant to Paragraph(1)

Article8(Obligation to Report, etc. of Business Operator) ①When an accident of environmental pollution occurs in a facility, a business operator of the facility shall report the accident to relevant administrative agencies such as special metropolitan city, metropolitan city, self-governing city, province, special self-governing province, or municipality, county, self-governing district, etc.

②A business operator shall promptly provide and share the information regarding environmental pollution of a facility to full-time worker and local residents in the relevant areas, and take emergency measures necessary to prevent any damage.

③A business operator shall document and keep the outline and results of the accident of environmental pollution, as prescribed by Ordinance of the Ministry of Environment.

④The Minister of Environment or head of local government may order the suspension of operation of relevant facility, when it is admitted significance and emergency regarding the accident of environmental pollution.

Article15(Right to Request for Information) ①A victim who has damage caused by an accident of environmental pollution may request the provision or inspection of information which falls under Article9(2) to a business operator of relevant facility, in (a) case(s) that it is necessary to confirm the right to request for compensation for damage and decide its scope pursuant to the Act.

②A business operator who receives a request for compensation for damage pursuant the Act may request the provision or inspection of information which falls under Article9(2) to other business operator, in order to decide the scope of compensation for victim or the right to indemnity for other business operator.

③A person who receives a request for information provision or inspection pursuant to Paragraph (1) and (2) shall provide the information or allow the requester to inspect the information.

④A victim or business operator pursuant to Paragraph(1) and (2) may request an order for information provision or inspection to the Minister of Environment, in (a) case(s) that information provision or inspection is refused with the reasons of confidential business information, etc.

⑤The Minister of Environment may decide whether or not to provide the information or allow inspection on the information through deliberation of the Council on Relief Policy for Damages Caused by Environmental Pollution pursuant to Article16 when a request is made under Paragraph(4), and may order for the relevant business operator to provide the information or allow the requester to inspect the information.

⑥A person to whom the information is provided or who inspects the information pursuant to Paragraph(1), (2) and (5) shall not use the information unlike its intended use or provide it to other person.

⑦Processes of making a request for information provision or inspection pursuant to Paragraph(1), (2), (3), (4) and (5) and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.