

Water Pollution Prevention Act

(Act No. 138 of December 25, 1970)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to prevent the pollution of water (including deterioration of the condition of water in ways other than of its quality; the same applies hereinafter) in Areas of Public Waters and in groundwater by regulating Effluent discharged by factories and workplaces into Areas of Public Waters and the permeation of Effluent underground, and promoting Domestic Wastewater measures and other related measures, thereby protecting public health and preserving living conditions, and protecting injured parties by providing the liability of businesses for compensating for loss or damage where public health is negatively affected by polluted water or wastewater discharged from factories and workplaces run by those businesses.

(Definitions)

Article 2 (1) The term "Areas of Public Waters" in this Act means areas of waters for public use such as rivers, lakes, ports and harbors, coastal seas, etc., including public waterways connected thereto, irrigation waterways and other public-use waterways (excluding the public sewers and the river-basin sewers prescribed in Article 2, items (iii) and (iv) of the Sewerage Act (No. 79 of 1958), for which a sewerage treatment plant prescribed in item (vi) of the same Article is established (including public sewers connected to such river-basin sewers)).

(2) The term "Specified Facilities" in this Act means facilities which discharge polluted water or wastewater which meets either of the following conditions,

and which are specified by Cabinet Order:

- (i) contains cadmium or other substances specified by Cabinet Order as substances which may negatively affect public health (hereinafter referred to as "Harmful Substances");
 - (ii) has a level of pollution which may cause damage that is likely to negatively affect living conditions as specified by Cabinet Order, such as chemical oxygen demand (including thermal pollution, but excluding pollution by the substances prescribed in the preceding item).
- (3) The term "Specified Facilities in Designated Areas" in this Act means, in relation to the water quality of Designated Water Areas prescribed in Article 4-2, paragraph (1), facilities specified by Cabinet Order as those which discharge polluted water or wastewater of a degree defined in item (ii) of the preceding paragraph, and facilities which are established in the designated areas prescribed in paragraph (1) of the same Article.
- (4) The term "Designated Facilities" in this Act means facilities which store or use Harmful Substances, or manufacture, store, use or treat substances other than Harmful Substances and oil prescribed in the following paragraph, which are specified by Cabinet Order as substances which are suspected of being harmful to public health or to cause damage that is likely to negatively affect living conditions by being discharged into Areas of Public Waters in large quantities (hereinafter referred to as "Designated Substances" in Article 14-2, paragraph (2)).
- (5) The term "Oil Storage Facilities etc." in this Act means facilities which store heavy oil or other oil specified by Cabinet Order (hereinafter referred to simply as "Oils") or facilities which treat oil-containing water, and which are specified by Cabinet Order.
- (6) The term "Effluent" as used in this Act means the water discharged from factories or workplaces (hereinafter referred to as "Specified Workplaces") which have Specified Facilities (including the Specified Facilities in Designated Areas; the same applies hereinafter) installed therein into Areas of Public Waters.
- (7) The term "Polluted Water, etc." in this Act means polluted water or wastewater discharged from Specified Facilities.
- (8) The term "Specified Groundwater" in this Act means water that has permeated underground from Specified Workplaces (hereinafter referred to as "Specified Workplaces that Use Harmful Substances") that have Specified Facilities for the manufacture, use, or treatment of Harmful Substances (excluding Specified Facilities in Designated Areas; hereinafter referred to as "Specified Facilities that Use Harmful Substances"), which contain polluted water, etc. (including treated polluted water) related to Specified Workplaces that Use the Harmful Substances.

- (9) The term "Domestic Wastewater" in this Act means water discharged as a result of human activities such as cooking, washing, bathing, etc., into Areas of Public Waters (excluding Effluent).

Chapter II Regulation of the Discharging of Effluent

(Effluent Standards)

- Article 3 (1) Effluent standards are, regarding the extent of pollution of Effluent (including thermal pollution; the same applies hereinafter), specified by Order of the Ministry of the Environment.
- (2) The Effluent standards referred to in the preceding paragraph are established in terms of the maximum permissible level for each Harmful Substance in cases of pollution caused by Harmful Substances, and in cases of other kinds of pollution, the maximum permissible level established by each item prescribed in paragraph (2), item (ii) of the preceding Article.
- (3) When there are any Areas of Public Waters under prefectural jurisdiction, for which the Effluent standards referred to in paragraph (1) are recognized as being insufficient for protecting public health or for preserving living conditions considering natural and social conditions, the prefecture may establish more stringent standards than the maximum permissible levels stipulated in the Effluent standards referred to in the same paragraph, by enacting Prefectural Ordinances in accordance with the criteria stipulated by Cabinet Order.
- (4) In the Prefectural Ordinances referred to in the preceding paragraph, the scope of the area concerned must be also identified.
- (5) When the prefecture establishes Effluent standards in accordance with the provisions of paragraph (3), prefectural governors must in advance notify the Minister of the Environment and the relevant prefectural governors.

(Recommendations Concerning Effluent Standards)

Article 4 The Minister of the Environment may, if they find it particularly necessary for prevention of water pollution in the Areas of Public Waters, recommend prefectures to establish their own Effluent standards in accordance with the provisions of paragraph (3) of the preceding Article, or revise the Effluent standards already established in accordance with the same paragraph.

(Basic Policy for Total Emission Reduction)

Article 4-2 (1) With regard to Areas of Public Waters (limited to sea areas almost entirely surrounded by land) into which large quantities of water discharged in conjunction with daily life and business activities have come to flow as a result of population and concentration of industry, etc., and for which it is recognized

as being difficult to attain the standards with respect to environmental conditions relating to water pollution under the provisions of Article 16, paragraph (1) of the Environment Basic Act (Act No. 91 of 1993) (hereinafter referred to as "Environmental Water-Quality Standards") only by means of the Effluent standards referred to in Article 3, paragraph (1) or paragraph (3), the Minister of the Environment is, for the purpose of preventing water pollution pertaining to designated particulars in areas of waters specified by Cabinet Order for each chemical oxygen demand and other particulars specified by Cabinet Order (hereinafter referred to as "Designated Particulars") among the particulars prescribed in Article 2, paragraph (2), item (ii) (hereinafter referred to as "Designated Water Areas"), regarding areas specified by Cabinet Order for each Designated Water Area as those related to water pollution (hereinafter referred to as "Designated Areas"), to provide for a fundamental policy for reducing the pollutant load (hereinafter referred to simply as "Pollutant Load") expressed in items of designated particulars (hereinafter referred to as "Basic Policy for Total Emission Reduction").

(2) The reduction target volume, the target year and other fundamental particulars relating to the reduction of the total pollutant load is to be provided for in the Basic Policy for Total Emission Reduction. In this case, the target volume of reduction under item (iii) is, with the aim of attaining Environmental Water-Quality Standards related to the designated particulars in respect to the Designated Water Area, to be provided so as to make the total pollutant load of item (i) become the total pollution load of item (ii) by the target year:

(i) the Total Emission Reduction of the pollutant load of the water flowing into the Designated Water Area;

(ii) the total amount of the pollutant load when the maximum possible reduction of the Total Emission Reduction of the pollutant load of the preceding item should be attempted with consideration given, in accordance with what is prescribed by Cabinet Order, to population and industrial trends, the level of polluted water or wastewater treatment technology, prospects for construction of sewers, etc., in the designated area;

(iii) the target volume of reduction of the pollutant load of water discharged into Public Water Areas in the Designated Areas for each prefecture and each pollution source (including a target volume of reduction set as an intermediate goal).

(3) The Minister of the Environment must, when intending to establish, revise or abolish Cabinet Orders specifying the water areas referred to in paragraph (1) or Cabinet Orders specifying the area referred to in the same paragraph, hear the opinion of the relevant prefectural governors.

(4) The Minister of the Environment must, when intending to establish or change

the Basic Policy for Total Emission Reduction, hear the opinion of relevant prefectural governors and consult at the Conference on Environmental Pollution Control.

- (5) The Minister of the Environment is, if they establish or change the Basic Policy for Total Emission Reduction, to notify relevant prefectural governors of such fact.

(Plans for Reducing Total Emission Reduction)

Article 4-3 (1) Prefectural governors must, based upon the Basic Policy for Total Emission Reduction, establish a plan in Designated Areas for the realization of the target volume of reduction referred to in paragraph (2), item (iii) of the preceding Article (hereinafter referred to as "Plans for Total Emission Reduction").

- (2) Plans for Total Emission Reduction are to provide for the following:
- (i) the target volume of reduction in pollutant load for each pollution source;
 - (ii) the means for achieving the target volume of reduction referred to in the preceding item;
 - (iii) other necessary particulars related to the reduction of the total amount of pollution load.
- (3) Prefectural governors must, when intending to establish Plans for Total Emission Reduction, hear the opinion of the relevant mayor of municipality, and consult with the Minister of the Environment.
- (4) The Minister of the Environment must consult at the Conference on Environmental Pollution Control in cases of consultation as in the preceding paragraph.
- (5) Prefectural Governors, if they establish Plans for Total Emission Reduction, must endeavor to publish their content.
- (6) The provisions of the preceding three paragraphs apply mutatis mutandis to changes in Plans for Total Emission Reduction.

(Promotion for Implementing Plans for Total Emission Reduction)

Article 4-4 The national and local governments are to endeavor to take necessary measure in order to implement Plans for Total Emission Reduction.

(Standards for Controlling Total Emissions)

Article 4-5 (1) Prefectural governors must, for designated areas, in respect to the Pollutant Load of Effluents discharged from Specified Workplaces within Designated Areas which are of a scale not smaller than that stipulated by Order of the Ministry of the Environment (hereinafter referred to as "Workplaces in Designated Areas"), based upon the Plans for Total Emission Reduction, as provided for by Order of the Ministry of the Environment,

establish standards for controlling total emissions.

- (2) Prefectural governors may, on the basis of Plans for Total Emission Reduction, as provided for by Order of the Ministry of the Environment, establish special Standards for Controlling the Total Emissions to be applied in place of the respective Standards for Controlling the Total Emissions referred to in the preceding paragraph, with respect to Workplaces in Designated Areas at which the Specified Facilities have been newly installed (including ones which have newly come to be a Workplace in a Designated Area as a result of the installation or change in structure, etc., of the Specified Facilities at the factories or the workplaces) and a Workplace in a Designated Area which have been newly set up.
- (3) The Standards for Controlling the Total Emissions referred to in paragraph (1) or the preceding paragraph are, with respect to Workplaces in Designated Areas, to be the maximum permissible level determined for the pollutant load of Effluent discharged from the Workplace in Designated Areas.
- (4) Prefectural governors must, when specifying Standards for Controlling the Total Emissions referred to in paragraph (1) or (2), make public notification of this. The same applies when such total pollutant load regulation standards are changed or discontinued.

(Notification of Installing a Specified Facility)

Article 5 (1) A person that discharges water from factories or workplaces into areas of public waters must, when intending to install a Specified Facility, as provided for by Order of the Ministry of the Environment, submit a report on the following to prefectural governors (in the event that this Specified Facility does not fall under the Specified Facilities that Use the Harmful Substances or falls under the provisions of the following paragraph, excluding item (v)):

- (i) name and address of the person, as well as the name of the representative if the person is a corporation;
 - (ii) name and location of factories or workplaces;
 - (iii) type of Specified Facilities;
 - (iv) structure and construction of the Specified Facility;
 - (v) equipment of the Specified Facility;
 - (vi) use of the Specified Facility;
 - (vii) means of Treatment of Polluted Water, etc.;
 - (viii) the level of pollution and quantity of the Effluent (in cases of a factories or workplaces within the Designated Areas, including the level of pollution and quantity of the Effluent for each Effluent system);
 - (ix) other particulars specified by Order of the Ministry of the Environment.
- (2) A person that releases water which contains polluted water, etc., in relation to the Specified Facilities that Use the Harmful Substances from a factory or

workplace that permeates underground (including treated water thereof) must, when intending to install the Specified Facilities that Use the Harmful Substances, as provided for by Order of the Ministry of the Environment, submit a report on the following to prefectural governors:

- (i) name and address of the person, as well as the name of the representative if the person is a corporation;
 - (ii) name and location of the factory or workplace;
 - (iii) type of Specified Facilities that Use Harmful Substances;
 - (iv) structure or construction of Specified Facilities that Use Harmful Substances;
 - (v) use of Specified Facilities that Use Harmful Substances;
 - (vi) means of treatment of polluted water, etc.;
 - (vii) means of permeation of Specified Groundwater;
 - (viii) other particulars specified by Order of the Ministry of the Environment.
- (3) A person that intends to install Specified Facilities that Use Harmful Substances in a factory or workplace (excluding cases where a person prescribed in paragraph (1) intends to install Specified Facilities, or cases where a person prescribed in the preceding paragraph intends to install Specified Workplaces that Use Harmful Substances), or a person that intends to install Designated Facilities that Store Harmful Substances (meaning Designated Facilities (limited to those that store Harmful Substances), which are specified by Cabinet Order as facilities that are suspected of releasing water containing Harmful Substances which permeates underground from the Designated Facilities; the same applies hereinafter) in the factory or workplace must, as provided for by Order of the Ministry of the Environment, submit a report on the following to prefectural governors:
- (i) name and address of the person, as well as the name of the representative if the person is a corporation;
 - (ii) name and location of the factory or workplace;
 - (iii) structure or construction of Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances;
 - (iv) equipment of Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances;
 - (v) use of Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances;
 - (vi) other particulars specified by Order of the Ministry of the Environment.

(Transitional Measures)

Article 6 (1) A person that presently operates one facility when that facility becomes a Specified Facility (excluding Specified Facilities in Designated Areas; the same applies hereinafter in this paragraph) (including persons with

a facility under construction) and discharges Effluent or discharges water which permeates Specified Groundwater, or a person that presently operates one Specified Facility that Uses Harmful Substances or a Designated Facility that Stores Harmful Substances when that facility becomes a Specified Facility that Uses Harmful Substances or a Designated Facilities that Stores Harmful Substances (excluding a person that discharges Effluent or discharges water which permeates Specified Groundwater from the Specified Workplace pertaining to the Specified Workplaces that Use Harmful Substances, including persons with facilities under construction) are, within 30 days from the day when the facility came to be a Specified Facility or Designated Facility that Stores Harmful Substances, respectively, as provided for by Order of the Ministry of the Environment, to notify prefectural governors of the particulars listed in any of the items of paragraph (1), (2) or (3) of the preceding Article. In this case, with respect to the facilities, when the notification pursuant to the provisions of paragraph (1) of the preceding Article or the following paragraph as to Specified Facilities in Designated Areas (including cases when these provisions are to be applied pursuant to the provisions of Article 12-2 of Act on Special Measures concerning Conservation of the Environment of the Seto Inland Sea (Act No. 110 of 1973) or the provisions of Article 14 of Act on Special Measures concerning Conservation of Lake Water Quality (Act No. 61 of 1984)) has already been submitted, a person that has submitted the notification is deemed to submit the notification pursuant to the provisions of this paragraph as to the facilities.

(2) A person that presently operates one facility when that facility becomes a Specified Facility in a Designated Area (including persons with facilities under construction; the same applies hereinafter in this paragraph), or a person that presently operates a Specified Facility in a Designated Area in one area when that area becomes a Designated Area and discharges Effluent are, within 30 days from the day when the facility came to be a Specified Facility in a Designated Area or the day when the area came to be a Designated Area, as provided for by Order of the Ministry of the Environment, to notify prefectural governors of the particulars listed in any of the items of paragraph (1) of the preceding Article. In this case, with respect to the facilities, when the report pursuant to the provisions of paragraph (1) of the preceding Article or this paragraph, which is applied pursuant to the provisions of Article 14 of the Act on Special Measures concerning Conservation of Lake Water Quality as to facilities which are deemed to be Specified Facilities in the Designated Areas pursuant to the provisions of the same Article, has already been submitted, a person that has submitted the report is deemed to submit the report pursuant to the provisions of this paragraph as to the facilities.

(3) A person that, when a Cabinet Order specifying the area referred to in Article

4-2, paragraph (1) comes into effect, presently operates Specified Facilities in the area (including persons with a facility under construction, and persons that have submitted the report pursuant to the provisions of the preceding Article and do not start construction for installing) and discharges Effluent must, within 60 days from the day of enforcement of the Cabinet Order, as provided for by Order of the Ministry of the Environment, notify prefectural governors of the level of pollution and quantity of Effluent by group.

(Reports on Changes in the Structure of Specified Facilities)

Article 7 A person that has given a report pursuant to the provisions of Article 5 or the preceding Article must, when intending to change the particulars listed in Article 5, paragraph (1), items (iv) through (ix), the particulars listed in paragraph (2), items (iv) through (viii) of the same Article, or the particulars listed in paragraph (3), items (iii) through (vi) of the same Article pertaining to that report, as provided for by Order of the Ministry of the Environment, submit a report to prefectural governors to that effect.

(Order to Change Plans)

Article 8 (1) Prefectural governors may, in cases that the report pursuant to Article 5, paragraph (1) or (2) or the preceding Article (limited to what is pertaining to change of the particulars listed in Article 5, paragraph (1), item (iv) or items (vi) through (ix) or the particulars listed in paragraph (2), items (iv) through (viii) of the same Article), when they find that the level of pollution of Effluent does not conform to Effluent standards (meaning Effluent standards referred to in Article 3, paragraph (1) (in cases when Effluent standards are to be specified in accordance with the provisions of paragraph (3) of the same Article, including those Effluent standards); hereinafter referred to simply as "Effluent Standards") pertaining to that Effluent outlet (meaning the place of Effluent being discharged; the same applies hereinafter) of the Specified Facilities, or when they find that the Specified Groundwater falls under the requirement specified by Order of the Ministry of the Environment as what contains Harmful Substances, within 60 days from the day of receipt of that report, to a person that has given that report, order to change plans for construction, usage, or treatment of polluted water, etc. pertaining to that report (including the discontinuing of plans pertaining to the notification pursuant to the provisions of preceding Article), or order to discontinue plans on the establishment of Specified Facilities pertaining to the report pursuant to the provisions of Article 5, paragraph (1) or (2).

(2) Prefectural governors may, when the report pursuant to the provisions of Article 5 (excluding cases where the report pursuant to the provisions of paragraph (2) of the same Article has been submitted) or the report pursuant

to the provisions of the preceding Article (limited to what pertains to changes of the particulars listed in Article 5, paragraph (1), items (iv) through (ix) or the particulars listed in paragraph (3), items (iii) through (vi) of the same Article) is submitted, and when they find that the Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances pertaining to that report do not conform to standards specified by Order of the Ministry of the Environment referred to in Article 12-4, within 60 days from the day of receipt of that report, to a person that has given that report, order to change plans for construction, equipment or usage of Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances pertaining to that report (including discontinuing of plans pertaining to the reports pursuant to the provisions of the preceding Article) or discontinue plans for establishment of the Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances pertaining to the report pursuant to the provisions of Article 5, paragraph (1) or (3).

Article 8-2 Prefectural governors may, when the report pursuant to the provisions of Article 5, paragraph (1) or the report pursuant to the provisions of Article 7 (limited to what pertains to change of the particulars listed in item (iv) or items (vi) through (ix) of the same paragraph), with respect to Workplaces in Designated Areas (including factories or workplaces which become Workplaces in Designated Areas due to the establishment or change of the construction of the Specified Facilities) in which Specified Facilities pertaining to such report are established, and when they find that the pollutant load of Effluent discharged from the Workplaces in Designated Areas do not conform to Standards for Controlling Total Emissions, within 60 days from the day of receipt of that report, to the operator of the Workplaces in Designated Areas, order to improve measures for the treatment of polluted water or wastewater in the Workplace in Designated Areas or take other necessary measures.

(Restrictions on Implementation)

Article 9 (1) A person that has submitted a report pursuant to the provisions of Article 5 or a person that has submitted a report pursuant to the provisions of Article 7 must, until 60 days have elapsed from the day when that report was received, not install Specified Facilities or Designated Facilities that Store Harmful Substances pertaining to those reports, or must not change the construction, equipment or usage, or means of treatment of polluted water, etc. of Specified Facilities or Designated Facilities that Store Harmful Substances pertaining to that report.

(2) Prefectural governors may, when they find that the content of particulars pertaining to reports pursuant to the provisions of Article 5 or 7 are appropriate, shorten the period prescribed in the preceding paragraph.

(Notification of Changes of Names)

Article 10 A person that has submitted the report pursuant to the provisions of Article 5 or Article 6, paragraph (1) or (2) must, in the event of change of particulars listed in Article 5, paragraph (1), item (i) or (ii), paragraph (2), item (i) or (ii), paragraph (3), item (i) or (ii) pertaining to that report, or in the event of discontinuing of use of Specified Facilities or Designated Facilities that Store the Harmful Substances pertaining to that report, within 30 days from that day, submit a report to prefectural governors to that effect.

(Succession)

Article 11 (1) A person that takes over or rents Specified Facilities or Designated Facilities that Store Harmful Substances, pertaining to the report pursuant to the provisions of Article 5 or Article 6, paragraph (1) or (2), from a person that has submitted that report is to succeed to the status of a person that has submitted the report pertaining to the Specified Facilities or Designated Facilities that Store Harmful Substances.

(2) In the event of succession, a merger or demerger (limited to the succession of Specified Facilities or Designated Facilities that Store the Harmful Substances pertaining to that report) as to a person that has submitted the report pursuant to the provisions of Article 5 or Article 6, paragraph (1) or (2), the successor, the corporation existing after the merger, or the corporation newly established by the merger, or the corporation which has succeeded to the Specified Facilities or Designated Facilities that Store Harmful Substances by the demerger is to succeed the status of a person that has submitted the report.

(3) A person that succeeds the to the status of a person that has submitted the report pursuant to the provisions of Article 5 or Article 6, paragraph (1) or (2) pursuant to the provisions of the preceding two paragraphs is, within 30 days from the day of that succession, to submit a report to prefectural governors to that effect.

(4) A person that takes over or rents a Workplace in a Designated Area, or acquires a Workplace in a Designated Areas by succession, merger or demerger is, with respect to the application of the provisions of Article 8-2, Article 13, paragraph (3) or Article 14, paragraph (3), to succeed the status of the operator of the Workplace a Designated Area.

(Restrictions on Discharging Effluent)

Article 12 (1) A person that discharges Effluent must not discharge that which

does not conform to Effluent pollution standards at the Effluent outlet of the Specified Workplace.

- (2) The provisions of the preceding paragraph do, with respect to water discharged from factories or workplaces operating facilities of a person that presently operates the facilities (including persons with facilities under construction) when the facilities become Specified Facilities (excluding Specified Facilities in Designated Areas; the same applies hereinafter in this paragraph), not apply within 6 months (or one year when the facilities are those specified by Cabinet Order) from the day when the facilities become Specified Facilities; provided, however, that this does not apply to cases where the factory or workplace has already been a Specified Workplace when the facilities become Specified Facilities, and cases where the provisions of ordinance of the local government applying to that person is equivalent to the provisions of the preceding paragraph (excluding cases where there are no punishment provisions for violation).
- (3) The provisions of paragraph (1) do, with respect to the water discharged from factories or workplaces operating the facilities of a person that presently operates the facilities (including persons with facilities under construction; the same applies hereinafter in this paragraph) in the Designated Areas when the facilities become Specified Facilities in Designated Areas, or who presently operate Specified Facilities in Designated Areas when one area becomes a Designated Area, not apply within one year (or three years when the facilities are those specified by Cabinet Order) from the day when the facilities become Specified Facilities in a Designated Area or the area becomes a Designated Area; provided, however, that this does not apply to cases where the factory or workplace has already been the Specified Workplace when the facilities become Specified Facilities in the Designated Areas, and cases where the provisions of ordinance of local government applying to that person is equivalent to the provisions of paragraph (1) (excluding cases there is no punishment provisions for violation in the provisions).

(Observance Obligations of Standards for Controlling Total Emissions)

Article 12-2 The operator of a Workplace in a Designated Area must observe the Standards for Controlling the Total Emissions pertaining to the Workplaces in Designated Areas.

(Restrictions on Permeation of Specified Groundwater)

Article 12-3 A person that discharges water from a Specified Workplace that Uses Harmful Substances (including a person that discharges water which permeates Specified Groundwater) must not allow for permeation of Specified Groundwater which falls under the requirement specified by Order of the

Ministry of the Environment referred to in Article 8.

(Observance Obligation of Structural Standards Pertaining to Specified Facilities that Use Harmful Substances)

Article 12-4 A person that operates Specified Facilities that Use Harmful Substances (excluding a person that discharges water which permeates Specified Groundwater from the Specified Workplaces pertaining to the Specified Workplaces that Use Harmful Substances; the same applies in Article 13-3 and Article 14, paragraph (5)) or a person that operates Designated Facilities that Store Harmful Substances must, with respect to the Specified Workplaces that Use Harmful Substances or Designated Facilities that Store Harmful Substances, observe the standards specified by Order of the Ministry of the Environment as those for construction, equipment or usage in order to prevent the water containing the Harmful Substances from permeating underground.

(Orders for Improvement)

- Article 13 (1) Prefectural governors may, when they suspect a person of discharging Effluent which has a level of pollution that does not conform to Effluent standards at an Effluent outlet of a Specified Workplace, order that person to improve the construction of Specified Facilities or usage or means of treatment of polluted water within a certain time limit, or suspend the use of Specified Facilities or discharging of Effluent.
- (2) The provisions of Article 12, paragraphs (2) and (3) apply mutatis mutandis to orders pursuant to the provisions of the preceding paragraph.
- (3) Prefectural governors may, when they suspect that Effluent, which has a pollutant load that does not conform to Standards for Controlling Total Emissions is being discharged, order the operator of a Workplace in a Designated Area pertaining to the Effluent to improve the means of treatment of polluted water or wastewater in the Workplaces in Designated Areas or take other necessary measures within a certain time limit.
- (4) The provisions of the preceding paragraph, with respect to the factory or workplace which has newly become a Workplace in a Designated Area by revision of a Cabinet Order to specify the facilities referred to in Article 2, paragraph (2) or (3), a Cabinet Order to specify the area referred to in Article 4-2, paragraph (1), or Order of the Ministry of the Environment to specify the scale referred to in Article 4-5, paragraph (1), do not apply within six months from the day when the factory or workplace became a Workplace in a Designated Area.

Article 13-2 (1) A prefectural governor may, when they suspect a person

prescribed in Article 12-3 of releasing water that permeates Specified Groundwater which falls under requirements specified by Order of the Ministry of the Environment referred to in Article 8, order that person to improve the construction of Specified Facilities (excluding the Specified Facilities in a Designated Area; hereinafter the same applies in this Article) or usage or means of treatment of polluted water within a certain time limit, or suspend the use of Specified Facilities or permeation of the Specified Groundwater.

- (2) The provisions of the preceding paragraph do, with respect to the water which permeated underground from the factory or workplace operating facilities of a person that presently operates them (including persons with facility under construction) when they become Specified Facilities, and containing polluted water, etc. (including treated water) pertaining the facilities, not apply within six months (or one year when the facilities are those specified by Cabinet Order) from the day when the facilities become Specified Facilities; provided, however, that this does not apply to cases where such water has already been Specified Groundwater when the facilities become Specified Facilities, and cases where the provisions of ordinance of the local government applying to that person is equivalent to the provisions of the same paragraph regarding the water (excluding cases where there is no punishment provisions for violation in order pursuant to the provisions).

Article 13-3 (1) Prefectural governors may, when they find that a person who operates the Specified Facilities that Use Harmful Substances or a person who operates Designated Facilities that Store Harmful Substances does not comply with the standards referred to in Article 12-4, order the person to improve the construction, equipment or usage of the Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances, or suspend the use of the Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances.

- (2) The provisions of the preceding paragraph do, with respect to the Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances pertaining to a person that presently operates the Specified Facilities that Use Harmful Substances (including persons with facility under construction) or a person that presently operates the Designated Facilities that Store Harmful Substances (including persons with facility under construction) when applying the standards referred to in Article 12-4, not apply within six months (or one year if the Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances are those specified by Cabinet Order) from the date of application of the standards; provided, however, that this does not apply to cases where, at the

time of application of the standards, the provisions of ordinances of local governments applying to that person are equivalent to the provisions of the same paragraph (excluding cases where there are no punishment provisions for violation in order pursuant to the provisions).

(Guidance)

Article 13-4 Prefectural governors may, excluding a person that discharges Effluent from a Workplace in a Designated Area, who discharges polluted water, wastewater and other substances which would be the source of the increase of pollutant load into Areas of Public Waters in a Designated Area, give necessary guidance, advice and recommendations to achieve the Plans for Total Emission Reduction to the person.

(Measurement of the Level of Pollution of Effluent)

- Article 14 (1) A person that discharges Effluent or discharges water which permeates Specified Groundwater must, as provided for by Order of the Ministry of the Environment, measure the level of pollution of the Effluent or the Specified Groundwater, and record and keep the results.
- (2) A person that discharges Effluent from a Workplace in a Designated Area to which Standards for Controlling the Total Emissions apply must, as provided for by Order of the Ministry of the Environment, measure the level of pollution of the Effluent, and record and keep the results.
- (3) The operator of a Workplace in a Designated Area referred to in the preceding paragraph must, in advance, as provided for by Order of the Ministry of the Environment, submit a report to prefectural governors of the means of measurement of pollutant loads. The same applies to cases of changing the means of measurement pertaining to the report.
- (4) A person that discharges Effluent must appropriately, considering the state of water pollution in the Areas of Public Waters, provide the position of Effluent outlets of the Workplace in a Designated Area or other means of discharging Effluent.
- (5) A person that operates the Specified Facilities that Use Harmful Substances or a person that operates Designated Facilities that Store Harmful Substances must, with respect to the Specified Facilities that Use Harmful Substances or Designated Facilities that Store Harmful Substances, as provided for by Order of the Ministry of the Environment, inspect those facilities periodically, record and keep the results.

(Measures in Cases of Accidents)

Article 14-2 (1) The operator of Specified Workplaces must, in the Specified Workplace, in the event of harm to public health or causing damage that is

likely to negatively affect living conditions being suspected of occurring in Specified Facilities, and the occurrence of other accidents, by discharging water which contains Harmful Substances or water which is suspected of having a level of pollution does not conform to Effluent standards as prescribed in Article 2, paragraph (2), item (ii) into Areas of Public Waters, or by permeation of water which contains the Harmful Substances underground from the Specified Workplaces, immediately take emergency measures to prevent subsequent discharging of water which contains Harmful Substances or water which is suspected of not conforming to the Effluent standards or permeation of water which contains Harmful Substances, and must promptly submit a report to prefectural governors on the status of the accident and the outline of measures taken.

- (2) The operator of a factory or workplace which has Designated Facilities (hereinafter referred to as a "Designated Workplace" in this Article) must, in the Designated Workplace, in the event of harm to public health or causing damage that is likely to negatively affect living conditions being suspected of occurring in Designated Facilities and the occurrence of other accidents, by discharging water which contains Harmful Substances or designated substances into Areas of Public Waters from the Designated Workplace, or by permeation underground, immediately take emergency measures to prevent the subsequent discharging or permeation of water which contains Harmful Substances or designated substances, and must promptly submit the report to prefectural governors of the status of the accident and the outline of measures taken.
- (3) The operator of a factory or workplace which has Oil Storage Facilities, etc. (hereinafter referred to as "Oil Storage Facilities etc." in this Article) must, in the Oil Storage Workplace, etc., in the event of causing damage that is likely to negatively affect living conditions of Oil Storage Facilities etc. being suspected and the occurrence of other accidents, by discharging water which contains oil into Areas of Public Waters from the Oil Storage Workplace, etc., or by permeation underground, immediately take emergency measures to prevent the subsequent discharging or permeation of water which contains oil, and must promptly submit a report to prefectural governors of the status of that accident and the outline of the measures taken.
- (4) Prefectural governors may, when they find that an operator of Specified Workplaces, Designated Workplace or Oil Storage Workplace, etc. does not take emergency measures referred to in preceding three paragraphs, order these persons to take emergency measures specified by these provisions.

(Order to Take Measures, Regarding Purification of the Water Quality of Ground Water)

- Article 14-3 (1) Prefectural governors may, when they find that there is presently harm to public health or the living environment or harm due to permeation of water containing substances which falls under the Harmful Substances underground in the factory or workplace which has Specified Workplaces or Designated Facilities that Store Harmful Substances (hereinafter referred to as "Designated Workplace that Store Harmful Substances" in this Article and Article 22, paragraph (1)), as provided for by Order of the Ministry of the Environment, to the extent necessary to prevent that damage, to the operator of the Specified Workplace or Designated Workplace that Store Harmful Substances (including a person that succeeds that status by succession, merger or demerger), order to take measures for the purification of groundwater quality within a reasonable time limit; provided, however, that this does not apply to cases where that person is different from the person who was the operator of the Specified Workplaces or Designated Workplace that Store Harmful Substances at the time of the permeation.
- (2) In cases prescribed in main clause of the preceding paragraph, prefectural governors may order a person that is the operator of the relevant Specified Workplace or Designated Workplace that Store Harmful Substances at the time of permeation referred to in the same paragraph (including a person that succeeds the status through succession, merger, or split), to take measures referred to in that paragraph.
- (3) The operator of the Specified Workplaces or Designated Workplaces that Store Harmful Substances (including a person that takes over or rents the Specified Workplaces or Designated Workplace that Store Harmful Substances or such sites, or who acquires that by succession, merger or demerger) must, in the event of orders pursuant to the provisions of the preceding paragraph as to the Specified Workplaces or Designated Workplace that Store Harmful Substances, cooperate with measures pertaining to the orders.

(Responsibilities of Businesses)

Article 14-4 Businesses must, in addition to measures as to regulations for discharging Effluent, etc. prescribed in this Chapter, ascertain the state of the discharging of polluted water or wastewater accompanied by such business activities into Areas of Public Waters or permeation of water underground, and take necessary measures in order to prevent water pollution in Areas of Public Waters or in groundwater by the polluted water or wastewater.

Chapter II-2 Promotion of Domestic Wastewater Measures

(Responsibilities of the National and Local Governments)

Article 14-5 (1) Municipalities (including Special Wards; the same applies

hereinafter in this Chapter) must, for necessary measures for preventing water pollution in Areas of Public Waters by discharging domestic wastewater (hereinafter referred to as "Domestic Wastewater Measures"), endeavor to maintain the facilities necessary for decreasing pollutant loads against water quality in Areas of Public Waters by domestic wastewater (hereinafter referred to as "Domestic Wastewater Treatment Facilities"), train the leader providing education on Domestic Wastewater Measures, and implement other measures pertaining to Domestic Wastewater Measures.

- (2) Prefectures must endeavor to implement measures covering a wide area in relation to Domestic Wastewater Measures and comprehensively coordinate the relevant measures for this by municipality.
- (3) The state must aim to disseminate information on water pollution in Areas of Public Waters by discharging domestic wastewater, and endeavor to give technical and financial aid to promote measures in relation to Domestic Wastewater Measures by municipality.

(Responsibilities of the Public)

Article 14-6 The Public must, in order to conserve water quality in Areas of Public Waters, endeavor to dispose of food waste, waste food oil, etc., and use detergent, etc. in an appropriate manner, and cooperate in implementing state or local government Domestic Wastewater Measures.

(Efforts by Those Who Discharge Domestic Wastewater)

Article 14-7 A person that discharges domestic wastewater must, excluding cases of taking measures in relation to the treatment of domestic wastewater pursuant to the provisions of Sewerage Act and other Acts, endeavor to maintain equipment to reduce the pollutant load by domestic wastewater against water quality in Areas of Public Waters.

(Designation of Important Area for Domestic Wastewater Measures)

Article 14-8 (1) Prefectural governors must, when they find that it is particularly necessary to promote the implementation of Domestic Wastewater Measures in order to prevent water pollution in Areas of Public Waters by discharging domestic wastewater into Areas of Public Waters listed below, designate important areas for Domestic Wastewater Measures within the prefectural area in relation to water pollution in the Areas of Public Waters:

- (i) Areas of Public Waters in which environmental water-quality standards are not presently secured, or it is suspected that it is extremely unlikely that they are secured;
- (ii) beyond what is listed in the preceding item, in light of natural and social conditions, Areas of Public Waters in which it is especially important to

- endeavor to conserve water quality, and in which water pollution progresses, or it is suspected that that it is extremely likely to be progressing.
- (2) Prefectural governors must, when intending to designate important areas for Domestic Wastewater Measures, hear the opinions of relevant mayor of municipality in advance.
 - (3) In the event that Areas of Public Waters, in relation to the areas designated as important areas for Domestic Wastewater Measures, extend into other prefectures, prefectural governors must notify prefectural governor of the relevant other prefectures of the grounds for such designation.
 - (4) Prefectural governors must, when they have designated important areas for Domestic Wastewater Measures, make this public and notify the municipality including relevant areas Domestic Wastewater Measures in its area (hereinafter referred to as "Municipality Promoting Domestic Wastewater Measures") to that effect.
 - (5) The provisions of the preceding three paragraphs apply mutatis mutandis to changes of important areas for Domestic Wastewater Measures.

(Drawing up Programs for the Promotion of Domestic Wastewater Measures)
 Article 14-9 (1) Municipalities promoting Domestic Wastewater Measures must specify the program for promoting implementation of Domestic Wastewater Measures in the important area for Domestic Wastewater Measures (hereinafter referred to as a "Program for the Promotion of Domestic Wastewater Measures").

- (2) A Program for the Promotion of Domestic Wastewater Measures must stipulate the following:
 - (i) the basic policy for promotion of the implementation of Domestic Wastewater Measures;
 - (ii) particulars as to the maintenance of Domestic Wastewater Treatment Facilities.
- (3) Regarding a Program for the Promotion of Domestic Wastewater Measures, other than particulars mentioned in the items of the preceding paragraph, efforts must be made to specify the particulars regarding awareness in relation to Domestic Wastewater.
- (4) Municipalities promoting Domestic Wastewater Measures must, when intending to specify a Program for the Promotion of Domestic Wastewater Measures, coordinate with other municipalities promoting Domestic Wastewater Measures in the relevant area for Domestic Wastewater Measures.
- (5) Municipalities promoting Domestic Wastewater Measures must, when intending to specify a Program for the Promotion of Domestic Wastewater Measures, notify prefectural governors who have designated that important area for Domestic Wastewater Measures in advance.

- (6) A prefectural governor who has received a notification referred to in the preceding paragraph may give advice regarding the promotion of Domestic Wastewater Measures to the municipalities, and give recommendations when they find it especially necessary regarding that promotion, in the event that the promotion is deemed particularly necessary.
- (7) Municipalities promoting Domestic Wastewater Measures must, when they have specified a Program for the Promotion of Domestic Wastewater Measures, publicize its content.
- (8) The provisions of paragraph (4) through the preceding paragraph apply mutatis mutandis to changes to a Program for the Promotion of Domestic Wastewater Measures.

(Promotion of Programs for the Promotion of Domestic Wastewater Measures)

Article 14-10 Municipalities promoting Domestic Wastewater Measures must coordinate with other municipalities promoting Domestic Wastewater Measures in relevant areas for Domestic Wastewater Measures, endeavor to comply to the basic policy for promotion of implementation of Domestic Wastewater Measures specified by a Program for the Promotion of Domestic Wastewater Measures, and take necessary measure for maintaining Domestic Wastewater Treatment Facilities, enlightenment in relation to Domestic Wastewater Measures, and implementation of other Domestic Wastewater Measures.

(Guidance)

Article 14-11 Mayors of municipalities promoting Domestic Wastewater Measures may, when they find it necessary to promote a Program for the Promotion of Domestic Wastewater Measures, instruct, advise on and give recommendations to a person that discharges domestic wastewater in that important area for Domestic Wastewater Measures.

Chapter III Monitoring of the Conditions of Water Pollution

(Continuous Monitoring)

- Article 15 (1) Prefectural governors, as provided by Order of the Ministry of the Environment, must continuously monitor the state of water pollution in Areas of Public Waters and groundwater (excluding the pollution caused by radioactive materials; the same applies to Article 17, paragraph (1)).
- (2) Prefectural governors, as provided by Order of the Ministry of the Environment, must report to the Minister of the Environment on the results of continuous monitoring referred to in the preceding paragraph.
 - (3) The Minister of the Environment, as provided by Order of the Ministry of the

Environment, must continuously monitor condition of water in Areas of Public Waters and groundwater polluted by radioactive materials (this is limited to material which is designated by Order of the Ministry of the Environment; the same applies to Article 17, paragraph (2)).

(Plans for Measurement)

Article 16 (1) Prefectural governors are to consult with the heads of national regional administrative organs every year, and prepare plans for the measurement of water quality in Areas of Public Waters which belongs to the prefectural area and groundwater in the areas (hereinafter referred to as "Plans for Measurement").

- (2) Plans for Measurement are, with respect to measurement of water quality in the Areas of Public Waters and groundwater performed by the state and local governments, to specify particulars which should be measured, the position of measurement, and other necessary particulars.
- (3) The Minister of the Environment may, for each Designated Water Area, in order to ascertain the total pollutant load of water flowing into the Designated Water Area, indicate the particulars to which prefectural governors should conform for preparation of Plans for Measurement.
- (4) The state and local governments are to measure the water quality in the Areas of Public Waters and groundwater in accordance with Plans for Measurement, and send the results to prefectural governors.

(Cooperation for Measurement)

Article 16-2 The head of a local government may, when they find it necessary for measurement of groundwater quality referred to in paragraph (4) of the preceding Article, require cooperation for measurement of groundwater quality from the operator of wells.

(Public Announcements)

Article 17 (1) Prefectural governors, as provided by Order of the Ministry of the Environment, must make public the state of water pollution in Areas of Public Waters which belong to the prefectural area and the groundwater in the area.

- (2) The Minister of the Environment, as provided by Order of the Ministry of the Environment, must make public the state of Areas of Public Waters and the groundwater polluted by radioactive materials.

(Emergency Measures)

Article 18 Prefectural governors may, with respect to a part of Areas of Public Waters which belong to the prefectural area, in the event of the occurrence of a matter which falls under cases specified by Cabinet Order as those in which

water pollution in Areas of Public Waters have become extremely polluted due to an abnormal water shortage or the equivalent, and harm to public health or causing damage that is likely to negatively affect living conditions, make this public, and as provided for by Order of the Ministry of the Environment, may order a person that discharges Effluent to the part of the area in which that matter has occurred to reduce the quantity of Effluent and take other necessary measures within a certain period.

Chapter IV Compensation for Loss or Damage

(Strict Liability)

Article 19 (1) Due to discharging or permeation underground of Harmful Substances which are part of polluted water or wastewater accompanied by business activities in factories or work places, when a person's life or health has been negatively affected, businesses in relation to the discharging or permeation underground are liable to compensate for any loss or damage resulting therefrom.

(2) In the event that one substance newly becomes a Harmful Substance, the provisions of the preceding paragraph apply to loss or damage due to discharging or permeation underground of that substance which is part of polluted water or wastewater after the day when such substance has become a Harmful Substance.

Article 20 If the loss or damage prescribed in paragraph (1) of the preceding Article has occurred due to discharging or permeation underground of the Harmful Substances which are part of polluted water or wastewater by two or more businesses, and the provisions of Article 719, paragraph (1) of the Civil Code (Act No. 89 of 1896) apply to liability regarding the loss or damage, when there is a business whose role in the occurrence of the loss or damage is deemed to be extremely small, the court may, when specifying compensation for loss or damage, consider their circumstances.

(Considerations Regarding Compensation)

Article 20-2 Regarding the occurrence of loss or damage prescribed in Article 19, paragraph (1), in the event that natural disasters and other force majeure occur, courts may, when specifying the liability and amount of compensation for loss or damage, consider those circumstances.

(Extinctive Prescription)

Article 20-3 The right to claim compensation for loss or damage prescribed in Article 19, paragraph (1), in the event that an injured party or legal

representative has not exercised that right within three years from the day they knew of the loss or damage and the person who has the obligation to compensate for loss or damage, will be extinguished due to the prescription. The same applies to cases when 20 years have passed from the occurrence of the loss or damage.

(Application of Other Acts)

Article 20-4 In the event of application of the Mining Act (Act No. 289 of 1950) or the Act on Coal Washing Operations (Act No. 134 of 1958), liability regarding the loss or damage set forth in Article 19, paragraph (1) is governed respectively by the provisions of those Acts.

(Exemptions from Application)

Article 20-5 The provisions of this Chapter do not apply with respect to injury, disease or death caused in the course of duties of person engaged in work for a business.

Chapter V Miscellaneous Provisions

(Investigation and Deliberation by Prefectural Council and Other Council Organizations)

Article 21 (1) With respect to the important particulars regarding the prevention of water pollution in Areas of Public Waters which belong to prefectural areas and groundwater in the areas, councils and other council organizations set by the provisions of Article 43 of the Environment Basic Act may study and deliberate pursuant to the consultation of prefectural governors or state their opinions to prefectural governors.

(2) In cases referred to in the preceding paragraph, based upon standards specified by Cabinet Order, the ordinance referred to in Article 43, paragraph (2) of the Environment Basic Act is to make special specifications, regarding the organization and administration of council and other council organizations referred to in the same paragraph necessary to perform the administrative matters referred to in the preceding paragraph.

(Reporting and Inspection)

Article 22 (1) The Minister of the Environment or a prefectural governor may, to the extent necessary for enforcement of this Act, as provided for by Cabinet Order, require an operator or a person that was an operator of Specified Facilities or a Designated Workplace that Stores Harmful Substances to report on the state of Specified Facilities or Designated Facilities that Store Harmful Substances, the means of treatment of polluted water, etc. and other necessary

particulars, or have its officials enter and inspect the Specified Workplaces or Designated Workplace that Store Harmful Substances.

- (2) The Minister of the Environment or prefectural governor may, to the extent necessary for enforcing this Act, require a report from a person that discharges polluted water, wastewater and other substances which cause an increase of pollutant load into Areas of Public Waters accompanied by business activities in a Designated Area (excluding a person that discharges Effluent) and also specified by Cabinet Order, on the means of treatment of polluted water, wastewater, etc. and other necessary particulars.
- (3) Collection of reports by the Minister of the Environment or on-site inspections by its officials pursuant to the provisions of the preceding two paragraphs is performed when it is found urgently necessary for prevention of harm to public health and living conditions by water pollution in Areas of Public Waters and groundwater.
- (4) The officials who perform on-site inspections pursuant to the provisions of paragraph (1) must carry the identification and show it to the person concerned.
- (5) The authority of on-site inspections pursuant to the provisions of paragraph (1) must not be interpreted as what is permitted for criminal investigation.

(Exemptions from Application)

Article 23 (1) Regarding persons listed in the upper column of the following table, with respect to workplace or facilities listed in the middle column of the same table, the provisions specified in the lower column of the same table do not apply, and corresponding provisions of the Mine Safety Act (Act No. 70 of 1949), the Electricity Business Act (Act No. 170 of 1964) or the Act on Prevention of Marine Pollution and Maritime Disaster (Act No. 136 of 1970) are to be as prescribed.

(i) Operator of mines prescribed in the main clause of Article 2, paragraph (2) of the Mine Safety Act which have Specified Facilities which constitute facilities (hereinafter referred to as "Mine Facilities") specified by the Order of the Ministry of Economy, Trade and Industry set forth in Article 13, paragraph (1) of the same Act (except a person that discharges water which permeates Specified Groundwater)	The Mines	Articles 5 through 11, Article 14, paragraph (3) and Article 14-2, paragraphs (1) and (4).
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(ii) A person that discharges water which permeates Specified Groundwater from a mine, as prescribed in the main clause of Article 2, paragraph (2) of the Mine Safety Act, which has a Specified Facility using Hazardous Substances that constitutes a mining facility.	The Mine	Article 5, paragraph (2), Articles 6 and 7, Article 8, paragraph (1), Articles 9 through 11, and Article 14-2, paragraphs (1) and (4).
(iii) Operator of mines, as prescribed in main clause of Article 2, paragraph (2) of the Mine Safety Act, which have a Designated Facility that constitutes a mining facility.	The Mines	Article 5, paragraph (3), Articles 6 and 7, Article 8, paragraph (2), Articles 9 through 11, and Article 14-2, paragraphs (2) and (4).
(iv) Operator of mines, as prescribed in main clause of Article 2, paragraph (2) of the Mine Safety Act, which have Oil Storage Facilities as that constitutes mining facilities.	The Mines	Article 14-2, paragraphs (3) and (4).
(v) Operator of a factory or workplace which has Specified Facilities that constitute electric facilities (hereinafter referred to as "Electric Facilities") prescribed in Article 2, paragraph (1), item (xvi) of the Electricity Business Act (except a person that discharges water which permeates Specified Groundwater)	The Specified Facilities	Articles 5 through 11, Article 14, paragraph (3), and Article 14-2, paragraphs (1) and (4).
(vi) A person that discharges water which permeates Specified Groundwater from a factory or workplace, which has Specified Facilities that Use Harmful Substances that constitutes an electric facility.	The Specified Facilities that Use Harmful Substances	Article 5, paragraph (2), Articles 6 and 7, Article 8, paragraph (1), Articles 9 through 11, and Article 14-2, paragraphs (1) and (4).
(vii) Operator of a factory or workplace which has Designated Facilities which constitute electric facilities.	The Designated Facilities	Article 5, paragraph (3), Articles 6 and 7, Article 8, paragraph (2), Articles 9 through 11, and Article 14-2, paragraphs (2) and (4).
(viii) Operator of a factory or workplace which has Oil Storage Facilities, etc. which constitute electric facilities.	The Oil Storage Facilities, etc.	Article 14-2, paragraphs (3) and (4).

(ix) Operator of a factory or workplace which has Specified Facilities which constitute Waste Oil Treatment Facilities(hereinafter referred to as "Waste Oil Treatment Facilities") prescribed in Article 3, item (xiv) of the Act on Prevention of Marine Pollution and Maritime Disaster (except a person that discharges water which permeates Specified Groundwater)	The Specified Facilities	Articles 5 through 11, Article 14, paragraph (3), and Article 14-2, paragraphs (1) and (4).
(x) A person that discharges water which permeates Specified Groundwater from a factory or workplace which has Specified Facilities that Use Harmful Substances which constitute Waste Oil Treatment Facilities.	The Specified Facilities that Use Harmful Substances	Article 5, paragraph (2), Articles 6 and 7, Article 8, paragraph (1), Articles 9 through 11, and Article 14-2, paragraphs (1) and (4).
(xi) Operator of a factory or workplace which has Designated Facilities which constitute Waste Oil Treatment Facilities.	The Designated Facilities	Article 5, paragraph (3), Articles 6 and 7, Article 8, paragraph (2), Articles 9 through 11, and Article 14-2, paragraphs (2) and (4).
(xii) Operator of a factory or workplace which has Oil Storage Facilities, etc. which constitute Waste Oil Treatment Facilities.	The Oil Storage Facilities , etc.	Article 14-2, paragraphs (3) and (4).
(xiii) Operator of a factory or workplace which has Oil Storage Facilities, etc. that constitute marine facilities (excluding Waste Oil Treatment Facilities) prescribed in Article 3, item (iii) of the Act on Prevention of Marine Pollution and Maritime Disaster.	The Oil Storage Facilities , etc.	Article 14-3, paragraphs (3) and (4).

(2) The head of an administrative organ obtaining authority based upon the Act prescribed in the preceding paragraph (hereinafter simply referred to as "Administrative Organ Head" in this Article) is, in the event of application for or report of permission or approval in relation to Specified Facilities or Designated Facilities prescribed in the preceding paragraph pursuant to the provisions of the Mine Safety Act or the Electricity Business Act which is equivalent to the provisions of Articles 5, 7, 10, Article 11, paragraph (3) or Article 14, paragraph (3), to notify prefectural governors, who have jurisdiction over the location of factories or workplaces which operate the Specified Facilities or Designated Facilities, of the particulars which fall under the those

of reports pursuant to these provisions in relation to applications or reports of that permission or approval.

- (3) Prefectural governors may, when they find that there is suspicion of damage to public health or damage that is likely to negatively affect living conditions by Effluent or the Specified Groundwater in relation to Specified Facilities prescribed in paragraph (1) or water pollution in Areas of Public Waters or underground due to water containing Harmful Substances permeating underground from Designated Facilities prescribed in the same paragraph, require the Administrative Organ Head to take measures provided by the Mine Safety Act, the Electricity Business Act, or the Act on Prevention of Marine Pollution and Maritime Disaster which is equivalent to the provisions of Article 8 or 8-2.
- (4) The Administrative Organ Head is to notify the relevant prefectural governors of measure taken by the requests referred to in the preceding paragraph.
- (5) Prefectural governors must, when intending to order pursuant to the provisions of Article 13, paragraph (1) or (3), Article 13-2, paragraph (1), Article 13-3, paragraph (1) or Article 14-3, paragraph (1) or (2) to a person listed in upper column of item (i) or (v) of table of paragraph (2) order pursuant to the provisions of Article 13-2, paragraph (1) or Article 14-3, paragraph (1) or (2) to a person listed in upper column of items (ii) or (vi) of the same table, order pursuant to the provisions of Article 13-3, paragraph (1) to a person listed in upper column of item (iii), (vii) or (xi) of the same table, order pursuant to the provisions of Article 13, paragraph (1) or (3), Article 13-2, paragraph (1) or Article 13-3, paragraph (1) to a person listed in upper column of the item (ix) of the same table, order pursuant to the provisions of Article 13-2, paragraph (1) to a person listed in upper column of item (x) of the same table, in advance, consult with the Administrative Organ Head.

(Requests for Submission of Materials)

- Article 24 (1) The Minister of the Environment may, when they find it necessary for the sake of accomplishing the purpose of this Act, require the submission and explanation of necessary materials of the head of the relevant local government.
- (2) Prefectural governors may, when they find it necessary for the sake of accomplishing the purpose of this Act, require delivery of necessary particulars or other cooperation of the heads of relevant administrative organs or the head of relevant local government, or state opinions regarding the prevention of water pollution in Areas of Public Waters and in groundwater.
 - (3) The river management authority (meaning a river management authority prescribed in Article 7 of the River Act (Act No. 167 of 1964)), the port

authority (meaning a port authority prescribed in Article 2, paragraph (1) of the Port and Harbor Act (Act No. 218 of 1950)) and other persons who administrate Areas of Public Waters and are specified by Cabinet Order may, when they find it necessary for management of the Areas of Public Waters with respect to enforcement of this Act, state opinions regarding prevention of water pollution in the Areas of Public Waters to prefectural governors.

(Guidance of the Minister of the Environment)

Article 24-2 The Minister of the Environment may, when they find it urgently necessary for the sake of prevention of harm to public health by water pollution in Areas of Public Waters and in groundwater, give necessary instruction regarding the following administrative matters to prefectural governors or mayors of cities specified by Cabinet Order referred to in Article 28, paragraph (1) (including special wards):

- (i) administrative matters regarding the order pursuant to the provisions of Articles 8 and 8-2, Article 13, paragraphs (1) and (3), Article 13-2, paragraph (1), Article 13-3, paragraph (1), Article 14-2, paragraph (4), Article 14-3, paragraphs (1) and (2), and Article 18;
- (ii) administrative matters regarding the instruction, advise on and give recommendations pursuant to the provisions of Article 13-4;
- (iii) administrative matters regarding the request pursuant to the provisions of Article 23, paragraph (3);
- (iv) administrative matters regarding the request for cooperation or statement of opinions pursuant to the provisions of paragraph (2) of the preceding Article.

(State Assistance)

Article 25 (1) The State is, in order to contribute to the prevention of water pollution in Areas of Public Waters and in groundwater, to endeavor to make necessary funding arrangements, provide technical advice or any other assistance for the installation or improvement of treatment facilities of polluted water, etc. in Specified Workplaces.

(2) The State must, when taking the measures referred to in the preceding paragraph, give special consideration to small and medium sized enterprises.

(Promotion of Research)

Article 26 The state is to promote the study of techniques for the treatment of polluted water, etc., the study of the effects that polluted water, etc. has on public health or the living environment, and other studies on the prevention of water pollution in Areas of Public Waters and groundwater, and to endeavor to diffuse the result.

(Transitional Measures)

Article 27 In case of enacting, revising or abandoning an order pursuant to the provisions of this Act, necessary transitional measures (including transitional measures for the penal provisions) may be specified by the order within the scope of being interpreted as reasonably necessary along with the enactment, revision or discontinuation.

(Delegation of Authority)

Article 27-2 The authority of the Minister of the Environment prescribed in this Act may, as provided for by Order of the Ministry of the Environment, be delegated to a head of the Regional Environment Office.

(Handling of Administrative Matters by a Mayor of a City Specified by Cabinet Order)

Article 28 (1) A part of administrative matters that belong to the authority of prefectural governors pursuant to the provisions of this Act (excluding administrative matters prescribed in Article 4-3, paragraph (1), Article 4-5, paragraphs (1) and (2), Article 14-8, paragraph (1), Article 14-9, paragraph (6), and Article 16, paragraph (1)) may, as provided for by Cabinet Order, be performed by a mayor of the city specified by Cabinet Order (including special wards; the same applies hereinafter in the following paragraph).

(2) A mayor of the city specified by Cabinet Order referred to in the preceding paragraph must notify a prefectural governor of particulars necessary for the enforcement of this Act and specified by Order of the Ministry of the Environment.

(Classifications of Administrative Matters)

Article 28-2 Administrative matters to be handled by the prefectures pursuant to the provisions of Article 4-5, paragraphs (1) and (2), Article 15, paragraphs (1) and (2), and Article 16, paragraph (1) are to be the Type 1 Statutory Entrusted Functions prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Relationship with Ordinances)

Article 29 The provisions of this Act are not to preclude local governments from specifying necessary regulations by ordinances regarding the following particulars:

(i) regarding Effluent, the particulars regarding the state of water pollution (excluding pollution by Harmful Substances) other than the state of water pollution provided by the particulars prescribed in Article 2, paragraph (2),

- item (ii);
- (ii) regarding Specified Groundwater, the particulars regarding the state of water pollution other than that caused by Harmful Substances;
- (iii) regarding water discharged into Areas of Public Waters from factories or workplaces other than Specified Workplaces, particulars regarding the state of water pollution caused by Harmful Substances and the particulars prescribed in Article 2, paragraph (2), item (ii);
- (iv) regarding water infiltrating underground from factories or workplaces other than Specified Workplaces, particulars regarding the state of pollution of water caused by Harmful Substances.

Chapter VI Penal Provisions

Article 30 Any person in violation of orders pursuant to the provisions of Article 8, Article 8-2, Article 13, paragraph (1) or (3), Article 13-2, paragraph (1), Article 13-3, paragraph (1) or Article 14-3, paragraph (1) or (2) is subject to imprisonment with required labor for less than a year or a fine of not more than 1,000,000 yen.

Article 31 (1) A person falling under any of the following items is subject to imprisonment with required labor for less than six months or a fine of not more than 500,000 yen:

- (i) a person that violates the provisions of Article 12, paragraph (1);
- (ii) a person that violates the order pursuant to the provisions of Article 14-2, paragraph (4) or Article 18.

(2) A person that has committed the crime referred to in the item (i) of the preceding paragraph through negligence is subject to imprisonment for less than three months or a fine of not more than 300,000 yen.

Article 32 A person that has not submitted the report pursuant to the provisions of Article 5 or 7, or has submitted false report is subject to imprisonment with required labor for less than three months or a fine of not more than 300,000 yen.

Article 33 A person falling under any of the following items is subject to fine of not more than 300,000 yen:

- (i) a person that has not submitted the report pursuant to the provisions of Article 6, or has submitted a false report;
- (ii) a person in the violation of provisions of Article 9, paragraph (1);
- (iii) a person, in the violation of the provisions of Article 14, paragraph (1), (2) or (5), who has failed to make records, or has made false records, or has

- failed to keep records;
- (iv) a person that has failed to make a report pursuant to the provisions of Article 22, paragraph (1) or (2), or has made false records, or has refused, prevented, or evaded inspection pursuant to the provisions of paragraph (1) of the same Article.

Article 34 In the event that the representative of a corporation, or the agent, employee or other worker of a corporation or an individual has committed a violation referred to in the preceding four Articles with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is subject to punishment by the fine prescribed in the respective Article.

Article 35 A person that has failed to submit the report pursuant to the provisions of Article 10, Article 11, paragraph (3) or Article 14, paragraph (3) or has submitted the false report is subject to a non-criminal fine of not more than 100,000 yen.

Supplementary Provisions [Extract]

(Effective Date)

- (1) This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding 6 months from the date of promulgation.

(Discontinuing of the Act on Conservation of Water Quality of Areas of Public Waters)

- (2) Act on Conservation of Water Quality of Areas of Public Waters (Act No. 181 of 1958) and Act on Regulation of Factory Effluent, etc. (Act No. 182 of 1958; hereinafter referred to as "Former Regulation Act on Factory Effluent, etc.") are discontinued.

(Transitional Measures)

- (3) Regarding the application of the provisions of Article 8 and Article 9 to a person who is subject to limitations on implementation under Article 8 of the Former Regulation Act on Factory Effluent, etc. when this Act comes into effect, "the day of receipt of that report" in Article 8 is deemed to be replaced with "the day of receipt of that report prescribed in the provisions of Article 4 or 6 of the Former Plant Drainage Regulation Act" and "the day when that report was received" in Article 9, paragraph (1) is deemed to be replaced with "the day when the report prescribed in Article 4 or 6 of the Former Plant Drainage Regulation Act was received".

- (4) Dispositions, procedures, and other acts conducted under the Former Regulation Act on Factory Effluent, etc., when there are equivalent provisions in this Act, are regarded as being conducted under this Act.
- (5) With regard to penal provisions for acts conducted prior to the enforcement of this Act, prior provisions are to continue to apply.
- (6) Beyond what is provided for in paragraph (3) through the preceding paragraph, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 84 of June 22, 1972]

(Effective Date)

- (1) This Act comes into effect as of October 1, 1972.

(Transitional Measures)

- (2) The provisions of Chapter 4-2 of the Air Pollution Control Act after revision by the provisions of Article 1 and the provisions of Chapter 4 of the Water Pollution Prevention Act after revision by the provisions of Article 2 are applied to loss or damage which will be caused after the enforcement of this Act; provided, however, that when the loss or damage is caused by the discharging (including dispersal) of substances harmful to public health prescribed in Article 25, paragraph (1) of the Air Pollution Control Act after revision by the provisions of Article 1, before the enforcement of this Act, or when it was proved by the company concerning the discharging (including dispersal and permeation underground) that the loss or damage is caused by discharging (including permeation underground) of Harmful Substances prescribed in Article 3, paragraph (2) of the Water Pollution Prevention Act, before the enforcement of this Act, prior provisions continue to apply for the loss or damage.

(Review)

- (3) Concerning the relief of injured parties of environmental pollution, the government is to review the system which indemnifies against claims for loss or damage and based on its result, promptly take necessary measures.

Supplementary Provisions [Act No. 31 of May 10, 2010] [Extract]

(Effective Date)

- Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions of Article 1 (excluding the revised provisions of

Article 14, paragraphs (1) and (3) and Article 16 of the Air Pollution Control Act, and the revised provisions of Article 35 of the same Act (excluding the part concerning items (i) and (ii) of the same Article)), the revised provisions of the table of contents in Article 2 of the Water Pollution Prevention Act, the revised provisions changing Chapter 2-2, Article 14-10 of the same Act to Article 14-11 and moving Articles 14-4 through Article 14-9 by one Article, the revised provisions adding one Article at the end of Chapter 2, Article 14-3 of the same Act and the revised provisions of the Article 28, paragraph (1) of the same Act, and the provisions of Article 3 and Article 9 of the Supplementary Provisions come into effect as of the day on which 3 months have elapsed from the date of promulgation.

(Transitional Measures Concerning Order for Compensation)

Article 2 The order made before this Act is enforced, in accordance with the provisions of Article 14-2, paragraph (3) of the Water Pollution Prevention Act prior to revision by Article 2 of this Act is deemed to be the order in accordance with the provisions of Article 14-2, paragraph (4) of the Water Pollution Prevention Act after revision by Article 2.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 71 of June 22, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(Transitional Measures)

Article 2 When this Act is enforced, the notification submitted in accordance with the provisions of Article 5, paragraph (1) of the Water Pollution Prevention Act prior to revision by this Act is deemed to be the notification submitted in accordance with the provisions of Article 5, paragraph (1) of the Water Pollution Prevention Act after revision by this Act (hereinafter referred to as the "New Act").

Article 3 (1) When this Act is enforced, the person who settles the Specified Facilities that Use Harmful Substances prescribed in Article 2, paragraph (8) of the New Act (hereinafter referred to "Specified Facilities that Use Harmful

- Substances") in the factory or on the site (excluding cases prescribed in Article 5, paragraphs (1) or (2) of the New Act and including persons with facilities under construction) or the person who settles the Specified Facilities that Store the Harmful Substances prescribed in Article 5, paragraph (3) of the New Act (hereinafter referred to "Specified Facilities that Store Harmful Substances") in the factory or on the site (including persons with facilities under construction; the same applies in the following Article), within a period of 30 days since this Act comes into effect, in accordance with Order of the Ministry of the Environment, must submit the following items to the governor of prefectures (the Governor of mayor in cases of city prescribed in Cabinet Order under Article 28, paragraph (1) of the New Act (including special area; the same applies in this paragraph) when it concerns Specified Facilities that Use Harmful Substances and Specified Facilities that Store Harmful Substances).
- (2) The person who submitted a notification prescribed in the provisions of the preceding paragraph is deemed to be the person who has made the submission prescribed in Article 6, paragraph (1) of the New Act.
- (3) The person who didn't submit a notification prescribed in the provisions of paragraph (1) or submitted a false notification is subject to be fined less than 300,000 yen.
- (4) If the representative of a corporation or the agent, or employee or other worker of a corporation or an individual commits a violation prescribed in the preceding paragraph concerning the business of the corporation or person, they will be penalized, and the same punishment will also be given to the corporation or person.

- Article 4 (1) The provisions of Article 8, paragraph (2), Article 12-4 and Article 13-3 of the New Act do not apply to persons who operate Specified Facilities that Use Harmful Substances when this Act is enforced (excluding cases prescribed in Article 5, paragraph (2) of the New Act and including persons with facilities under construction) and persons who operate a designated Harmful Substance storage facility when this Act is enforced, until the day on which 3 years have elapsed from the date of enforcement.
- (2) In the application of Article 13-3, paragraph (2) of the New Act to a person who is applicable in the provisions of the preceding paragraph, "Application of the Criteria of Article 12-4" in the relevant paragraph is to be read as "Application of the Criteria of Article 12-4 (excluding cases where the provisions of the same Article are applicable following the duration of 3 years from the date of enforcement of the Act Partially Amending the Water Pollution Prevention Act (Act No. 71 of 2011); the same applies hereinafter in this paragraph)."

(Delegation to Cabinet Order)

Article 5 Beyond what is provided for in the preceding three Articles, any necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 6 The government is, in the event that five years have elapsed from the date of enforcement of this Act, considering the circumstances of the enforcement of the New Act, to review the provisions of the New Act, and to take necessary measure based upon that result when this is found to be necessary.

Supplementary Provisions [Act No. 72 of June 18, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect the day specified by Cabinet Order within a period not exceeding 2 years and 6 months from the date of promulgation.

Supplementary Provisions [Act No. 47 of May 20, 2016] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2017; provided, however, that the provisions listed in the following items come into effect on the dates specified respectively in those items:

- (i) the day of promulgation of the provisions of Article 1, Article 3, Article 7, Article 10 and Article 15, and the following Article, and Article 4, paragraphs (1) and (2), Articles 6 through 10, Article 42 (limited to the revised provisions of Article 48, paragraphs (2) and (3) of the Act on Special Zones for Reconstruction in Response to the Great East Japan Earthquake (Act No. 122 of 2011)), Article 44 and Article 46 of the Supplementary Provisions.

(Transitional Measures Accompanying Partial Amendment of the Water Pollution Prevention Act)

Article 6 When the provisions set forth in Article 1, paragraph (1) of the Supplementary Provisions are enforced, the proposal of a conference as prescribed in Article 4-3, paragraph (3) of the Water Pollution Prevention Act prior to revision by Article 15 (including cases where it is applied mutatis mutandis pursuant to paragraph (6) of the same Article) is deemed to be the proposal of a conference as prescribed in Article 4-3, paragraph (3) of the Water Pollution Prevention Act after revision by Article 15 (including cases where it is applied mutatis mutandis pursuant to paragraph (6) of the same Article).

(Transitional Measures Concerning Dispositions, Applications)

Article 7 (1) With regard to the application of relevant revised Acts after the date of enforcement of this Act, approvals given and other dispositions imposed or other acts undertaken before the enforcement of this Act pursuant to the provisions of relevant Acts prior to revision by this Act (with regard to the provisions referred to in each item of Article 1 of these Supplementary Provisions, the respective provisions; hereinafter the same applies in this Article and the following Article) (hereinafter referred to as the "Dispositions and Other Acts" in this paragraph), or applications for approvals, etc. filed or other acts undertaken at the time of the enforcement of this Act pursuant to the provisions of relevant Acts prior to revision by this Act (hereinafter referred to as the "Applications and Other Acts" in this paragraph), wherein the person who is to undertake administrative processes in relation to such acts on the date of enforcement of this Act is different, is deemed to be the Dispositions and Other Acts or the Applications and Other Acts undertaken pursuant to the corresponding provisions of the relevant Acts after revision, excluding what is to be specified by this Supplementary Provisions or Cabinet Order based on the provisions of Article 9 of the Supplementary Provisions.

(2) With regard to matters for which notification or any other procedures are required to be made or taken with organs of the national government or local governments prior to the date of enforcement of this Act, in accordance with respective Acts prior to amendment by this Act, if these procedures have not yet been taken by the date of enforcement of this Act, the provisions of the respective Acts amended by this Act apply to such procedures, except those otherwise provided by Cabinet Order based on these Supplementary Provisions and Article 9 of these Supplementary Provisions, by deeming that notification or other procedures have not yet been made with regard to matters for which such procedures are to be taken with the corresponding organs of the national government or local governments, pursuant to the corresponding provisions of the respective amended Acts.

(Transitional Measures Concerning Penal Provisions)

Article 8 Prior provisions are to continue to apply with regard to the application of penal provisions to actions carried out before enforcement of this Act, and actions carried out after the enforcement of this Act when prior provisions are to continue to apply pursuant to the Supplementary Provisions of this Act.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including

transitional measures in relation to penal provisions) are specified by Cabinet Order.