SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON ENVIRONMENTAL IMPACT ASSESSMENT

Enactment No. 3985, Mar. 20, 2002
Amendment of Other Laws No. 4131, Jul. 25, 2003
Partial Amendment No. 4227, Sep. 24, 2004
Partial Amendment No. 4313, Sep. 30, 2005
Amendment of Other Laws No. 4593, Dec. 26, 2007
Amendment of Other Laws No. 4616, Apr. 03, 2008
Whole Amendment No. 4780, May. 28, 2009
Partial Amendment No. 4883, Nov. 11, 2009
Amendment of Other Laws No. 5208, Dec. 29, 2011
Amendment of Other Laws No. 5308, Jul. 26, 2012
Partial Amendment No. 5541, Aug. 01, 2013
Amendment of Other Laws No. 6016, Oct. 08, 2015
Amendment of Other Laws No. 6961, Jan. 03, 2019
Partial Amendment No. 6984, Jan. 03, 2019
Partial Amendment No. 7068, Mar. 28, 2019
Partial Amendment No. 7542, Mar. 26, 2020
Partial Amendment No. 7728, Oct. 05, 2020
Partial Amendment No. 7947, Mar. 25, 2021
Amendment of Other Laws No. 8235, Dec. 30, 2021
Partial Amendment No. 8392, Apr. 28, 2022

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONSThe purpose of this Ordinance is to contribute to the creation of a pleasant and sustainable city by prescribing the extent of projects subject to environmental impact assessment and matters necessary for the execution of such projects in consideration of unique characteristics of the Seoul Metropolitan Government pursuant to Article 42 of the Environmental Impact Assessment Act. <Amended by Ordinance No. 5541, Aug 1, 2013>

Article 2 (Definitions)

The definitions of terms used in this Ordinance shall be as follows: <Amended by Ordinance No. 5541, Aug 1, 2013>

1. The term "environmental impact assessment" means, when permitting, authorizing, approving, licensing or determining an implementation plan or action plan, etc., that can impact the environment, formulating measuresfor avoiding, alleviating or mitigating harmful environmental impact by investigating, forecasting and assessing, in advance, the potential impact that such proposed project may have on the environment;
2. The term "business operator" means a person who formulates a business plan for a target project pursuant to Article 4 or who executes such project;
3. The term "consultation standards" means the standards a business operator or the head of an approval agency agrees with the Mayor to apply to a relevant business in an area affected by the implementation of the project deeming that the following standards could hardly meet the environmental standards prescribed in Article 12 of the Framework Act on Environmental Policy or could not prevent environmental degradation:

(a) Standards for quality of discharged water prescribed in Article 13 of the Act on the Management and Use of Livestock Excreta;
(b) Permissible emission levels prescribed in Article 16 of the Clean Air Conservation Act;
(c) Standards for effluent water quality prescribed in Article 12 (3) of the Water Quality and Aquatic Ecosystem Conservation Act;
(d) Permissible discharge limits prescribed in Article 32 of the Water Quality and Aquatic Ecosystem Conservation Act;
(e) Standards for managing waste treatment facilities prescribed in Article 31 (1) of the Wastes Control Act;
(f) Standards for effluent water quality prescribed in Article 7 of the Sewerage Act;
(g) Other standards for discharging pollutants prescribed in other relevant Acts for environmental preservation.

4. The term "approval agency" means an agency that approves, etc. of the relevant business plan, etc.

Article 3 (Obligations of the Mayor, etc.)

(1) Where the Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") and the head of a Gu intends to formulate and execute various policies or business plans, he/she shall consider the potential impact of such policy or plan on the environment from the early stages and take measures against such impact.
(2) The Mayor, the heads of Gus, business operators and citizens shall recognize the importance of environmental impact assessment and endeavor to ensure the proper and smooth execution of the procedures prescribed by this Ordinance.

(3) Each person who intends to execute a project affecting the environment shall seek to minimize the impact of the execution of the relevant project on the environment.

Article 4 (Projects Subject to Environmental Impact Assessment)

(1) The extent of projects subject to environmental impact assessment shall be as set out in Table 1.
(2) Notwithstanding paragraph (1), environmental impact assessment shall not be conducted on any of the following projects:
1. A project for emergency measures pursuant to Article 37 of the Framework Act on the Management of Disasters and Safety;
2. A project on which the Minister of National Defence has consulted with the Mayor because he/she deems it necessary for the protection of military secrets or the urgent execution of military operations;
3. A project on which the Director of National Intelligence Service has consulted with the Mayor because he/she deems it necessary for national security.

Article 5 (Basic Principles of Environmental Impact Assessment)

Environmental impact assessment shall be conducted according to the following basic principles:
1. To formulate a plan to avoid or reduce any harmful effects to the environment following the execution of a target project within the extent of economical and technical viability;
2. To formulate a plan for environmental preservation based on the results of scientific investigation and forecast;
3. To endeavor to enable residents, etc. to participate in the process of environmental impact assessment by providing sufficient information on a target project.

Article 6 (Setting Objectives for Environmental Preservation, etc.)

(1) Where a business operator intends to conduct environmental impact assessment on a target project, he/she may conduct environmental impact assessment after setting objectives of the project for environmental preservation considering the environmental impacts caused by the execution of the project, and scientific knowledge, economic circumstances, etc, at the time of assessment.
(2) Where a business operator sets up objectives for environmental preservation pursuant to paragraph (1), he/she shall refer to the following standards: <Amended by Ordinance No. 4883, Nov. 11, 2009; Ordinance No. 5541, Aug 1, 2013>
1. To be based on environmental standards prescribed in Article 12 of the Framework Act on Environmental Policy; however, in cases of air, to be based on environmental standards set out in Table 1 to the Seoul Metropolitan Government Framework Ordinance on Environment;
2. The status of urban ecology prescribed in Article 4 (4) of the Seoul Metropolitan Government Ordinance on Urban Planning;
3. An ecological and natural map prescribed in subparagraph 14 of Article 2 of the Natural Environment Conservation Act;
4. Total pollutant standards by region prescribed in the Clean Air Conservation Act and the Water Quality and Aquatic Ecosystem Conservation Act;
5. Other standards established by relevant Acts and subordinate statutes for environmental preservation.

CHAPTER II PREPARATION, ETC. OF ENVIRONMENTAL IMPACT STATEMENT

Article 7 (Preparation of Statement)

CHAPTER II PREPARATION, ETC. OF ENVIRONMENTAL IMPACT STATEMENT(1) Where a business operator intends to execute a target project, he/she shall prepare documents concerning environmental impact assessment (hereinafter referred to as "statement"), as prescribed by the Enforcement Rule.
(2) Where a business operator has conducted a strategic environmental impact assessment pursuant to Article 16 of the Environmental Impact Assessment Act at the stage of formulating a master plan for developing a development project, he/she may utilize details of the strategic environmental impact assessment report when preparing a statement pursuant to paragraph (1). <Amended by Ordinance No. 5541, Aug 1, 2013>

Article 8 (Seeking Opinions, etc.)

(1) Each business operator shall hold a presentation or public hearing, etc., as prescribed by the Enforcement Rule, to seek opinions from residents of an area to be affected by the execution of a target project (hereinafter referred to as "residents") in the preparation of a statement, and include their opinions in the statement. In such cases, he/she shall hold a hearing if residents within the extent prescribed by the Enforcement Rule so request.
(2) When a business operator intends to seek opinions from residents pursuant to paragraph (1), he/she shall submit a summary of a draft of the statement prepared as prescribed by the Enforcement Rule and a draft of the statement prepared in electronic format determined and publicized by the head of the related administrative agency to the head of the Gu having jurisdiction over the area of the target project. In such cases, the area of a project falls across at least two Gus, the business operator shall submit the said summaries to the head of the Gu having jurisdiction over an area in which the largest portion of the target project is included.

(3) The head of a Gu who has received a draft of a statement pursuant to paragraph (2) (hereinafter referred to as the "head of a Gu in charge") shall publicize such draft as prescribed by the Enforcement Rule for residents' perusal, and send it to the head of the Gu having jurisdiction over an area in which the project area is located and the Mayor to seek their opinions. In such cases, for a project subject to approval, etc., the head of a Gu in charge shall also seek opinions from an approval agency.
(4) The head of an administrative agency who has received a draft of a statement pursuant to paragraph (3) may submit his/her opinion on possible damage to the living environment and property of residents caused by the execution of the target project and a plan for reduction thereof to the head of the Gu in charge, and residents may submit their opinions to the head of the Gu in charge or the head of the Gu having jurisdiction over the relevant area.
(5) A business operator shall publicize opinions gathered from residents, etc., prescribed in paragraph (1) and whether he/she will reflect the results thereof as required by rule. <Newly Inserted by Ordinance No. 5541, Aug 1, 2013>
(6) Where seeking opinions pursuant to Article 13 of the Environmental Impact Assessment Act falls under a ground prescribed by the Enforcement Rule when a business operator consults on Pre-Environmental Review at the stage of formulating a master plan for developing a development project, such opinion-seeking may replace other opinion-seeking procedures. <Amended by Ordinance No. 5541, Aug 1, 2013>

Article 9 (Re-Preparation of Draft of Statement, etc.)

Where a ground prescribed by the Enforcement Rule arises due to any change in a business plan for a target project or other reasons before a business operator is notified of the details of consultation pursuant to Article 15 after he/she has passed through due formalities for seeking opinions under Article 8, the business operator shall re-prepare a draft of a statement and seek further opinions pursuant to Article 8. <Amended by Ordinance No. 5541, Aug 1, 2013>

Article 10 (Vicarious Execution of Environmental Impact Assessment)

(1) Where a business operator intends to prepare a statement pursuant to Article 7, a draft of a statement pursuant to Article 8 (2), a plan for environmental preservation pursuant to Article 18 (1), the results of investigation of environmental impacts pursuant to Article 19 (4) and a plan for preparation of a statement pursuant to Article 25 (1) (hereinafter referred to as "statement, etc."), he/she may have a environmental impact assessment agent prepare the statement, etc. for and on behalf of him/her pursuant to Article 11 (hereinafter referred to as "assessment agent"). <Amended by Ordinance No. 5541, Aug 1, 2013>
(2) Where a business operator has an assessment agent prepare a statement, etc. for and on behalf of him/her pursuant to paragraph (1), he/she shall enter into a contract with the agent separate from a contract for work, etc, on a target project and submit a copy of a document evidencing such contract. <Amended by Ordinance No. 5541, Aug 1, 2013>

Article 11 (Report of Environmental Impact Assessment Agent)

(1) Each assessment agent whose domicile registered with the Ministry of Environment pursuant to Article 54 of the Environmental Impact Assessment Act (hereinafter referred to as the "Act") is the Seoul Metropolitan Government and who intends to prepare a statement, etc. pursuant to Article 10 (1) for and on behalf of his/her client, shall report to the Mayor within 20 days from the date of an agency contract. <Amended by Ordinance No. 5541, Aug 1, 2013>
(2) Methods of and procedures for reporting an assessment agent shall be prescribed by the Enforcement Rule. <Amended by Ordinance No. 5541, Aug 1, 2013>
(3) Each assessment agent shall report any modification of the matters registered pursuant to Article 24 of the Enforcement Rule of the Environmental Impact Assessment Act to the Mayor within 14 days from the date of such modification. <Amended by Ordinance No. 5541, Aug 1, 2013>

Article 12 (Matters to be Complied with by Business Operators and Assessment Agents)

(1) Each business operator and assessment agent shall keep a statement, etc. and materials which serve as a basis for preparing such statement for a period prescribed by the Enforcement Rule: Provided, That this shall not apply where they have disclosed a statement, etc. through the information and communications network, etc. of the Seoul Metropolitan Government. <Amended by Ordinance No. 5541, Aug 1, 2013>
(2) Each business operator and assessment agent who prepares a statement, etc. shall comply with the following: <Amended by Ordinance No. 5541, Aug 1, 2013>
1. They shall not prepare a statement, etc. by reproducing details of another statement, etc.;
2. They shall not prepare a statement, etc. and materials which serve as a basis of the preparation thereof falsely or poorly;
3. They shall not lend the name of an assessment agent to another person or subcontract the business of environmental impact assessment contracted en bloc;
4. They shall not request, entertain or provide money and other valuables to a public official or deliberating council member in the process of consultation on a statement.
(3) Detailed standards of false or poor preparation pursuant to paragraph (2) 2 shall be prescribed by the Enforcement Rule.

CHAPTER III CONSULTATION ON ENVIRONMENTAL IMPACT STATEMENT, ETC.

Article 13 (Request for Consultation on Statement)

CHAPTER III CONSULTATION ON ENVIRONMENTAL IMPACT STATEMENT, ETC.(1) Where a business operator is required to obtain approval, etc. on a target project or a business plan thereof (hereinafter referred to as "business plan, etc."), he/she shall submit a statement to the head of an approval agency.

(2) The head of an approval agency and a business operator who needs not obtain approval, etc. (hereinafter referred to as the "head of an approval agency, etc.") shall submit a statement to the Mayor as prescribed by the Enforcement Rule and request consultation.

(3) The time to submit a statement pursuant to paragraph (1) and the time to request consultation on a statement pursuant to paragraph (2) shall be set out as Table 1. In such cases, the head of an approval agency who has received a statement from a business operator shall submit the same to the Mayor together with his/her opinion on the statement within five days from the date he/she receives the same.

Article 14 (Examination of Statement and Supplementation thereto)

(1) Where the Mayor deems that a business plan, etc. needs to be supplemented because a statement submitted for consultation pursuant to Article 13 (2) has not been prepared in accordance with Article 7 or it is likely to cause any harmful effects to the environment due to the execution of a target project, he/she may request the head of an approval agency, etc. to supplement such business plan, etc.

(2) In the examination of a statement, the Mayor shall refer the statement to the Environmental Impact Assessment Deliberative Committee of the Seoul Metropolitan Government pursuant to Article 22 (hereinafter referred to as the "Committee") for deliberation.

(3) Where necessary for the examination of a statement, the Mayor may seek opinions from relevant professional organizations and experts.

Article 15 (Notification of Details of Consultation)

(1) When the Mayor has completed the examination of a statement, he/she shall notify the head of an approval agency, etc. of the result thereof (including details of the examination and supplementation thereto requested pursuant to Article 14 (1); hereinafter referred to as "details of consultation") within 28 days from the date he/she receives the statement pursuant to Article 13 (2), and the period for which the business operator supplements the statement shall not be included therein: Provided, That when any inevitable cause prescribed by the Enforcement Rule accrues, the period may be extended only once.

(2) In any of the following cases, the Mayor may notify the head of an approval agency, etc. of the details of consultation on condition that he/she supplement the statement, etc. and reflect such in the relevant business plan, etc.:

1. Where he/she deems that matters to be supplemented are insignificant;
2. Where he/she deems that it is possible for a business operator or the head of an approval agency to supplement a statement before he/she approves the relevant business plan, etc.

(3) The head of an approval agency who has been notified of the details of consultation pursuant to paragraphs (1) and (2) shall immediately notify the business operator of the details of consultation so that he/she may take necessary measures based on such details, and the business operator shall implement such measures.

Article 16 (Request for Conciliation)

(1) Where the head of an approval agency, etc. has an objection to any details of consultation notified pursuant to Article 15 (1), he/she may request conciliation regarding details of consultation from the Mayor, as prescribed by the Enforcement Rule, within 90 days from the date he/she is notified of such details of consultation. In such cases, a business operator who shall obtain approval, etc. shall request conciliation through the head of an approval agency. <Amended by Ordinance No. 5541, Aug 1, 2013>

(2) In receipt of a request for conciliation made pursuant to paragraph (1), the Mayor shall examine whether details of such conciliation are appropriate, and notify the head of an approval agency, etc. of the result thereof within 30 days from the date he/she receives the request. <Amended by Ordinance No. 5541, Aug 1, 2013>

(3) Where a request is made with regard to the details of consultation accompanying any modification of a business plan, etc., the head of an approval agency, etc. shall not grant approval, etc. for or confirm the relevant business plan, etc. before he/she is notified pursuant to paragraph (2): Provided, That this shall not apply where he/she excludes details related to the request for conciliation from the business plan. <Amended by Ordinance No. 5541, Aug 1, 2013>

Article 17 (Re-Preparation of and Re-consultation on Statement, etc.)

(1) Where a business operator notified of details of consultation pursuant to Article 15 falls under any of the following, he/she shall re-prepare a statement, and a business operator subject to approval, etc. shall submit a statement re-prepared to the head of an approval agency:

1. Where he/she fails to commence a project within five years from the date he/she is notified of details of consultation pursuant to Article 15 (excluding cases where there are minor changes in surroundings in the period for which he/she fails to commence the project and an approval agency, etc. has consulted with the Mayor);
2. Where the scale of a project or the scale of facilities increases beyond the scale included in the details of consultation notified

pursuant to Article 15 by at least 30/100 (including cases where the scale increases by at least 30/100 due to at least two alterations) due to alterations of a business plan, etc.;
3. Where the scale of a project increases beyond the minimum scale of a target project set out in Table 1;
4. Where he/she resumes work after the suspension of work for at least seven years;
5. Where it is impossible for him/her to carry out measures for the environment included in details of consultation because he/she has changed the utilization of land or the layout and shape of facilities.
(2) The head of an approval agency, etc., shall request the Mayor to further consult on a statement re-prepared pursuant to paragraph (1).
(3) Articles 7 through 15 shall apply to re-preparation of and re-consultation on a statement pursuant to paragraphs (1) and (2).

Article 18 (Examination, etc. of Plan for Environmental Preservation Suited to Changes in Business Plan, etc.)

(1) Where details of consultation are changed due to a change in a business plan, etc., but such change is not subject to re-preparation of or re-consultation on a statement pursuant to Article 17, the business operator shall formulate a plan for environmental preservation suited to the change in a business plan, etc. and reflect such plan in the business plan, etc. to be changed.
(2) Each business operator subject to approval, etc. shall submit in advance to the head of an approval agency a plan for environmental preservation pursuant to paragraph (1) for review.
(3) When an approval agency intends to formulate a plan for environmental preservation pursuant to paragraph (1) or to examine such plan pursuant to paragraph (2), it shall seek opinions from the Mayor if such formulation or examination falls under events prescribed by the Enforcement Rule.
(4) Article 20 (1) and (2) shall apply to the management and supervision of a plan for environmental preservation pursuant to paragraph (1).

Article 19 (Obligations of Business Operators)

(1) In implementing a target project, a business operator shall confirm the target project by reflecting details of consultation notified pursuant to Articles 15 and 17 in a business plan and execute such details of consultation in good faith.
(2) When a business operator has confirmed a business plan, etc., he/she shall submit the details thereof to the head of an approval agency. In such cases, a business operator not subject to approval, etc. shall submit details of a business plan to the Mayor.
(3) Each business operator shall designate a management officer who will inspect and report the conditions of the execution of details of consultation, such as keeping a management ledger stating the details of consultation at a work site, as prescribed by the Enforcement Rule, to faithfully execute the details of consultation pursuant to Articles 15 through 17.
(4) In order to prevent damage to the neighborhood due to environmental impacts that may incur after a business operator commences a target project, he/she shall investigate the environmental impacts for each item subject to Ex Post Environmental Impact Assessment, as prescribed by the Enforcement Rule, and report the outcomes to the Mayor and the head of an approval agency.
(5) When a business operator intends to commence or complete a target project or suspend work for at least three months or resume work, he/she shall notify the Mayor and the head of an approval agency of the details thereof.
(6) When a business operator is changed, obligations of a business operator pursuant to paragraphs (1) through (5) shall devolve upon such business operator changed, and the latter shall notify the Mayor or the head of an approval agency of matters prescribed by the Enforcement Rule, such as the conditions of the execution of details of consultation and reasons of devolution.

Article 20 (Management and Supervision of Details of Consultation)

(1) When the head of an approval agency intends to grant approval, etc. on a business plan, etc., he/she shall ascertain whether details of consultation have been reflected; and when the details of consultation have not been reflected, he/she shall order the business operator to take necessary measures to reflect such details in the business plan, etc.
(2) When the head of an approval agency, etc. approves, etc. of a business plan, etc. or confirms a business plan, etc. not subject to approval, etc., he/she shall notify the Mayor of whether details of consultation have been reflected in the business plan, etc. and the content reflected therein.
(3) When the head of an approval agency approves, etc. of a business plan, etc. pursuant to paragraph (1), he/she shall notify the Mayor of the details thereof.
(4) The Mayor and the head of an approval agency may have a business operator submit materials related to the execution of details of consultation, or investigate or check his/her place of business.
(5) Where a business operator who has obtained approval, etc. fails to implement the details of consultation, the head of an approval agency shall issue an order to take measures necessary for the implementation thereof. <Newly Inserted by Ordinance No. 5541, Aug 1, 2013>
(6) Where the head of an approval agency deems that a business operator who has obtained approval, etc. has substantial effects on the environment, etc. because he/she has failed to comply with an order to take measures prescribed in paragraph (5), the head

of an approval agency shall order the business operator to suspend work of the relevant project. <Amended by Ordinance No. 5541, Aug 1, 2013>
(7) Where the Mayor deems it necessary for managing the implementation of details of consultation, he/she may request the head of an approval agency, etc. to take necessary measures, such as the suspension of work and submission of documents, etc. In such cases, the head of an approval agency, etc. shall comply with such request in the absence of grounds prescribed by the Enforcement Rule. <Amended by Ordinance No. 5541, Aug 1, 2013>
(8) Where the head of an approval agency, etc. intends to inspect completion of the construction work of a relevant project, he/she shall verify whether details of consultation are implemented and notify the Mayor the results thereof. In such cases, if necessary, the head of an approval agency, etc. may request that the Mayor jointly verify such details. <Newly Inserted by Ordinance No. 5541, Aug 1, 2013>

Article 21 (Prohibition on Prior Execution of Work)

(1) No business operator shall execute work related to a target project before procedures for consultation or re-consultation pursuant to Articles 13 through 18 or procedures for change of a business plan, etc. not subject to re-consultation are completed: Provided, That this shall not apply to any change of a business plan, etc. subject to re-consultation pursuant to Article 17 or not subject to re-consultation pursuant to Article 18 and cases of work on the part that does not cause any change in details of consultation.
(2) The head of an approval agency shall not grant approval, etc. on a business plan, etc. before procedures pursuant to Articles 13 through 18 are completed, and when a business operator subject to approval, etc. has executed work in violation of the main sentence of paragraph (1), the head of an approval agency shall order a business operator to suspend work for the relevant project.
(3) When a business operator executes work in violation of the main sentence of paragraph (1), the Mayor may request the head of an approval agency, etc. to take necessary measures, such as the suspension of work, etc. of the relevant project. In such cases, the head of an approval agency, etc. shall comply with such request in the absence of grounds prescribed by the Enforcement Rule.

CHAPTER IV DELIBERATION ON ENVIRONMENTAL IMPACT ASSESSMENT

Article 22 (Environmental Impact Assessment Deliberative Committee of Seoul Metropolitan Government)

CHAPTER IV DELIBERATION ON ENVIRONMENTAL IMPACT ASSESSMENT(1) The Committee shall be comprised of at least 45 members but not exceeding 60 members, including one chairperson and one vice chairperson.
(2) The Director-General of the Climate & Environment Headquarters shall chair the Committee, and the vice chairperson shall be elected by and from among its members who are not public officials. <Amended by Ordinance No. 5208, Dec. 29, 2011>
(3) The Mayor shall commission or appoint members of the Committee from among those who have substantial knowledge and experience in the field of environment. In such cases, a majority of the members shall be other than public officials.
(4) The term of office of each member commissioned by the Mayor shall be two years: Provided, That the term of office of a member who fills a vacancy shall be the remaining period of his/her predecessor.
(5) The Committee shall deliberate on the following: <Amended by Ordinance No. 5541, Aug 1, 2013>
1. An environmental impact statement submitted pursuant to Articles 13 and 17;
2. A request for conciliation made under Article 16;
3. Whether to exempt a business operator from procedures for consultation on environmental impact assessment pursuant to Article 27;
4. Matters concerning improving the environmental impact assessment system;
5. Matters submitted to the Committee the chairperson deems necessary.
(6) The Committee shall pass resolutions with the currenting vote of a majority of the members present at a meeting of the Committee. A majority of the members of the Committee shall constitute a quorum and any decision thereof shall require the concurring vote of a majority of those present. <Amended by Ordinance No. 5541, Aug 1, 2013>
(7) Any of the following members shall be excluded from deliberating and resolving on the relevant agenda item subject to deliberation; and any of the following members shall apply to refrain from deliberating and resolving on the relevant agenda item: <Newly Inserted by Ordinance No. 5541, Aug 1, 2013>
1. Where a member has carried out or is currently carrying out services, consultation, research, etc., with regard to a relevant agenda item subject to deliberation;
2. Where a member is deemed to have a direct or indirect interest in regard to the relevant agenda item subject to deliberation.
(8) Where any ground for exclusion prescribed in paragraph (7) arises, the chairperson of the Committee shall decide whether to exclude the relevant member ex officio or in response to an application by the member for exclusion. <Newly Inserted by Ordinance No. 5541, Aug 1, 2013>
(9) The formation, operation and method of deliberation of the Committee and other necessary matters shall be prescribed by the

Enforcement Rule. <Amended by Ordinance No. 5541, Aug 1, 2013>

Article 23 (Subcommittees)

(1) The Committee may establish and operate subcommittees where necessary for the efficient performance of deliberation by the Committee.
(2) Each subcommittee shall be comprised of at least five members, who shall be appointed by the chairperson of the Committee, and the chairperson of a subcommittee shall be elected by and from among its members.
(3) Matters that have passed by a subcommittee after deliberation shall be deemed to have passed by the Committee. In such cases, the Committee shall determine matters to be deliberated upon in advance and refer them to a subcommittee.

Article 24 (Decommissioning of Members)

Where a commissioned member of the Committee pursuant to Article 22 falls under any of the following, the Mayor may decommission him/her:
1. Where he/she has difficulty in performing his/her duties due to a disease that requires long-term treatment or other reasons;
2. Where his/her behavior is deemed inappropriate for the performance of duties as a member, such as impairment of dignity or a long-term failure to attend meetings;
3. Where he/she wishes to resign his/her seat in the Committee.

CHAPTER SPECIAL CASES ON ENVIRONMENTAL IMPACT ASSESSMENT

Article 25 (Submission of Plan for Preparation of Environmental Impact Statement)

CHAPTER SPECIAL CASES ON ENVIRONMENTAL IMPACT ASSESSMENT(1) Each business operator shall prepare a plan for preparation of environmental impact statement (hereinafter referred to as "preparation plan") and submit the same to the head of a Gu in charge before he/she prepares a draft of a statement for a target project set out in Table 1 (excluding a project for which items of assessment and deliberation standards by target project set out in Table 1 have been publicized).
(2) The head of a Gu in charge shall forward a preparation plan received pursuant to paragraph (1) to the Mayor and the head of the Gu having jurisdiction over the project area and seek their opinions, as prescribed by the Enforcement Rule.
(3) A preparation plan under paragraph (1) shall include the following:
1. The name, domicile, etc. of the business operator;
2. The present status of the target project and the project area;
3. Items of environmental impact assessment and items of priority assessment for the target project;
4. The area where the business operator intends to execute the target project and the extent of the area where the execution of the relevant project is likely to affect the environment;
5. A rough forecast of the impact due to the execution of a project.

Article 26 (Examination, etc. of Plan for Preparation of Environmental Impact Assessment Statement)

(1) The Mayor shall examine a preparation plan submitted pursuant to Article 25 (2) and notify the head of the Gu in charge of the results of examination.
(2) In examining a preparation plan pursuant to paragraph (1), the Mayor may seek opinions from the Seoul Institute or a related professional organization (hereinafter referred to as "professional organization"). <Amended by Ordinance No. 5308, Jul. 26, 2012>
(3) The head of a Gu in charge shall notify a business operator of the result of examination pursuant to paragraph (1) and the result of seeking opinions pursuant to Article 25 (2).
(4) A business operator shall reflect the result of examination and the result of seeking opinions notified pursuant to paragraph (3) in a draft of a statement referred to in Article 8 (2).

Article 27 (Examination, etc. of Draft of Statement)

(1) Where the results of examination of a draft of a statement submitted pursuant to Article 8 (3) fall under any of the following, the Mayor may exempt the relevant business operator from procedures for consultation on environmental impact assessment following the deliberation of the Committee. In such cases, the Mayor may seek opinions from a professional organization:
1. Where it is deemed that an adverse impact on the environment due to the execution of the target project is insignificant;
2. Where measures for reducing an adverse impact to be caused by the target project have been fully established;
3. Where the results of examination meet the deliberation standards pursuant to Article 29 (2).
(2) Where the Mayor exempts a business operator from procedures for consultation on environmental impact assessment pursuant to paragraph (1), he/she shall notify the head of the Gu in charge of the details thereof.

Article 28 (Obligations of Business Operators Subject to Exemption from Procedures for Consultation)

(1) Even in cases of a project subject to exemption from procedures for consultation on environmental impact assessment pursuant to Article 27 (1), the relevant business operator shall prepare a statement reflecting opinions presented in the process of seeking opinions under Article 8 and implement such opinions in good faith. <Amended by Ordinance No. 5541, Aug. 1, 2013>

(2) Where a business operator fails to reflect opinions pursuant to Article 8 in a statement or to implement such opinions in good faith in violation of paragraph (1), the Mayor may request the head of an approval agency, etc. to take necessary measures for the implementation thereof.

Article 29 (Fields, Items, etc. of Environmental Impact Assessment)

(1) Environmental impact assessment shall be conducted in the fields of air environment, water environment, land environment, natural ecological environment, living environment, and social and economic environment to be affected by the execution of a project, and items of assessment by field shall be as set out in Table 2. <Amended by Ordinance No. 5541, Aug 1, 2013>
(2) The Mayor may determine items of priority assessment and items of field investigation according to the characteristics of a target project among items of assessment referred to in paragraph (1). In such cases, the Mayor shall determine and publicize items of assessment by target project set out in Table 1 and the deliberation standards thereof.
(3) An area subject to environmental impact assessment shall be an area to be environmentally affected by the execution of a target project, and the extent thereof shall be determined according to the materials that have scientifically forecasted and analyzed possible environmental impacts.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 30 (Confidentiality)

CHAPTER VI SUPPLEMENTARY PROVISIONSAn assessment agent, expert, or a current or past executive or employee of a professional organization who has participated in the process of environmental impact assessment under this Ordinance shall neither disclose nor steal any confidential information which became known to him/her in the course of duty. <Amended by Ordinance No. 5541, Aug 1, 2013>

Article 31 (Reimbursement of Allowances, etc.)

The Mayor may reimburse any of the following persons for allowances and other necessary expenses within the budget:
1. An expert and an executive or employee of a professional organization who has participated in the examination of a statement pursuant to Article 14 (3);
2. A member who has participated in the deliberation of a statement pursuant to Article 22;
3. An executive or employee of a professional organization who has participated in the examination of a plan for preparation of an environmental impact statement pursuant to Article 26 and a draft of a statement pursuant to Article 27.

Article 32 (Disclosure of Statement)

(1) Except where disclosure of a statement is restricted in accordance with other Acts and subordinate statutes, the Mayor may disclose a statement, etc. for residents' inspection via an information service system related to environmental impact assessment.
(2) Where a business operator or the head of an approval agency has requested the Mayor not to disclose all or any part of a statement, etc. due to any of the following causes, the Mayor may not disclose such statement, notwithstanding paragraph (1):
1. Where it is necessary for national security, such as the protection of military secrets, etc.;
2. Where details of special business secrets, etc. of the relevant project are included in the statement, etc.
(3) Necessary matters concerning the period and method of disclosure of a statement, etc. pursuant to paragraph (1) shall be prescribed by the Enforcement Rule.

Article 33 (Application Mutatis Mutandis)

Related statutes shall apply mutatis mutandis to matters not prescribed by this Ordinance.

CHAPTER VIII PENAL PROVISIONS

Article 34 (Administrative Fines)

CHAPTER VIII PENAL PROVISIONS(1) A person who fails to follow an order to suspend the work prescribed in Article 20 (6) and Article 21 (2) shall be subject to an administrative fine not exceeding ten million one. <Newly Inserted by Ordinance No. 5541, Aug 1, 2013>
(2) Any of the following persons shall be subject to an administrative fine not exceeding seven million won: <Newly Inserted by Ordinance No. 5541, Aug 1, 2013>
1. A person who performs construction work without undergoing environmental impact assessment in violation of Article 4;
2. A business operator who fails to comply with an order or a request to take measures prescribed in Article 20 (5);
3. A person who executes construction work in violation of Article 21 (1);
4. A person who draw up a false environmental impact statement, etc.
(3) A person who falls under any of the following shall be levied an administrative fine not exceeding five million won: <Amended by Ordinance No. 5541, Aug 1, 2013>

1. A person who has failed to conduct Ex Post Environmental Impact Assessment in whole or in part, to notify the head of an approval agency or the Mayor, or to take necessary measures, in violation of Article 19 (4);
2. A business operator who has failed to enter into a contract for a statement, etc. separate from other contracts, in violation of Article 10 (2);
3. An assessment agent or business operator who has prepared an improper statement, etc., in violation of Article 12 (2) 2.
(4) A person who falls under any of the following shall be levied by an administrative fine not exceeding two million won: <Amended by Ordinance No. 5541, Aug 1, 2013>
1. A person who has failed to keep a management ledger, to record the conditions of the execution of details of consultation, to designate a management officer or to notify the fact that he/she has designated such person, in violation of Article 19 (3);
2. A person who has failed to notify the outcomes of Ex Post Environmental Impact Assessment, in violation of Article 19 (4);
3. A person who has failed to notify the commencement, completion or suspension of work, in violation of Article 19 (5);
4. A person who has failed to notify details of the devolution of obligations, in violation of Article 19 (6);
5. A person who has failed to keep a statement, etc. and materials that serve as a basis for the preparation thereof, in violation of Article 12 (1).
(5) The Mayor shall impose and collect administrative fines pursuant to paragraphs (1) through (4), as prescribed by the Enforcement Rule. <Amended by Ordinance No. 5541, Aug 1, 2013>
(6) The Act on the Regulation of Violations of Public Order shall apply to procedures for imposition and collection of administrative fines pursuant to paragraph (5). <Amended by Ordinance No. 5541, Aug 1, 2013>