

Act on the Regulation of Extraction of Groundwater for Use in Buildings

(Act No. 100 of May 1, 1962)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to protect the lives and property of citizens by imposing necessary control on the extraction of groundwater for use in buildings in specified areas to prevent ground subsidence, and thereby to contribute to the welfare of the public.

(Definitions)

Article 2 (1) The term "groundwater for use in buildings" as used in this Act means groundwater for use in cooling equipment, flush toilets, and other equipment provided for by Cabinet Order (excluding hot springs provided for by the Hot Springs Act (Act No. 125 of 1948) and groundwater for use in industrial purposes prescribed by Article 2, paragraph (2) of the Industrial Water Act (Act No. 146 of 1956)).

(2) The term "water pumping equipment" as used in this Act means power-driven equipment for extracting groundwater (excluding those located within the area of a river to which the River Act (Act No. 167 of 1964) applies or applies mutatis mutandis), the pump discharge port of which has a cross-sectional area (if there are two or more discharge ports, the total of all cross-sectional areas; the same applies hereinafter) exceeding six square centimeters.

Chapter II Regulation of Extraction of Groundwater for Use in Buildings

(Designation of Regulated Areas)

Article 3 (1) The areas in which the extraction of groundwater for use in buildings is regulated pursuant to the provisions of this Act are designated by

Cabinet Order when there is a risk that the extraction of groundwater in the areas will cause ground subsidence and, therefore, a disaster resulting from high tides and flooding, etc. is likely to occur.

- (2) The Minister of the Environment must seek the opinion of the relevant prefectural governor or the relevant municipal mayor (including special wards; the same applies hereinafter) when intending to plan the establishment, amending, or abolishment of the Cabinet Order referred to in the preceding paragraph.

(Permission for Extraction of Groundwater for Use in Buildings)

- Article 4 (1) A person who intends to extract groundwater for use in buildings with water pumping equipment within an area designated by Cabinet Order pursuant to the provisions of paragraph (1) of the preceding Article (hereinafter referred to as a "designated area") must set the position of the strainer and the cross-sectional area of the discharge port of the pump for each unit of water pumping equipment, and obtain permission from the prefectural governor (within a district of a designated city provided for in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter referred to as a "designated city"), the head of the designated city; the same applies hereinafter except in Article 15) as provided for by Order of the Ministry of the Environment. The same applies to any person who intends to make the position of the strainer of the permitted water pumping equipment shallower than the permitted position, or to make the cross-sectional area of the discharge port of the pump larger than the permitted cross-sectional area.
- (2) A prefectural governor must not grant the permission referred to in the preceding paragraph unless the governor finds that the position of the strainer and that the cross-sectional area of the pump discharge port of the water pumping equipment to which the application for the permission referred to in the same paragraph pertains conform to the technical standards provided for by Order of the Ministry of the Environment.
 - (3) Notwithstanding the provisions of the preceding paragraph, a prefectural governor may grant the permission referred to in paragraph (1) with regard to the extraction of groundwater for use in flush toilets only when the governor finds it extremely difficult to use another source of water in place of groundwater.
 - (4) A prefectural governor may attach conditions necessary to prevent ground subsidence to the permission referred to in paragraph (1); provided, however, that the conditions do not impose any unreasonable obligations on the person who obtain the permission (hereinafter referred to as the "permittee").

(Special Provisions for the State or Prefectures)

Article 5 With regard to water pumping equipment with which the State or a prefecture (for equipment within a district of a designated city, including the designated city; the same applies hereinafter in this Article) extracts groundwater for use in buildings, the permission referred to in paragraph (1) of the preceding Article, is deemed to be granted when consultation between the State or the prefecture and the prefectural governor is established.

(Transitional Measures)

Article 6 (1) At the time of designation of an area, a person who extracts groundwater for use in buildings with water pumping equipment within that area, with the position of the strainer and the cross-sectional area of the discharge port of the pump conforming to the technical standards provided for by Order of the Ministry of the Environment that is referred to in Article 4, paragraph (2), is deemed to have obtained the permission referred to in Article 4, paragraph (1) for the water pumping equipment for its position of the strainer and the cross-sectional area of the discharge port.

(2) At the time of designation of an area, a person who extracts groundwater for use in buildings with water pumping equipment within that area other than those provided for in the preceding paragraph, is deemed to have obtained the permission referred to in Article 4, paragraph (1) for the water pumping equipment for its position of the strainer and the cross-sectional area of the discharge port within a period from on the day of designation of the area to a day not less than two years from the day of designation as provided for by Order of the Ministry of the Environment.

(3) A person provided for in the preceding two paragraphs must notify the prefectural governor of the water pumping equipment as provided for by Order of the Ministry of the Environment within one month of the day of designation of the area.

(4) When there is a person who extracts groundwater that is newly defined as groundwater for use in buildings due to the enforcement of a Cabinet Order referred to in Article 2, paragraph (1) or a Cabinet Order to amend that Cabinet Order with water pumping equipment within a designated area at the time of enforcement of the Cabinet Order, the provisions of the preceding three paragraphs apply mutatis mutandis to the water pumping equipment. In this case, the term "the day of designation of the area" in the preceding two paragraphs is to be replaced with "the day of enforcement of the Cabinet Order".

(5) When a person extracts groundwater for use in buildings with permitted water pumping equipment (meaning water pumping equipment for which permission referred to in Article 4, paragraph (1) has been obtained; the same applies hereinafter) (excluding the permitted water pumping equipment

referred to in paragraph (2) (including when applied mutatis mutandis pursuant to the preceding paragraph)) which does not conform to the technical standards provided for by amended Order of the Ministry of the Environment at the time of enforcement of the Order of the Ministry of the Environment to amend the Order of the Ministry of the Environment that is referred to in Article 4, paragraph (2) within a designated area, the permission referred to in paragraph (1) of the same Article pertaining to the permitted water pumping equipment ceases to be effective after the lapse of a period provided for by Order of the Ministry of the Environment that is not less than two years from the day of enforcement of the Order of the Ministry of the Environment to amend the Order of the Ministry of the Environment.

(Notification of Changes in Name)

Article 7 When there is a change in a permittee's name or address, the permittee must notify the prefectural governor to that effect without delay.

(Succession of Permission)

Article 8 (1) A person who receives or borrows permitted water pumping equipment from a permittee and thereby extracts groundwater for use in buildings succeeds to the status of the permittee pertaining to the permitted water pumping equipment.

(2) When inheritance, a merger, or a split (limited to those resulting in the succession of permitted water pumping equipment) takes place with regard to a permittee, the heir, the corporation surviving the merger, or the corporation established upon the merger, or the corporation that succeeds to the permitted water pumping equipment upon the split succeeds to the status of the permittee.

(3) A person who has succeeded to the status of a permittee pursuant to the provisions of the preceding two paragraphs must notify the prefectural governor to that effect without delay.

(Lapse of Permission)

Article 9 If a permittee comes to fall under any of the following items with respect to the permittee's permitted water pumping equipment, the permission referred to in Article 4, paragraph (1) pertaining to the permitted water pumping equipment ceases to be effective, and, in this case, the permittee must notify the prefectural governor to that effect without delay:

(i) the permittee discontinues the extraction of groundwater for use in buildings with the permitted water pumping equipment;

(ii) the permittee makes the pump of the permitted water pumping equipment non-powered or makes it so that the cross-sectional area of the discharge port

- is six square centimeters or less;
- (iii) beyond what is provided for in the preceding two items, the permittee discontinues the permitted water pumping equipment.

(Disposition of Supervision)

- Article 10 (1) With regard to a person who obtains the permission referred to in Article 4, paragraph (1) by deception or other wrongful means or a person who has violated the conditions attached pursuant to the provisions of paragraph (4) of the same Article, the prefectural governor may rescind the permission.
- (2) With regard to water pumping equipment for which the permission referred to in Article 4, paragraph (1) has not been obtained in violation of the provisions of the same paragraph, or in which groundwater for use in buildings is extracted in violation of the conditions attached pursuant to the provisions of paragraph (4) of the same Article, the prefectural governor may prohibit or restrict the owner, manager, or possessor of the water pumping equipment from extracting groundwater for use in buildings with the water pumping equipment or, with a reasonable extension of time, order the person to make the position of the strainer of the water pumping equipment deeper, to make the cross-sectional area of the discharge port of the pump smaller, or to take other measures required to correct the violation.
- (3) When a prefectural governor finds that the extraction of groundwater for use in buildings with permitted water pumping equipment referred to in Article 6, paragraph (2) (including when applied *mutatis mutandis* pursuant to paragraph (4) of the same Article) or paragraph (5) cannot be left unattended, and the technical standards provided for by Order of the Ministry of the Environment that is referred to in Article 4, paragraph (2) have been amended due to unpredictable and sudden ground subsidence that has occurred or is likely to occur, and, therefore, there is a significant risk of disaster being caused by high tides and flooding resulting from ground subsidence, the prefectural governor may restrict the owner, manager, or possessor of the permitted water pumping equipment from extracting groundwater for use in buildings with the permitted water pumping equipment or, with a reasonable extension of time, order the person to suspend the extraction of groundwater for use in buildings with the permitted water pumping equipment, or to take measures required to bring the permitted water pumping equipment into compliance with the technical standards provided for by amended Order of the Ministry of the Environment

Chapter III Miscellaneous Provisions

(Entry onto Land)

Article 11 (1) When it is necessary to conduct a survey or field investigation on the state of groundwater or ground for the enforcement of this Act, the Minister of the Environment or a prefectural governor may have personnel of the ministry or prefecture enter another person's land.

(2) When the Minister of the Environment or a prefectural governor intends to have personnel enter another person's land pursuant to the provisions of the preceding paragraph, the Minister or governor must notify the possessor of the land no later than five days prior to the day of entry.

(3) Personnel who enter another person's land pursuant to the provisions of paragraph (1) must notify the possessor of the land prior to entry.

(4) Entry onto land referred to in paragraph (1) must not be made before sunrise or after sunset, unless the possessor of the land has consented to entry during those times.

(5) Personnel who enter another person's land pursuant to the provisions of paragraph (1) must carry identification and present it to any relevant person.

(6) When entry pursuant to the provisions of paragraph (1) causes losses to the other person, the State or the prefecture (within a district of a designated city, the designated city; the same applies hereinafter in this Article) must compensate the person for losses ordinarily incurred in that case.

(7) Compensation for losses pursuant to the provisions of the preceding paragraph must be discussed between the State or the prefecture and the person who suffered the losses.

(8) If no agreement is reached upon the discussion referred to in the preceding paragraph, the State, the prefecture, or the person who suffered the losses may file a request for determination pursuant to the provisions of Article 94, paragraph (2) of the Compulsory Purchase of Land Act (Act No. 219 of 1951) with an expropriation committee, as provided for by Cabinet Order.

Article 12 A possessor of land must not refuse or prevent entry pursuant to the provisions of paragraph (1) of the preceding Article without justifiable grounds.

(Collection of Reports)

Article 13 When necessary for the enforcement of this Act, the prefectural governor may request reports on the structure of the equipment for extracting groundwater for use in buildings and the state of extraction of groundwater for use in buildings from a person who extracts groundwater for use in buildings within a designated area.

(On-Site Inspection)

Article 14 (1) A prefectural governor may, to the extent necessary to exercise the authority pursuant to this Act, have the governor's personnel enter the

installation location of the equipment for extracting groundwater for use in buildings or places of business or offices of a person who extracts groundwater for use in buildings with the equipment, and inspect the equipment and any other articles.

- (2) Personnel who conduct an on-site inspection pursuant to the provisions of the preceding paragraph must carry identification and present it to any relevant person.
- (3) The authority for an on-site inspection pursuant to the provisions of paragraph (1) must not be construed as being approved for the purposes of criminal investigation.

(Submission of Opinions)

Article 15 A prefectural governor (within a district of a designated city, the head of the designated city) or a municipal mayor may submit opinions on the prevention of ground subsidence resulting from the extraction of groundwater for use in buildings within the district of the relevant local government to the Minister of the Environment or the prefectural governor, respectively.

(Assistance by the State)

Article 16 In order to promote remodeling equipment that uses groundwater for use in buildings extracted with permitted water pumping equipment into that which does not use groundwater, the State and local governments are to endeavor to provide the financial assistance, technical advice, and any other assistance necessary for the remodeling.

Chapter IV Penal Provisions

(Penal Provisions)

Article 17 A person who falls under any of the following cases is subject to imprisonment for up to one year or a fine of up to 100,000 yen:

- (i) the person has extracted groundwater for use in buildings with water pumping equipment within a designated area without obtaining the permission referred to in Article 4, paragraph (1); or
- (ii) the person has violated a disposition of a prefectural governor issued pursuant to the provisions of Article 10, paragraph (2) or (3).

Article 18 A person who falls under any of the following cases is subject to a fine of up to 30,000 yen:

- (i) the person has failed to make a notification pursuant to the provisions of Article 6, paragraph (3) (including when applied *mutatis mutandis* pursuant to paragraph (4) of the same Article), Article 7, Article 8, paragraph (3), or

- Article 9, or has made a false notification;
- (ii) the person has refused or obstructed entry into land pursuant to the provisions of Article 11, paragraph (1) in violation of the provisions of Article 12;
 - (iii) the person has failed to make reports pursuant to the provisions of Article 13, or made false reports; or
 - (iv) the person has refused, obstructed, or evaded an on-site inspection pursuant to the provisions of Article 14, paragraph (1).

Article 19 When a representative of a corporation, or an agent, employee or any other worker of a corporation or an individual commits a violation of the preceding two Articles with regard to the business or property of the corporation or individual, not only the offender but also the corporation or individual is subject to the applicable fine referred to in the respective Articles.