

Soil Contamination Countermeasures Act

(Act No. 53 of May 29, 2002)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to facilitate the implementation of measures against soil contamination by, among other things, providing measures to ascertain the state of soil contamination by specified hazardous substances and measures to prevent harm to human health due to that contamination, and thereby to protect the health of the residents of Japan.

(Definitions)

Article 2 (1) The term "specified hazardous substance" as used in this Act means lead, arsenic, trichloroethylene, and other substances (excluding radioactive substances) specified by Cabinet Order as posing a risk of causing harm to human health when present in soil.

(2) The term "soil contamination investigation" as used in this Act means an investigation of the state of soil contamination by a specified hazardous substance, under paragraphs (1) and (8) of the following Article, Article 4, paragraph (2) and the main clause of paragraph (3); and Article 5.

Chapter II Soil Contamination Investigations

(Investigation of Land that Was the Site of a Factory or Place of Business of a Discontinued Specified Facility that Used a Hazardous Substance)

- Article 3 (1) A person that is the owner, manager or possessor (hereinafter referred to as the "owner, etc.") of land that was the site of a factory or place of business of a discontinued specified facility that used a hazardous substance (meaning a specified facility prescribed in Article 2, paragraph (2) of the Water Pollution Prevention Act (Act No. 138 of 1970) (simply referred to as a "specified facility" in paragraph (3)) in which any of the substances prescribed in paragraph (2), item (i) of that Article (limited to specified hazardous substances) is manufactured, used or processed; the same applies hereinafter) and that has the established specified facility that used a hazardous substance, or that has received notice from the prefectural governor pursuant to the provisions of paragraph (3), must have a person designated by the Minister of the Environment or the prefectural governor conduct an investigation of the state of soil contamination of the land by a specified hazardous substance, pursuant to Order of the Ministry of the Environment, in a manner specified by Order of the Ministry of the Environment, and must report the results thereof to the prefectural governor; provided, however, that this does not apply to a person that has received confirmation from the prefectural governor, pursuant to Order of the Ministry of the Environment, that there is no risk of causing harm to human health due to soil contamination by a specified hazardous substance, considering the intended method of use of the land.
- (2) The designation referred to in the preceding paragraph is to be made by the Minister of the Environment in the case of the designation of a person that intends to conduct the soil contamination investigation and the investigation referred to in Article 16, paragraph (1) (hereinafter referred to as a "soil contamination investigation, etc.") in any area extending across two or more prefectures, or to be made by the prefectural governor in the case of the designation of a person that intends to conduct a soil contamination investigation, etc. in any area located within a single prefecture.
- (3) In cases where a prefectural governor receives a notification under the provisions of Article 10 of the Water Pollution Prevention Act about the discontinuation of use of a specified facility (limited to a specified facility that used a hazardous substance), or discovers that the use of a specified facility that used a hazardous substance has been discontinued, if there is an owner of the land, etc., other than the person that has an established specified facility that used the hazardous substance, the prefectural governor, pursuant to Order of the Ministry of the Environment, is to notify the owner of the land, etc.

that the use of the specified facility that used the hazardous substance has been discontinued and any other matters specified by Order of the Ministry of the Environment.

- (4) If the person prescribed in paragraph (1) fails to report under the provisions of that paragraph or makes a false report, pursuant to Cabinet Order, the prefectural governor may order that person to make a report or correct the report.
- (5) If a person that receives a confirmation referred to in the proviso to paragraph (1) intends to change the method of use of the land to which the confirmation pertains, that person must notify the prefectural governor to that effect in advance, pursuant to Order of the Ministry of the Environment.
- (6) If the prefectural governor receives the notification referred to in the preceding paragraph and does not find that there is no risk of causing harm to human health due to soil contamination by a specified hazardous substance, in light of the changed method of the use of the land, the prefectural governor is to rescind the confirmation.
- (7) If the owner, etc. of the land to which the confirmation referred to in the proviso to paragraph (1) pertains excavates or makes another change in, or causes an excavation or change to be made in land characteristics (hereinafter referred to as a "change in land characteristics") with regard to the land to which the confirmation pertains, pursuant to Order of the Ministry of the Environment, in advance, the owner, etc. of the land notify the prefectural governor of the location and intended commencement date of the change in land characteristics and other matters specified by Order of the Ministry of the Environment; provided, however, that this does not apply to the following acts:
 - (i) a minor act or other acts specified by Order of the Ministry of the Environment;
 - (ii) an act performed as an emergency measure necessitated by an extraordinary disaster.
- (8) When the prefectural governor receives a notification under the provisions of the preceding paragraph, pursuant to Order of the Ministry of the Environment, the prefectural governor is to order the owner of the land, etc. to have the person designated by the Minister of the Environment or the prefectural governor referred to in paragraph (1) (hereinafter referred to as a "designated investigation organization") conduct an investigation of the state of soil contamination of the land by a specified hazardous substance in the manner specified by the Order of the Ministry of the Environment referred to in that paragraph, and to report the results thereof to the prefectural governor.

(Investigation in the Case of a Change in Land Characteristics that May Cause Soil Contamination)

Article 4 (1) A person that intends to make a change in land characteristics of land whose covered area is equal to or larger than that specified by Order of the Ministry of the Environment, pursuant to Order of the Ministry of the Environment, must notify the prefectural governor of the location and intended commencement date of the change in land characteristics and other matters specified by Order of the Ministry of the Environment, by thirty days prior to the date of commencing the change in land characteristics of land; provided, however, that this does not apply to the following acts:

- (i) a change in land characteristics of land to which the confirmation referred to in the proviso to paragraph (1) of the preceding Article pertains;
- (ii) a minor act or other acts specified by Order of the Ministry of the Environment;
- (iii) an act performed as an emergency measure necessitated by an extraordinary disaster.

(2) With the consent of all owners, etc. of the land, and pursuant to Order of the Ministry of the Environment, the person specified in the preceding paragraph may have a designated investigation organization conduct an investigation of the state of soil contamination of the land by a specified hazardous substance in the manner specified by the Order of the Ministry of the Environment referred to in paragraph (1) of the preceding Article and submit the results thereof to the prefectural governor together with the notification of the change in land characteristics under the provisions of the preceding paragraph.

(3) If the prefectural governor receives a notification of a change in land characteristics under the provisions of paragraph (1) and finds that it falls under standards specified by Order of the Ministry of the Environment as posing a risk that the land is contaminated by a specified hazardous substance, pursuant to order of the Ministry of the Environment, the prefectural governor may order the owners, etc. of the land to have a designated investigation organization conduct an investigation of the state of soil contamination of the land by a specified hazardous substance, in the manner specified by the Order of the Ministry of the Environment referred to in paragraph (1) of the preceding Article, and to report the results thereof; provided, however, that this does not apply to cases where the results of a soil contamination investigation of the land pursuant to the provisions of the preceding paragraph have been submitted.

(Investigation of Land that May Pose a Risk of Causing Harm to Human Health Due to Soil Contamination)

Article 5 (1) In addition to the cases prescribed in the main clause of Article 3, paragraph (1), Article 3, paragraph (8), paragraph (2) of the preceding Article; and the main clause of paragraph (3) of the preceding Article, if the prefectural

governor finds that there is land that falls under standards specified by Cabinet Order as posing a risk of causing harm to human health due to soil contamination by a specified hazardous substance, pursuant to Cabinet Order, the prefectural governor may order the owner of the land, etc. to have a designated investigation organization conduct an investigation of the state of soil contamination of the land by a specified hazardous substance, in the manner specified by the Order of the Ministry of the Environment referred to in Article 3, paragraph (1), and to report the results thereof.

- (2) If the prefectural governor intends to order to conduct an investigation of the state of soil contamination by a specified hazardous substance and report the results thereof referred to in the preceding paragraph (hereinafter referred to as an "investigation, etc." in this paragraph), but, without negligence, cannot ascertain the person to whom the investigation, etc. is to be ordered, and finds that inaction would have a significant adverse effect on the public interest, the prefectural governor may conduct the investigation, etc. themselves at the expense of the owner, etc. In this case, the prefectural governor, upon providing a reasonable deadline, must give prior public notice that the investigation, etc. must be conducted and that if it is not conducted by the deadline, the prefectural governor themselves will conduct it.

Chapter III Designation of Areas

Section 1 Areas that Require Measures

(Designation of Areas that Require Measures)

- Article 6 (1) If a prefectural governor finds that land falls under both of the following items, the prefectural governor is to designate the area of the land as an area contaminated by a specified hazardous substance and for which it is necessary to take measures to remove the contamination to prevent spread of the contamination or take other measures (hereinafter referred to as "measures for contamination removal, etc."), in order to prevent harm to human health due to the contamination:
- (i) according to the results of a soil contamination investigation, the state of contamination of soil on the land by a specified hazardous substance does not conform to standards specified by Order of the Ministry of the Environment;
 - (ii) due to soil contamination by a specified hazardous substance, the land falls under standards specified by Cabinet Order as being harmful to or posing a risk of causing harm to human health.
- (2) When making the designation referred to in the preceding paragraph, the prefectural governor must give public notice to that effect, pursuant to Order of the Ministry of the Environment.
- (3) The designation referred to in paragraph (1) becomes effective by the public

notice referred to in the preceding paragraph.

- (4) If the prefectural governor finds that due to the measures for contamination removal, etc., the reason for the designation referred to in paragraph (1) has ceased to exist with respect to all or part of the area to which the designation referred to in that paragraph pertains (hereinafter referred to as an "area that requires measures"), the prefectural governor is to cancel the designation referred to in that paragraph with respect to all or part of the area that requires measures.
- (5) The provisions of paragraphs (2) and (3) apply mutatis mutandis to the cancellation referred to in the preceding paragraph.

(Submission of a Plan for Contamination Removal)

Article 7 (1) Pursuant to Order of the Ministry of the Environment and to the extent necessary in order to prevent harm to human health due to the contamination, if a prefectural governor makes a designation referred to in paragraph (1) of the preceding Article, the prefectural governor is to indicate to the owner, etc. of the land in the area that requires measures any measures for contamination removal, etc. that should be taken in the area that requires measures, the reasons thereof, the deadline for taking the measures, and other matters specified by Order of the Ministry of the Environment, and to give instructions to the owner, etc. of the land to prepare and submit to the prefectural governor a plan describing the following matters (hereinafter referred to as a "plan for contamination removal, etc."); provided, however, that if it is clear that an act of a person other than the owner, etc. of the land caused the contamination of the land by a specified hazardous substance, and it is found to be appropriate to have that person who conducted the act (including a person that succeeds to that status by inheritance, merger, or split; hereinafter the same applies in this paragraph and the following Article) take measures for contamination removal, etc., and the owner, etc. of the land has no objection to having those measures imposed on that person, pursuant to Order of the Ministry of the Environment, the prefectural governor is to give instructions to the person that conducted the act:

- (i) among the measures for contamination removal, etc. indicated by the prefectural governor (referred to as "instructed measures" in paragraph (1) of the following Article) that are specified by Order of the Ministry of the Environment as those recognized to have the effect equivalent to or higher than the measures, the measures that the owner, etc. of the land (or, in the case prescribed in the proviso to this paragraph, the person that receives instructions from the prefectural governor pursuant to the provisions of the proviso of that paragraph) intends to take (hereinafter referred to as "intended measures");

- (ii) intended timing of commencement and intended timing of completion of the intended measures;
 - (iii) any other matters specified by Order of the Ministry of the Environment.
- (2) If the person that receives an instruction from the prefectural governor pursuant to the provisions of the preceding paragraph fails to submit a plan for contamination removal, etc., the prefectural governor may order that person to submit a plan for contamination removal, etc.
 - (3) If a person that has submitted a plan for contamination removal, etc. makes a change to a matter set forth in any item in paragraph (1) (excluding minor changes specified by Order of the Ministry of the Environment), pursuant to Order of the Ministry of the Environment, that person must submit to the prefectural governor the changed plan for contamination removal, etc..
 - (4) If a plan for contamination removal, etc. is submitted (if there is a change to a plan for contamination removal, etc., the changed plan; hereinafter the same applies in this paragraph through paragraph (9); in Article 9, item (i); and in Article 10), and the prefectural governor finds that the intended measures described in the plan for contamination removal, etc. do not conform to technical standards specified by Order of the Ministry of the Environment (referred to as "technical standards" in the following paragraph), only within a period of 30 days after the submission was made, the prefectural governor may order the person that submitted the plan to make changes to it.
 - (5) If a plan for contamination removal, etc. is submitted, and the prefectural governor finds that the intended measures described in the plan for contamination removal, etc. conform to technical standards, the prefectural governor may shorten the period prescribed in the preceding paragraph. In this case, the prefectural governor must notify the person that submitted the plan of the shortened period without delay.
 - (6) A person that submits a plan for contamination removal, etc. must not implement the intended measures until the period prescribed in paragraph (4) has elapsed (or, if notification under the provisions of the preceding paragraph has been made, the period to which that notification pertains).
 - (7) A person that submits a plan for contamination removal, etc. must implement the intended measures in accordance with the plan for contamination removal, etc.
 - (8) If the prefectural governor finds that a person that has submitted a plan for contamination removal, etc. is not implementing the intended measures in accordance with the plan for contamination removal, etc., the prefectural governor may order that person to implement the intended measures.
 - (9) If a person that has submitted a plan for contamination removal, etc. has implemented the intended measures that are described in the plan for contamination removal, etc., that person must report to the prefectural

governor to that effect, pursuant to Order of the Ministry of the Environment.

(10) If the prefectural governor intends to give an instruction pursuant to the provisions of paragraph (1), but, without negligence, cannot ascertain the person to whom the instruction should be given, and finds that inaction would have a significant adverse effect on the public interest, the prefectural governor themselves may implement any measures for contamination removal, etc. that should be implemented on the land in the area that requires measures, at the expense of the owner, etc.. In this case, upon providing a reasonable deadline, the prefectural governor must give prior public notice that a plan for contamination removal, etc. is to be prepared and submitted to the prefectural governor, and that the intended measures must be implemented in accordance with the plan for contamination removal, etc., and that if the measures to be implemented are not implemented by the deadline, the prefectural governor will implement the measures for contamination removal, etc. themselves

(Claims for Expenses Required for Preparation of a Plan for Contamination Removal)

Article 8 (1) If an owner, etc. of the land that has received an instruction from a prefectural governor pursuant to the provisions of the main clause of paragraph (1) of the preceding Article has implemented the intended measures on the land, and the contamination of the soil of the land by a specified hazardous substance is due to an act of a person other than the owner, etc. of the land, the owner, etc. of the land may claim the expenses required for preparation and revision of the plan for contamination removal, etc. related to the intended measures and the expenses required for implementing the intended measures to the person that conducted the act, to the extent of the expense amount needed for the preparation and revision of the plan for contamination removal, etc. related to the instructed measures and implementation of the instructed measures; provided, however, that this does not apply where the person that conducted the act bears or is deemed to have borne the expenses required for the preparation and revision of the plan for contamination removal, etc. related to the instructed measures or any measures for contamination removal, etc. related to the instructed measures specified by Order of the Ministry of the Environment prescribed in paragraph (1), item (i) of the preceding Article (hereinafter referred to in this paragraph as the "instructed measures, etc.") and the expenses required for the instructed measures, etc.

(2) The right to make the claim prescribed in the preceding paragraph is extinguished by prescription if:

(i) the owner, etc. implements the intended measures and does not exercise the right within a period of three years from the time when the owner, etc.

- learns of the person that conducted the act;
- (ii) twenty years have elapsed since the owner, etc. implemented the intended measures.

(Prohibition of Changes in Land Characteristics in Areas that Require Measures)

Article 9 It is prohibited for any person to make a change in land characteristics in an area that requires measures; provided, however, that this does not apply to the following acts:

- (i) an act performed as an intended measure based on a plan for contamination removal, etc. by the person that received an instruction from the prefectural governor pursuant to the provisions of Article 7, paragraph (1);
- (ii) a routine administrative act, minor act, or other acts specified by Order of the Ministry of the Environment;
- (iii) an act performed as an emergency measure necessitated by an extraordinary disaster.

(Exclusion from Application)

Article 10 The provisions of Article 3, paragraph (7) and Article 4, paragraph (1) do not apply to acts performed by a person who received an instruction from a prefectural governor pursuant to the provisions of Article 7, paragraph (1) as the intended measures based on a plan for contamination removal, etc.

Section 2 Areas that Require Notification for Any Intended Change in Characteristics

(Designation of Areas that Require Notification for Any Intended Change in Characteristics)

- Article 11 (1) If a prefectural governor finds that land falls under Article 6, paragraph (1), item (i), but not under item (ii) of that paragraph, the prefectural governor is to designate the section of that land as an area where the land is contaminated by a specified hazardous substance and for which a notification must be submitted when a person intends to change the characteristics of that land.
- (2) If the prefectural governor finds that the reason for the designation referred to in the preceding paragraph has ceased to exist with respect to all or part of an area to which the designation referred to in that paragraph pertains (hereinafter referred to as an "area that require notification for any intended change in characteristics") due to the removal of soil contamination by a specified hazardous substance, the prefectural governor is to cancel the designation referred to in that paragraph with respect to all or part of the area

that requires notification for any intended change in characteristics.

- (3) The provisions of Article 6, paragraphs (2) and (3) apply mutatis mutandis to a designation referred to in paragraph (1) and a cancellation referred to in the preceding paragraph.
- (4) If a designation has been made under the provisions of Article 6, paragraph (1) with respect to all or part of the area that requires notification for any intended change in characteristics, the designation referred to in paragraph (1) with respect to all or part of that area that requires notification for any intended change in characteristics is to be deemed to have been cancelled. In this case, if the prefectural governor has given public notice of designation under the provisions of paragraph (2) of that Article, the prefectural governor is deemed to have given public notice of cancellation under the provisions of paragraph (2) of that Article, as applied mutatis mutandis pursuant to the preceding paragraph.

(Notifications of Changes in Land Characteristics in Areas that Require Notification for Any Intended Change in Characteristics, and Orders to Revise Plans)

Article 12 (1) Pursuant to Order of the Ministry of the Environment, a person that intends to make a change in land characteristics in an area that requires notification for any intended change in characteristics must notify the prefectural governor of the type, location, implementation method, and intended commencement date of the change in land characteristics, and other matters specified by Order of the Ministry of the Environment, by 14 days prior to the date of commencing the change in land characteristics; provided, however, that this does not apply to the following acts:

- (i) a change in land characteristics based on a policy concerning the implementation and management of a change in land characteristics (pursuant to Order of the Ministry of the Environment, limited to cases confirmed by the prefectural governor to conform to standards specified by Order of the Ministry of the Environment) that fall under both of the following:
- (a) a change in land characteristics on a site that satisfies requirements specified by Order of the Ministry of the Environment as those where soil of land contamination by a specified hazardous substance resulted exclusively from natural sources or exclusively from earth and sand used for reclamation of a water area pertaining to land development;
- (b) a change in land characteristics that satisfies requirements specified by Order of the Ministry of the Environment as those that will not pose a risk of causing harm to human health.
- (ii) a routine administrative act, minor act, or other acts specified by Order of

- the Ministry of the Environment;
- (iii) an act that had already been commenced when the area was designated as an area that requires notification for any intended change in characteristics;
 - (iv) an act performed as an emergency measure necessitated by an extraordinary disaster.
- (2) A person that has already commenced a change in land characteristics in an area that requires notification for any intended change in characteristics when the area was so designated must notify the prefectural governor to that effect within 14 days from the date of designation, pursuant to Order of the Ministry of the Environment.
- (3) A person that has made a change in land characteristics as an emergency measure necessitated by an extraordinary disaster in an area that requires notification for any intended change in characteristics must notify the prefectural governor to that effect within 14 days from the date of the change in land characteristics, pursuant to Order of the Ministry of the Environment.
- (4) A person that has made a change in land characteristics referred to in paragraph (1), item (i) must notify the prefectural governor of the type and location of the change in land characteristics that was made during the relevant period, and other matters specified by Order of the Ministry of the Environment, pursuant to Order of the Ministry of the Environment and for each period of time specified by Order of the Ministry of the Environment.
- (5) If the prefectural governor receives a notification referred to in paragraph (1) and finds that the implementation method for the change in land characteristics to which the notification pertains does not conform to standards specified by Order of the Ministry of the Environment, limited to the period within 14 days from the date of the receipt of the notification, the prefectural governor may order the person that filed the notification to revise the plan concerning the implementation method to be used in making the change in land characteristics to which the notification pertains.

(Exclusion from Application)

Article 13 The provisions of Article 3, paragraph (7) and Article 4, paragraph (1) do not apply to changes in land characteristics in any area that requires notification for any intended change in characteristics.

Section 3 Miscellaneous Provisions

(Application for Designation)

Article 14 (1) If an owner, etc. of the land considers that the state of land contamination of the soil of the land by a specified hazardous substance does not conform to standards specified by the Order of the Ministry of the

Environment referred to in Article 6, paragraph (1), item (i), as a result of an investigation of the state of soil contamination by a specified hazardous substance on land that is not subject to the application of the provisions of the main clause of Article 3, paragraph (1), Article 3, paragraph (8), the main clause of Article 4, paragraph (3) and Article 5, paragraph (1) (excluding any land for which results of a soil contamination investigation have been submitted under the provisions of Article 4, paragraph (2)), pursuant to Order of the Ministry of the Environment, the owner, etc. of the land may file an application to the prefectural governor for the designation of the area of the land under the provisions of Article 6, paragraph (1) or Article 11, paragraph (1). In this case, if there is any other owner, etc. other than the owner, etc. of the land to which the application pertains, the unanimous agreement of all owners, etc. must be obtained in advance.

(2) Pursuant to Order of the Ministry of the Environment, a person that files an application referred to in the preceding paragraph must, submit to the prefectural governor a written application stating the methods and results of the investigation of the state of soil contamination of the land by a specified hazardous substance to which the application referred to in that paragraph pertains (hereinafter referred to as "investigation related to the application" in this Article) and other matters specified by Order of the Ministry of the Environment, attaching the documents specified by Order of the Ministry of the Environment.

(3) If an application referred to in paragraph (1) has been filed and the prefectural governor finds that the investigation pertaining to the application was conducted fairly and in the manner specified by the Order of the Ministry of the Environment referred to in Article 3, paragraph (1), the prefectural governor may make a designation of the area of the land to which the application pertains under the provisions of Article 6, paragraph (1) or Article 11, paragraph (1). In this case, the investigation pertaining to the application is deemed to be a soil contamination investigation.

(4) If an application referred to in paragraph (1) has been filed and the prefectural governor finds it necessary, the prefectural governor may request the person that filed the application to report or to submit materials regarding the investigation pertaining to the application, or have the prefectural governor's officials enter the land to which the application pertains and inspect the status of implementation of the investigation related to the application.

(Registry)

Article 15 (1) The prefectural governor must create and keep a registry of areas that require measures, a registry of areas that require notification for any intended change in characteristics, a registry of areas that require measures

where the designation referred to in Article 6, paragraph (1) has been cancelled pursuant to the provisions of paragraph (4) of that Article, and a registry of areas that require notification for any intended change in characteristics where the designation referred to in Article 11, paragraph (1) has been cancelled pursuant to the provisions of paragraph (2) of that Article (hereinafter referred to as the "registry" in this Article).

- (2) The information required to be included in the registry and other necessary matters concerning the creation and keeping of the registry are specified by Order of the Ministry of the Environment.
- (3) If a prefectural governor receives a request to inspect the registry, the request may not be refused without reasonable grounds.

Chapter IV Regulations Concerning Carrying Out Contaminated Soil **Section 1 Measures When Carrying Out Contaminated Soil**

(Notifications When Carrying Out Contaminated Soil, and Orders to Revise Plans)

Article 16 (1) Pursuant to Order of the Ministry of the Environment, a person (excluding a person that intends to be entrusted only to carry the contaminated soil) that intends to carry soil out of land within an area that requires measures or within an area that requires notification for any intended change in characteristics (hereinafter referred to as an "area that requires measures, etc.") (excluding soil where the state of contamination by any specified hazardous substance has been found by the prefectural governor to conform to standards specified by Order of the Ministry of the Environment as referred to in Article 6, paragraph (1), item (i) as a result of an investigation that was conducted by a designated investigation organization in a manner specified by Order of the Ministry of the Environment; hereinafter referred to as "contaminated soil") must notify the prefectural governor of the following matters by 14 days prior to the date of commencing the carrying out of the contaminated soil; provided, however, that this does not apply when the soil is carried out as an emergency measure necessitated by an extraordinary disaster or to provide contaminated soil for use in testing and research:

- (i) state of contamination by a specified hazardous substance of the contaminated soil;
- (ii) volume of the contaminated soil;
- (iii) method of carrying out the contaminated soil;
- (iv) name of the person that will carry out the contaminated soil;
- (v) if the contaminated soil is processed, the name of the person that processes the contaminated soil;
- (vi) if the contaminated soil is processed, the location of the facility that

- processes the contaminated soil;
- (vii) if the contaminated soil is used for a change in land characteristics prescribed in Article 18, paragraph (1), item (ii), the location of the area that requires notification for any intended change in characteristics where the change in land characteristics is made;
 - (viii) if the contaminated soil is used for a change in land characteristics prescribed in Article 18, paragraph (1), item (iii), the location of the area that requires measures, etc. where the change in land characteristics is made;
 - (ix) intended commencement date for carrying out the contaminated soil;
 - (x) other matters specified by Order of the Ministry of the Environment.
- (2) If a person that gives notification under the provisions of the preceding paragraph intends to make changes to matters related to the notification, that person must notify the prefectural governor to that effect by 14 days prior to the date of commencing the acts to which the notification pertains, pursuant to Order of the Ministry of the Environment.
- (3) A person that has carried contaminated soil out of the area that requires measures, etc. as an emergency measure necessitated by an extraordinary disaster must notify the prefectural governor to that effect within 14 days from the date of carrying out the contaminated soil, pursuant to Order of the Ministry of the Environment.
- (4) If a notification referred to in paragraph (1) or (2) is submitted under and the prefectural governor finds that it falls under any of the following items, limited to a period within 14 days from the date of receiving the notification, the prefectural governor may order the person that submits the notification to implement the measure specified in the respective item below:
- (i) if the method of carrying is in violation of standards concerning the carrying of contaminated soil as specified by the Order of the Ministry of the Environment referred to in the following Article: to change the method of carrying of the contaminated soil;
 - (ii) if, in violation of the provisions of Article 18, paragraph (1), the processing of contaminated soil is not entrusted to a person that has obtained a license referred to in Article 22, paragraph (1) (hereinafter referred to as a "contaminated soil processing licensee"): to entrust the processing of contaminated soil to a contaminated soil processing licensee.

(Standards Concerning Carrying)

Article 17 A person that carries contaminated soil outside an area that requires measures, etc. must do so in accordance with standards concerning the carrying of contaminated soil as specified by Order of the Ministry of the Environment; provided, however, that this does not apply when the carrying is conducted as an emergency measure necessitated by an extraordinary disaster.

(Entrustment of Processing of Contaminated Soil)

Article 18 (1) A person that carries contaminated soil out of an area that requires measures, etc. (excluding a person entrusted only to carry the contaminated soil) must entrust the processing of the contaminated soil to a contaminated soil processing licensee; provided, however, that this does not apply in the following cases:

- (i) if the person that will carry the contaminated soil out of an area that requires measures, etc. is a contaminated soil processing licensee and will process the contaminated soil themselves
- (ii) if the person will carry out soil contaminated by natural sources, etc. from within an area contaminated by natural sources, etc. that requires notification for any intended change in characteristics, in order to use it themselves or have another person use it for a change in land characteristics that is to be made in another area contaminated by natural sources, etc. that requires notification for any intended change in characteristics, and that falls under both of the following:
 - (a) an area contaminated by natural sources, etc. that requires notification for any intended change in characteristics that satisfies standards specified by Order of the Ministry of the Environment as having a state of soil contamination by a specified hazardous substance similar to the state of the originating area contaminated by natural sources, etc. that requires notification for any intended change in characteristics;
 - (b) an area contaminated by natural sources, etc. that requires notification for any intended change in characteristics that satisfies standards specified by Order of the Ministry of the Environment as having the same characteristics as soil on the land where the soil contaminated by natural sources, etc. was located.
- (iii) among multiple areas that require measures, etc. that are so designated based on the results of a single soil contamination investigation, the person carries contaminated soil out of one area that requires measures in order to use it themselves or have another person use it for a change in land characteristics within another area that requires measures, or carries contaminated soil out of one area that requires notification for any intended change in characteristics in order to use it themselves or have another person use it for a change in land characteristics within another area that requires notification for any intended change in characteristics;
- (iv) the soil is carried out as an emergency measure necessitated by an extraordinary disaster;
- (v) the soil is carried out for the purpose of providing contaminated soil for use in testing and research.

- (2) The term "area contaminated by natural sources, etc. that requires notification for any intended change in characteristics" as used in item (ii) of the preceding paragraph means an area that requires notification for any intended change in characteristics that satisfies requirements specified by Order of the Ministry of the Environment, as a result of a soil contamination investigation, regarding the land where soil contamination by a specified hazardous substance resulted exclusively from natural sources or exclusively from earth and sand used for reclamation of a water area related to land development, and the term "soil contaminated by natural sources, etc." as used in that item means contaminated soil located within that area.
- (3) The provisions of the main clause of paragraph (1) apply mutatis mutandis to a person that has carried contaminated soil out of the area that requires measures, etc. as an emergency measure necessitated by an extraordinary disaster; provided, however, that this does not apply when the person that has carried the contaminated soil out is a contaminated soil processing licensee and that person processes the contaminated soil themselves.

(Orders to Implement Measures)

Article 19 In cases falling under any of the following items, if a prefectural governor finds it necessary to prevent the spread of contamination by any specified hazardous substance in contaminated soil, upon providing a reasonable deadline, the prefectural governor may order the person specified in the respective item to implement measures for the appropriate transport and processing of the contaminated soil and other necessary measures:

- (i) where a person has carried the contaminated soil in violation of the provisions of Article 17: the person that carried it;
- (ii) where a person has not entrusted the processing of contaminated soil to a contaminated soil processing licensee, in violation of the provisions of paragraph (1) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (3) of that Article): the person that carried the contaminated soil out of the area that requires measures, etc. (excluding a person that was entrusted only to carry the contaminated soil).

(Control Manifest)

Article 20 (1) If a person that carries contaminated soil out of an area that requires measures, etc. entrusts the carrying or processing of the contaminated soil to another person, pursuant to Order of the Ministry of the Environment, simultaneously with the transfer of the contaminated soil to which the entrustment pertains, that person must issue to the person entrusted with the carrying of the contaminated soil (if the entrustment pertains only to the processing of contaminated soil, to the person entrusted with the processing) a

control manifest stating the state of contamination of soil contaminated by a specified hazardous substance and the volume of the contaminated soil to which the entrustment pertains, the name of the person entrusted with the carrying or processing, and other matters specified by Order of the Ministry of the Environment; provided, however, that this does not apply when the soil is carried out as an emergency measure necessitated by an extraordinary disaster or to provide contaminated soil for use in testing and research.

- (2) The provisions of the main clause of the preceding paragraph apply *mutatis mutandis* to any person that has carried contaminated soil out of the area that requires measures, etc. as an emergency measure necessitated by an extraordinary disaster.
- (3) When the person entrusted with the carrying of contaminated soil (hereinafter referred to as the "entrusted carrier") completes the carrying, that person must enter matters specified by Order of the Ministry of the Environment into the control manifest that was issued pursuant to the provisions of paragraph (1) (including as applied *mutatis mutandis* pursuant to the preceding paragraph; hereinafter the same applies in this and the following paragraphs) and send a copy of the control manifest to the person that issued the control manifest pursuant to the provisions of paragraph (1) (hereinafter referred to as the "control manifest issuer" in this Article), within a period of time specified by Order of the Ministry of the Environment. In this case, if there is a person that has been entrusted to process the contaminated soil, the entrusted carrier must circulate the control manifest to that person.
- (4) When a person entrusted with the processing of contaminated soil (hereinafter referred to as an "entrusted processor") completes the processing, that person must enter matters specified by Order of the Ministry of the Environment into the control manifest that was issued pursuant to the provisions of paragraph (1) or circulated pursuant to the provisions of the second sentence of the preceding paragraph, and send a copy of the control manifest to the control manifest issuer that entrusted the processing, within a period of time specified by Order of the Ministry of the Environment. In this case, when the control manifest has been circulated pursuant to the provisions of the second sentence of that paragraph, the entrusted processor must send a copy of the control manifest to the person that circulated it.
- (5) When a control manifest issuer receives a copy of a control manifest under the provisions of the preceding two paragraphs, the control manifest issuer must confirm from the copy of the control manifest that the carrying or processing has been completed, and retain the copy of the control manifest for a period of time, specified by Order of the Ministry of the Environment, from the date on which the copy was received.
- (6) If a control manifest issuer does not receive a copy of the control manifest

- under the provisions of paragraph (3) or (4) within the period of time specified by Order of the Ministry of the Environment, or receives a copy of a control manifest that does not contain the matters prescribed in those provisions or that contains a false statement, that person must promptly ascertain the status of the carrying or processing of the contaminated soil to which the entrustment pertains and notify the prefectural governor of the results thereof.
- (7) When an entrusted carrier sends a copy of the control manifest pursuant to the provisions of the first sentence of paragraph (3) (excluding cases when the entrusted carrier circulates a control manifest pursuant to the provisions of the second sentence of that paragraph), the entrusted carrier must retain the control manifest for a period of time, specified by Order of the Ministry of the Environment, from the date on which it was sent, and when an entrusted carrier receives a copy of the control manifest under the provisions of the second sentence of paragraph (4), the entrusted carrier must retain the copy of the control manifest for a period of time, specified by Order of the Ministry of the Environment, from the date on which it was received.
- (8) When an entrusted processor has sent a copy of a control manifest pursuant to the provisions of the first sentence of paragraph (4), the entrusted carrier must retain the control manifest for a period of time, specified by Order of the Ministry of the Environment, from the date on which it was sent.
- (9) The provisions of each of the preceding paragraphs apply *mutatis mutandis* to cases of having another person use the contaminated soil for a change in land characteristics as prescribed in Article 18, paragraph (1), item (ii) or (iii). In such cases, the phrase "(if the entrustment pertains only to the processing of contaminated soil, to the person entrusted with the processing)" in paragraph (1) is deemed to be replaced with "(if the carrying is not entrusted, to the person that will use the contaminated soil for a change in land characteristics)"; the phrase "the person entrusted with the carrying or processing" in paragraph (1) is deemed to be replaced with "the person entrusted with the carrying or the person that will use the soil for a change in land characteristics"; the phrase "person that has been entrusted to process the contaminated soil" in paragraph (3) is deemed to be replaced with "person that will use the contaminated soil for a change in land characteristics"; the phrase "a person entrusted with the processing of contaminated soil (hereinafter referred to as an "entrusted processor")" in paragraph (4) is deemed to be replaced with "a person that will use contaminated soil for a change in land characteristics (hereinafter referred to as a "soil user)"; the phrase "completes the processing" is deemed to be replaced with "makes a change in land characteristics"; the phrase "that entrusted the processing" is deemed to be replaced with "that had the soil used for a change in land characteristics"; the phrase "the carrying or processing has been completed" in paragraph (5) is

deemed to be replaced with "the carrying has been completed or the change in land characteristics has been implemented"; the phrase "the carrying or processing of the contaminated soil to which the entrustment pertains" in paragraph (6) is deemed to be replaced with "carrying or change in land characteristics"; and the term "entrusted processor" in the preceding paragraph is deemed to be replaced with "soil user."

(Prohibition of Issuance of False Control Manifest)

- Article 21 (1) It is prohibited for any person to issue a control manifest containing a false statement regarding the matters prescribed in paragraph (3) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (9) of that Article), despite the fact that no person is entrusted with the carrying of the contaminated soil.
- (2) It is prohibited for any person to issue a control manifest containing a false statement regarding the matters prescribed in paragraph (4) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (9) of that Article), despite the fact that no person is entrusted with the processing of the contaminated soil or no person uses the contaminated soil for a change in land characteristics.
- (3) An entrusted carrier or entrusted processor or a person that will use contaminated soil for a change in land characteristics as prescribed in Article 18, paragraph (1), items (ii) or (iii) must not send a copy of a control manifest referred to in paragraph (3) or (4) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (9) of that Article), despite the fact that the entrusted carrying or processing of contaminated soil has not been completed or the contaminated soil has not been used for a change in land characteristics.

Section 2 Contaminated soil Processing Businesses

(Contaminated soil Processing Businesses)

- Article 22 (1) Pursuant to Order of the Ministry of the Environment, a person that intends to engage in the processing of contaminated soil in the course of trade (excluding processing within the relevant area that requires measures, etc.) must obtain a license for each facility to be used in the business of processing contaminated soil (hereinafter referred to as a "contaminated soil processing facility") from the prefectural governor having jurisdiction over the location of the contaminated soil processing facility.
- (2) Pursuant to Order of the Ministry of the Environment, a person that intends to obtain a license referred to in the preceding paragraph must submit a written application stating the following information:

- (i) name and address, and in the case of a corporation, the name of its representative;
 - (ii) the site at which the contaminated soil processing facility will be established;
 - (iii) type, structure and processing capability of the contaminated soil processing facility;
 - (iv) the state of contamination of soil contaminated by a specified hazardous substance that will be processed at the contaminated soil processing facility;
 - (v) other matters specified by Order of the Ministry of the Environment.
- (3) A prefectural governor must not grant a license referred to in paragraph (1) unless the application for the license referred to in that paragraph is found to conform to the following criteria:
- (i) the capabilities of the contaminated soil processing facility and the applicant conform to standards specified by Order of the Ministry of the Environment as being sufficient to properly and continuously conduct their business;
 - (ii) the applicant does not fall under any of the following items:
 - (a) a person that was sentenced to punishment for violation of this Act or a disposition under this Act, for whom a period of two years has not elapsed since the day on which the sentence was completed or ceased to be applied;
 - (b) a person whose license was rescinded pursuant to the provisions of Article 25, for whom a period of two years has not elapsed since the date of the rescission;
 - (c) a person that is a member of an organized crime group as specified by Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) or for whom a period of five years has not yet elapsed from the day on which the person ceased to be a member of an organized crime group as specified by that item (referred to as an "organized crime group member, etc." in (g) below);
 - (d) a minor that does not possess the same capacity to act as an adult with regard to business and whose statutory agent falls under (a), (b) or (c) above;
 - (e) a corporation that has any officers or any employees specified by Cabinet Order that fall under (a), (b) or (c) above;
 - (f) an individual that has any employees specified by Cabinet Order that fall under (a), (b) or (c) above;
 - (g) a person whose business activities are controlled by an organized crime group member, etc.
- (4) Unless the license referred to in paragraph (1) is renewed every five years, it expires when that period has elapsed.
- (5) The provisions of paragraphs (2) and (3) apply mutatis mutandis to any

renewal referred to in the preceding paragraph.

- (6) A contaminated soil processing licensee must process contaminated soil in accordance with standards concerning the processing of contaminated soil as specified by Order of the Ministry of the Environment.
- (7) A contaminated soil processing licensee must not entrust the processing of contaminated soil to another person.
- (8) Pursuant to Order of the Ministry of the Environment, a contaminated soil processing licensee must record the matters specified by Order of the Ministry of the Environment concerning the processing of contaminated soil conducted at a contaminated soil processing facility for each facility to which the license pertains, keep this record at the contaminated soil processing facility (or, if it is difficult to keep it at the facility, the office closest to the contaminated soil processing licensee), and allow inspection upon request by any person with an interest in the processing of the contaminated soil.
- (9) If breakage or some other accident occurs at the contaminated soil processing facility to which the license pertains established by a contaminated soil processing licensee, and contaminated soil processed at the contaminated soil processing facility or contaminated water or gas that has been generated in connection with the processing is dispersed, is discharged, seeps underground, or is otherwise emitted, the contaminated soil processing licensee must immediately notify the prefectural governor to that effect.

(Permission for Change)

- Article 23 (1) If a contaminated soil processing licensee intends to make a change to any matter to which the license pertains as set forth in items (iii) or (iv) of paragraph (2) of the preceding Article, the contaminated soil processing licensee must obtain the permission of the prefectural governor, pursuant to Order of the Ministry of the Environment; provided, however, that this does not apply to a minor change specified by Order of the Ministry of the Environment.
- (2) The provisions of paragraph (3) of the preceding Article apply *mutatis mutandis* to the permission referred to in the preceding paragraph.
 - (3) If a contaminated soil processing licensee makes a minor change specified by Order of the Ministry of the Environment referred to in the proviso to paragraph (1), or where there is a change to any matter set forth in paragraph (2), item (i) of the preceding Article or other matters specified by Order of the Ministry of the Environment, without delay, the contaminated soil processing licensee must notify the prefectural governor to that effect, pursuant to Order of the Ministry of the Environment.
 - (4) If a contaminated soil processing licensee intends to suspend or discontinue all or part of the business of processing the contaminated soil, or intends to

resume a previously suspended or discontinued business of processing the contaminated soil, in advance, the contaminated soil processing licensee must notify the prefectural governor to that effect, pursuant to Order of the Ministry of the Environment.

(Orders for Improvement)

Article 24 If the prefectural governor finds that the processing of contaminated soil was performed by a contaminated soil processing licensee in a way that does not conform to standards concerning processing contaminated soil as specified by the Order of the Ministry of the Environment referred to in Article 22, paragraph (6), upon providing a reasonable deadline, the prefectural governor may order the contaminated soil processing licensee to make changes to its method of processing the contaminated soil and to implement other necessary measures.

(Rescission of License)

Article 25 If a contaminated soil processing licensee falls under any of the following items, the prefectural governor may rescind the license thereof or order the suspension of all or part of the business of the contaminated soil processing licensee for a specified period of time not exceeding one year:

- (i) it has come to fall under any of (a) or (c) through (g) of Article 22, paragraph (3), item (ii);
- (ii) the contaminated soil processing facility or the competence of the person no longer conform to standards specified by the Order of the Ministry of the Environment referred to in Article 22, paragraph (3), item (i);
- (iii) it violated the provisions of this Chapter or any order based on the provisions;
- (iv) it obtained a license referred to in Article 22, paragraph (1) (including a license renewal referred to in paragraph (4) of that Article) or permission for a change referred to in Article 23, paragraph (1) by wrongful means.

(Prohibition on Lending One's Name)

Article 26 A contaminated soil processing licensee must not allow another person to engage in the processing of contaminated soil in the course of trade using the name of the contaminated soil processing licensee.

(Obligation to Implement Measures Upon Revocation of License)

Article 27 (1) Pursuant to Order of the Ministry of the Environment, a contaminated soil processing licensee that has discontinued its business of processing contaminated soil or has had its license revoked pursuant to the provisions of Article 25 must prevent the spread of contamination by any

specified hazardous substance at the contaminated soil processing facility that was being used in the business that was discontinued or was under the license that was revoked, and implement other necessary measures.

- (2) If the prefectural governor finds that there is harm or a risk of causing harm to human health due to contamination by a specified hazardous substance at a contaminated soil processing facility prescribed in the preceding paragraph, upon providing a reasonable deadline, the prefectural governor may order the person who used the contaminated soil processing facility for the business of processing contaminated soil to remove the contamination and prevent the spread of the contamination and implement other necessary measures.

(Transfer and Acquisition)

Article 27-2 (1) In cases where a contaminated soil processing licensee transfers the contaminated soil processing business, if the transferor and the transferee obtain the approval of the prefectural governor for the transfer and acquisition, the transferee succeeds to the status of the transferor as a contaminated soil processing licensee.

- (2) The provisions of Article 22, paragraph (3) apply mutatis mutandis to the approval referred to in the preceding paragraph.

(Mergers and Splits)

Article 27-3 (1) In the case of a merger involving a corporation that is a contaminated soil processing licensee (excluding cases where, as a result of a merger between a corporation that is a contaminated soil processing licensee and a corporation that is not a contaminated soil processing licensee, the corporation that is a contaminated soil processing licensee survives) or in the case of a split (limited to cases where the entire contaminated soil processing business succeeds to one corporation), if the approval of the prefectural governor is obtained for the merger or split, the corporation surviving the merger, the corporation established as a result of the merger, or the corporation to which the entire contaminated soil processing business succeeded as a result of the split succeeds to the status of contaminated soil processing licensee.

- (2) The provisions of Article 22, paragraph (3) apply mutatis mutandis to the approval referred to in the preceding paragraph.

(Inheritance)

Article 27-4 (1) In the case of death of a contaminated soil processing licensee, if the heir (when there are two or more heirs, and if the heir to succeed the contaminated soil processing business was selected by consent of all the heirs, that person; hereinafter the same applies in this paragraph, the following

paragraph and paragraph (4)) intends to continue engaging in the contaminated soil processing business, the heir must apply to the prefectural governor within 60 days from the death of the decedent, and obtain approval thereof.

- (2) If the heir applies for approval referred to in the preceding paragraph, the license referred to in Article 22, paragraph (1) given to the decedent is deemed to have been given to the heir from the date of the death of the decedent until the date of the heir obtaining the approval or receiving notice that the approval will not be given.
- (3) The provisions of Article 22, paragraph (3) (excluding the part related to (e) of item (ii)) apply mutatis mutandis to the approval referred to in paragraph (1).
- (4) The heir that obtains the approval referred to in paragraph (1) succeeds to the status of the contaminated soil processing licensee related to the decedent.

(Special Provisions on Processing of Contaminated Soil by the National or Local Government or Equivalent Corporation)

Article 27-5 With respect to the application of the provisions of Article 22, paragraph (1) to the contaminated soil processing business conducted by the national or a local government (including a port authority under the provisions of Article 4, paragraph (1) of the Port and Harbor Act (Act No. 218 of 1950)) (hereinafter referred to as the "national or local government or equivalent corporation"), the license under the provisions of that paragraph is deemed to have been given when the national or local government or equivalent corporation has consulted and reached agreement with the prefectural governor. In this case, any technical replacement of terms related to the application of the provisions of this Act and other matters necessary for the application of the provisions of this Act are prescribed by Cabinet Order.

(Delegation to Orders of the Ministry of the Environment)

Article 28 Beyond what is provided for in this Section, necessary matters for the business of processing contaminated soil are prescribed by Order of the Ministry of the Environment.

Chapter V Designated Investigation Organizations

(Application for Designation)

Article 29 Pursuant to Order of the Ministry of the Environment, the designation referred to in Article 3, paragraph (1) is made based on an application by a person that intends to conduct soil contamination investigations, etc.

(Disqualification Clause)

Article 30 A person that falls under any of the following items cannot receive the designation referred to in Article 3, paragraph (1):

- (i) A person that was sentenced to a punishment for violation of this Act or a disposition under this Act, for whom a period of two years has not elapsed since the day on which the sentence was completed or ceased to be applied;
- (ii) a person whose designation was rescinded pursuant to the provisions of Article 42, for whom a period of two years has not elapsed since the date of the rescission;
- (iii) in the case of a corporation, a person that is an officer engaged in the operations thereof and who falls under either of the preceding two items.

(Standards for Designation)

Article 31 The Minister of the Environment or the prefectural governor must not make the designation referred to in Article 3, paragraph (1) unless the application for the designation is found to conform to all of the following items:

- (i) the applicant conforms to the criteria specified by Order of the Ministry of the Environment as that having a financial base and the technical capability sufficient to properly and smoothly carry out the operations of soil contamination investigation, etc.;
- (ii) Where the applicant is a corporation, its officers, or the composition of its members based on the type of corporation as specified by Order of the Ministry of the Environment, are unlikely to impede the fair implementation of a soil contamination investigation, etc.;
- (iii) beyond what is provided for in the preceding items, the applicant conforms to criteria specified by Order of the Ministry of the Environment, as those where a soil contamination investigation, etc. are unlikely to be unfair.

(Renewal of Designation)

Article 32 (1) Unless the designation referred to in Article 3, paragraph (1) is renewed every five years, it expires when that period has elapsed.

(2) The provisions of the preceding three Articles apply mutatis mutandis to the renewal of designation referred to in the preceding paragraph.

(Appointment of a Technical Manager)

Article 33 A designated investigation organization must appoint a person that takes charge of the technical management of a soil contamination investigation, etc. at the land where the soil contamination investigation, etc. is conducted that conforms to criteria specified by Order of the Ministry of the Environment (referred to as the "technical manager" in the following Article).

(Duties of a Technical Manager)

Article 34 When a designated investigation organization conducts a soil contamination investigation, etc., it must have a technical manager supervise other persons engaged in the soil contamination investigation, etc.; provided, however, that this does not apply when no person other than the technical manager is engaged in the soil contamination investigation, etc.

(Notification of Changes)

Article 35 If a designated investigation organization changes its name or the location of its business office that conducts a soil contamination investigation, etc. or other matters specified by Order of the Ministry of the Environment, pursuant to Order of the Ministry of the Environment, without delay, it must notify to that effect to the Minister of the Environment or the prefectural governor (hereinafter referred to as the "Minister of the Environment, etc." in this Chapter) that made the designation.

(Obligation to Conduct Soil Contamination Investigations)

Article 36 (1) If a designated investigation organization receives a request to conduct a soil contamination investigation, etc., it must do so without delay unless there are reasonable grounds not to do so.

(2) A designated investigation organization must conduct a soil contamination investigation, etc. fairly and in the manner specified by Order of the Ministry of the Environment referred to in Article 3, paragraph (1) and Article 16, paragraph (1).

(3) In the cases prescribed in the preceding two paragraphs, if the designated investigation organization to which the designation pertains fails to conduct the soil contamination investigation, or if its method is not appropriate, the Minister of the Environment, etc. may order the designated investigation organization to conduct the soil contamination investigation, etc. or to improve the method by which it is conducted.

(Operational Rules)

Article 37 (1) A designated investigation organization must establish operational rules concerning the business of soil contamination investigation, etc. (referred to as "operational rules" in the following paragraph), and must notify the Minister of the Environment, etc. of them prior to the commencement of the business of soil contamination investigation, etc. The same applies if it intends to change the operational rules.

(2) The matters to be specified in the operational rules are specified by Order of the Ministry of the Environment.

(Retention of Books)

Article 38 Pursuant to Order of the Ministry of the Environment, a designated investigation organization must prepare and retain the books recording matters concerning the business of soil contamination investigation, etc. as specified by Order of the Ministry of the Environment.

(Compliance Orders)

Article 39 If the Minister of the Environment, etc. finds that a designated investigation organization to which the designation pertains no longer complies with any item of Article 31, the Minister of the Environment, etc. may order the designated investigation organization to implement the necessary measures to comply with all those provisions.

(Notification of Discontinuation of Business)

Article 40 If a designated investigation organization discontinues the business of soil contamination investigation, etc., without delay, pursuant to Order of the Ministry of the Environment, it must notify the Minister of the Environment, etc. to that effect.

(Lapse of Designation)

Article 41 If a designated investigation organization discontinues its business of soil contamination investigation, etc., the designation referred to in Article 3, paragraph (1) ceases to be effective.

(Rescission of Designation)

Article 42 If the Minister of the Environment, etc. finds that a designated investigation organization to which the designation pertains falls under any of the following items, the Minister of the Environment, etc. may rescind the designation referred to in Article 3, paragraph (1):

- (i) it has come to fall under Article 30, item (i) or (iii);
- (ii) it violated the provisions of Article 33, Article 35, Article 37, paragraph (1), or Article 38;
- (iii) it violated an order under the provisions of Article 36, paragraph (3) or Article 39;
- (iv) it obtained the designation referred to in Article 3, paragraph (1) by wrongful means.

(Public Notice)

Article 43 The Minister of the Environment, etc. must give public notice to the following effect if:

- (i) the Minister of the Environment, etc. makes a designation referred to in

- Article 3, paragraph (1);
- (ii) a designation referred to in Article 3, paragraph (1) has ceased to be effective pursuant to the provision of Article 32, paragraph (1), or the Minister of the Environment, etc. rescinds the designation referred to in Article 3, paragraph (1) pursuant to the provisions of the preceding Article;
 - (iii) the Minister of the Environment, etc. has received a notification under the provisions of Article 35 (excluding those related to a change in the matters specified by Order of the Ministry of the Environment referred to in that Article) or Article 40.

Chapter VI Designated Support Corporation

(Designation)

- Article 44 (1) The Minister of the Environment may designate a general incorporated association or general incorporated foundation that is found to be capable of conducting the operations prescribed in the following Article (hereinafter referred to as "support operations") as the person that conducts support operations, upon application, which is limited to one nationwide.
- (2) If the person that received the designation referred to in the preceding paragraph (hereinafter referred to as the "designated support corporation") intends to make a change to its name, address, or office location, it must notify the Minister of the Environment to that effect in advance.

(Operations)

- Article 45 The designated support corporation is to engage in the following operations:
- (i) pursuant to Cabinet Order, grant subsidies to local governments that provide assistance to persons that prepare or revise a plan for contamination removal, etc. related to land in an area that requires measures and implement intended measures based on that plan for contamination removal, etc.;
 - (ii) respond to inquiries and requests for consultation, and give necessary advice on the following matters:
 - (a) soil contamination investigations;
 - (b) preparation and revision of plans for contamination removal, etc. related to land in areas that require measures, etc. and any intended measures based on plans for contamination removal, etc.;
 - (c) changes in land characteristics in areas that require notification for any intended change in characteristics.
 - (iii) dissemination of knowledge and promotion of public understanding of the effects on human health due to soil contamination by specified hazardous

substances, in order to facilitate the proper and smooth implementation of the matters set forth in (a) through (c) of the preceding item;
(iv) engage in operations incidental to the operations set forth in the preceding three items.

(Fund)

Article 46 The designated support corporation is to establish a fund related to support operations (simply referred to as the "fund" in the following Article) and allocate to it an amount of money corresponding to the total amount of subsidies granted pursuant to the provisions of that Article plus money contributed by persons other than the government on the condition that the money is allocated as funding necessary for the support operations.

(Subsidy for the Fund)

Article 47 The government may subsidize funds to appropriate for the fund within the scope of the budget.

(Business Plans)

Article 48 (1) Each business year, pursuant to Order of the Ministry of the Environment, the designated support corporation must prepare a written business plan and written budget for revenue and expenditure relating to its support operations, and obtain approval from the Minister of the Environment. The same applies if it intends to make any change thereof.
(2) After the end of each business year, pursuant to Order of the Ministry of the Environment, the designated support corporation must prepare a written business report and statement of revenue and expenditure relating to its support operations and submit them to the Minister of the Environment.

(Separate Accounting)

Article 49 The designated support corporation must separate its accounting for the support operations from its other accounting, and prepare a special account to settle the account.

(Duty of Confidentiality)

Article 50 An officer or an employee of the designated support corporation, or a person who was formerly in that position must not divulge any confidential information learned concerning the operations set forth in Article 45, item (i) or (ii) or operations set forth in item (iv) of that Article (limited to those incidental to the business set forth in item (i) or (ii) of that Article).

(Supervision Orders)

Article 51 To the extent necessary for enforcing the provisions of this Chapter, the Minister of the Environment may give the designated support corporation orders necessary for the supervision of the support operations.

(Rescission of Designation)

Article 52 The Minister of the Environment may rescind a designation referred to in Article 44, paragraph (1) if the designated support corporation falls under any of the following items:

- (i) it is found that the support operations cannot be implemented in a proper and reliable manner;
- (ii) it violated the provisions of this Chapter, or an order, or a disposition based on the relevant provisions;
- (iii) it obtained the designation referred to in Article 44, paragraph (1) by wrongful means.

(Public Notice)

Article 53 In the following cases, the Minister of the Environment must give public notice to the following effect if:

- (i) the Minister makes the designation referred to in Article 44, paragraph (1);
- (ii) the Minister receives a notification under the provisions of Article 44, paragraph (2);
- (iii) the Minister rescinds the designation referred to in Article 44, paragraph (1) pursuant to the provisions of the preceding Article.

Chapter VII Miscellaneous Provisions

(Reports and Inspections)

Article 54 (1) To the extent necessary for enforcing this Act, the Minister of the Environment or the prefectural governor may request the owner, etc. of the land to which a soil contamination investigation pertains or the land in an area that requires measures, etc., or the person that is conducting or has conducted any measures for contamination removal, etc. or any change of land characteristics of the land in an area that requires measures, etc. to report the state of the land, the measures for contamination removal, etc., the status of implementation of a change in land characteristics, or any other necessary matters, or the Minister or prefectural governor may have their officials enter the land and inspect the state of the land, the measures for contamination removal, etc., or the status of the change in land characteristics.

(2) The collection of the report by the Minister of the Environment or the onsite inspection by the officials of the Minister referred to in the preceding paragraph are to be carried out only when it is found to be urgently necessary

in order to prevent harm to human health due to soil contamination by a specified hazardous substance.

- (3) To the extent necessary for enforcing this Act, a prefectural governor may request a person that has carried contaminated soil out of the area that requires measures, etc. or a person that has carried contaminated soil to submit necessary reports on the status of carrying or processing of contaminated soil; or may have their officials enter the office of these persons, the site where the contaminated soil is unloaded, and other sites, automobiles or other vehicles, or ships, used to carry contaminated soil (hereinafter referred to in this paragraph as "automobiles, etc.") to inspect the state of the contaminated soil, automobiles etc., or books, documents, and other items.
- (4) To the extent necessary for enforcing this Act, a prefectural governor may request a contaminated soil processing licensee or a person that was formerly contaminated soil processing licensee to submit necessary reports on their businesses, or have their officials enter an office, contaminated soil processing facility and other place of business of the contaminated soil processing licensee or the person who was formerly contaminated soil processing licensee, to inspect equipment, books, documents, and other items.
- (5) To the extent necessary for enforcing this Act, the Minister of the Environment or the prefectural governor may request the designated investigation organization to which the designation pertains to submit necessary reports on the status of their business or accounting, or have their officials enter its office to inspect the status of its business, or books, documents, and other items.
- (6) To the extent necessary for enforcing this Act, the Minister of the Environment may request the designated support corporation to submit necessary reports on the status of their business or accounting, or have their officials enter its office to inspect the status of its business, or books, documents, and other items.
- (7) Any official that conducts an onsite inspection pursuant to the provisions of paragraph (1), or paragraph (3) through the preceding paragraph must carry an identification card and present it to the relevant persons.
- (8) The authority to conduct an on-site inspection referred to in paragraph (1), or paragraphs (3) through (6), must not be construed as being granted for the purpose of a criminal investigation.

(Consultation)

Article 55 If the prefectural governor intends to issue an order under the provisions of Article 3, paragraphs (4) or (8), Article 4, paragraph (3), Article 5, paragraph (1), Article 7, paragraphs (2), (4) or (8), or Article 12, paragraph (5), concerning land specified by Cabinet Order as land managed based on the

authority of a person managing facilities provided for public use pursuant to the provisions laws and regulations, the prefectural governor must consult with the person managing the facilities in advance.

(Requests to Submit Materials)

Article 56 (1) If the Minister of the Environment finds it necessary in order to achieve the purpose of this Act, the Minister may request the head of the relevant local government to submit necessary materials and provide an explanation.

(2) If a prefectural governor finds it necessary in order to achieve the purpose of this Act, the prefectural governor may request the head of the relevant administrative organ or head of the local government to send the necessary documentation or to otherwise cooperate, or may state an opinion with respect to ascertaining the state of soil contamination by a specified hazardous substance and preventing harm to human health due to that contamination.

(Instructions from the Minister of the Environment)

Article 57 If the Minister of the Environment finds it urgently necessary in order to prevent harm to human health due to soil contamination by a specified hazardous substance, the Minister may issue the necessary instructions concerning the following administrative affairs to the prefectural governor or the mayor of a city specified by Cabinet Order referred to in Article 64 (including special wards):

- (i) affairs concerning the confirmation referred to in the proviso to Article 3, paragraph (1);
- (ii) affairs concerning orders referred to in Article 3, paragraphs (4) and (8), Article 4, paragraph (3), Article 5, paragraph (1), Article 7, paragraphs (2), (4) and (8), Article 12, paragraph (5), Article 16, paragraph (4), Article 19, Article 24, Article 25, and Article 27, paragraph (2));
- (iii) affairs concerning the rescission of confirmation referred to in Article 3, paragraph (6);
- (iv) affairs concerning an investigation referred to in Article 5, paragraph (2);
- (v) affairs concerning a designation referred to in Article 6, paragraph (1);
- (vi) affairs concerning a public notice referred to in Article 6, paragraph (2);
- (vii) affairs concerning a cancellation of a designation referred to in Article 6, paragraph (4);
- (viii) affairs concerning an instruction referred to in Article 7, paragraph (1);
- (ix) affairs concerning measures for contamination removal, etc. referred to in Article 7, paragraph (10);
- (x) affairs concerning a confirmation referred to in Article 12, paragraph (1), item (i);

(xi) affairs concerning a request for cooperation or statement of opinion referred to in paragraph (2) of the preceding Article.

(Assistance from the National Government)

Article 58 (1) In order to prevent harm to human health due to soil contamination by a specified hazardous substance, the national government is to endeavor to arrange the fund necessary for implementation of soil contamination investigations or measures for contamination removal, etc. on land in areas that require measures, as well as provide technical advice and other assistance.

(2) In implementing of measures referred to in the preceding paragraph, special consideration must be given to small and medium-sized enterprises.

(Promotion of Research)

Article 59 The national government is to promote research on technologies concerning measures for contamination removal, etc. and other research to prevent harm to human health due to soil contamination by a specified hazardous substance, and is to endeavor to disseminate the results thereof.

(Promotion of Public Understanding)

Article 60 (1) The national government and local governments, are to endeavor to promote public understanding of the effects on human health due to soil contamination by specified hazardous substances through education, publicity, and other activities,.

(2) The national government and local governments are to endeavor to develop the necessary human resources to perform their responsibilities referred to in the preceding paragraph.

(Collection, Organization, Retention and Provision of Information on Soil Contamination by Prefectural Governors)

Article 61 (1) The prefectural governor is to endeavor to collect, organize, retain, and properly provide information on the state of soil contamination by specified hazardous substances relating to land within the prefecture and on any risk of causing harm to human health due to that contamination.

(2) The prefectural governor is to endeavor to have any person that intends to establish a public facility such as a park, a public interest facility such as a school, wholesale market, or any equivalent facility ascertain whether the land where that facility is intended to be established falls under the standards specified by the Order of the Ministry of the Environment referred to in Article 4, paragraph (3).

(Cooperation in Soil Contamination Investigation by a Person that Has an Established Specified Facility that Used a Hazardous Substance)

Article 61-2 Upon request, a person that has an established specified facility that used a hazardous substance is to endeavor to provide the designated investigation organization that conducts a soil contamination investigation on the land, upon their request, of information on the type, etc. of specified hazardous substance that was manufactured, used, or processed in the specified facility that used a hazardous substance .

(Transitional Measures)

Article 62 If an order is enacted, amended, or repealed based on the provisions of this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be provided for by the order, to the extent deemed reasonably necessary for the enactment, amendment, or repeal.

(Delegation of Authority)

Article 63 The authority of the Minister of the Environment as prescribed in this Act may be delegated to the director of a regional environment office, pursuant to Order of the Ministry of the Environment.

(Handling of Affairs by Mayors of Cities Specified by Cabinet Order)

Article 64 A part of affairs under the authority of the prefectural governor pursuant to the provisions of this Act may be undertaken by mayors of cities specified by Cabinet Order (including special wards), pursuant to Cabinet Order.

Chapter VIII Penal Provisions

Article 65 A person that falls under any of the following items is punished by imprisonment for not more than one year or a fine of not more than 1,000,000 yen.

- (i) a person that has violated the orders under the provisions of Article 3, paragraph (4) or (8), Article 4, paragraph (3), Article 5, paragraph (1), Article 7, paragraph (2), (4) or (8), Article 12, paragraph (5), Article 16, paragraph (4), Article 19, Article 24, Article 25, or Article 27, paragraph (2);
- (ii) a person that has violated the provisions of Article 7, paragraph (6) or Article 9;
- (iii) a person that has processed contaminated soil in the course of trade, in violation of the provisions of Article 22, paragraph (1);
- (iv) a person that has engaged in the business of processing contaminated soil, in violation of the provisions of Article 23, paragraph (1);

- (v) a person that has obtained a license referred to in Article 22, paragraph (1) (including renewal of a license referred to in paragraph (4) of that Article) or permission for a change referred to in Article 23, paragraph (1) by wrongful means;
- (vi) a person that has had another person process contaminated soil in the course of trade, in violation of the provisions of Article 26.

Article 66 A person that falls under any of the following items is punished by imprisonment for not more than three months or a fine of not more than 300,000 yen:

- (i) a person that has failed to make a notification under the provisions of Article 3, paragraph (5) or (7); or Article 23, paragraph (3) or (4), or that has made a false notification;
- (ii) a person that has made a change in land characteristics without making a notification, or by making a false notification, in violation of the provisions of Article 4, paragraph (1) or Article 12, paragraph (1);
- (iii) a person that has carried soil out as prescribed in the main sentence of paragraph (1) or paragraph (2) of Article 16, without making a notification or by making a false notification in violation of the provisions of paragraph (1) or (2) of that Article;
- (iv) a person that has carried contaminated soil, in violation of the provisions of Article 17;
- (v) a person that has entrusted the processing of contaminated soil to another person, in violation of the provisions of Article 18, paragraph (1) (including as applied *mutatis mutandis* pursuant to paragraph (3) of that Article) or Article 22, paragraph (7);
- (vi) a person that has failed to issue a control manifest, in violation of the provisions of Article 20, paragraph (1) (including as applied *mutatis mutandis* pursuant to paragraph (2) (including as applied *mutatis mutandis* pursuant to paragraph (9) of that Article) and paragraph (9) of that Article) or that has issued a control manifest without entering the matters prescribed in paragraph (1) of that Article or by entering a false statement;
- (vii) a person that has failed to send a copy of a control manifest, in violation of the provisions of the first sentence of Article 20, paragraph (3) or of Article 20, paragraph (4) (including as applied *mutatis mutandis* pursuant to paragraph (9) of that Article), or that has sent a copy of a control manifest without entering the matters prescribed in these provisions, or by entering a false statement;
- (viii) a person that has failed to circulate a control manifest, in violation of the provisions of the second sentence of Article 20, paragraph (3) (including as applied *mutatis mutandis* pursuant to paragraph (9) of that Article);

- (ix) a person that has failed to retain a control manifest or a copy thereof, in violation of the provisions of Article 20, paragraph (5), (7) or (8) (including as applied mutatis mutandis pursuant to paragraph (9) of that Article);
- (x) a person that has issued a control manifest by entering a false statement, in violation of the provisions of Article 21, paragraph (1) or (2);
- (xi) a person that has sent a copy of a control manifest in violation of the provisions of Article 21, paragraph (3).

Article 67 A person that falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) a person that has failed to make a notification under the provisions of Article 12, paragraph (4) or that has made a false notification;
- (ii) a person that has failed to make a record or that made a false record, or that has failed to keep a record, in violation of the provisions of Article 22, paragraph (8);
- (iii) a person that has violated the provisions of Article 50;
- (iv) a person that has failed to report under the provisions of Article 54, paragraph (1), or paragraphs (3) through (6), that has made a false report, or that has refused, hindered, or evaded an inspection under those provisions.

Article 68 If any representative of a corporation, or any agent, employee, or other workers of a corporation or individual commits any of the violations referred to in the preceding three Articles (excluding item (iii) of the preceding Article) in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the relevant Article.

Article 69 A person that falls under any of the following items is punished by a civil fine of not more than 200,000 yen:

- (i) a person that has failed to report under the provisions of Article 7, paragraph (9) or that has made a false report;
- (ii) a person that has failed to make a notification under the provisions of Article 12, paragraph (2) or (3), Article 16, paragraph (3), Article 20, paragraph (6) (including as applied mutatis mutandis pursuant to paragraph (9) of that Article); or Article 40, or has made a false notification.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding nine months from the date of promulgation;

provided, however, that the provisions of the following Article come into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Preparatory Actions)

Article 2 (1) The designation referred to in Article 3, paragraph (1), and related necessary procedures and other acts may be conducted according to the provisions of Articles 10 through 12, and Article 15, even prior to enforcement of this Act.

(2) The designation referred to in Article 20, paragraph (1) and related necessary procedures and other acts may be conducted according to the provisions of Article 20, paragraphs (1) and (2) and Article 24, paragraph (1), even prior to enforcement of this Act.

(Transitional Measures)

Article 3 The provisions of Article 3 do not apply to land that was the site of a factory or place of business of a discontinued specified facility that used a hazardous substance prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 4 Beyond what is provided for in the preceding two Articles, necessary transitional measures for the enforcement of this Act are prescribed by Cabinet Order.

(Reviews)

Article 5 When ten years have elapsed since enforcement of this Act, the government is to review the support operations of the designated support corporation, including consideration of possible termination, examine the status of enforcement of this Act, and implement any necessary measures based on the results thereof.

Supplementary Provisions [Act No. 33 of April 27, 2005] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of October 1, 2005.

(Transitional Measures)

Article 24 If an order is enacted, amended, or repealed under the provisions of the provisions of the respective laws amended by this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be provided for by the order, to the extent deemed reasonably

necessary for the enactment, amendment, or repeal.

Supplementary Provisions [Act No. 50 of June 2, 2006] [Extract]

This Act comes into effect as of the date on which the Act on General Incorporated Associations and General Incorporated Foundations comes into effect.

Supplementary Provisions [Act No. 23 of April 24, 2009]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order no later than April 1, 2010; provided, however, that the provisions of the following Article and Article 14 of the Supplementary Provisions come into effect as of the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

(Preparatory Actions)

Article 2 (1) Even prior to enforcement of this Act, a person that intends to obtain a license referred to in Article 22, paragraph (1) of the Soil Contamination Countermeasures Act amended by this Act (hereinafter referred to as the "new Act") may file an application for the license in accordance with the provisions of paragraph (2) of that Article.

(2) A person that contains a false statement in a written application or a document to be attached thereto relating to the application under the provisions of the preceding paragraph and submits it is punished by imprisonment for not more than one year or a fine of not more than 1,000,000 yen.

(3) If a representative of a corporation, or an agent, employee, or other worker of a corporation or an individual commits a violation referred to in the preceding paragraph in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in that paragraph.

(Transitional Measures concerning Notification of a Change in Land Characteristics of an Area Above a Certain Size)

Article 3 The provisions of Article 4, paragraph (1) of the new Act apply to a person that begins to make a change in land characteristics (meaning a change in land characteristics prescribed in that paragraph; the same applies in Article 8 of the Supplementary Provisions) on or after the date on which 30 days elapse from the date on which this Act comes into effect (hereinafter

referred to as the "effective date").

(Transitional Measures concerning Designation of Designated Areas)

Article 4 Any area of land that is actually designated pursuant to the provisions of Article 5, paragraph (1) of the Soil Contamination Countermeasures Act prior to amendment by this Act (hereinafter referred to as the "former Act") at the time of enforcement of this Act is deemed to be an area that requires notification for any intended change in characteristics prescribed in Article 11, paragraph (2) of the new Act pursuant to the provisions of paragraph (1) of that Article.

(Transitional Measures concerning Designated Area Registry)

Article 5 The registry of designated areas under the provisions of Article 6, paragraph (1) of the former Act that actually exists at the time of enforcement of this Act is deemed to be the registry of areas that require notification for any intended change in characteristics under the provisions of Article 15, paragraph (1) of the new Act.

(Transitional Measures concerning Orders to Implement Measures)

Article 6 Prior laws continue to govern any order made prior to enforcement of this Act based on the provisions of Article 7, paragraph (1) or (2) of the former Act.

(Transitional Measures concerning Claims for Expenses Required for Measures for Contamination Removal)

Article 7 Prior laws continue to govern the application of the provisions of Article 8 of the former Act related to a person that has received an order under the provisions of Article 7, paragraph (1) of the former Act prior to enforcement of this Act.

(Transitional Measures concerning Notification of Change in Land

Characteristics in an Area that Requires Notification for Any Intended Change in Characteristics)

Article 8 A person that begins to make the change in land characteristics in an area of the land deemed to be an area that requires notification for any intended change in characteristics prescribed in Article 11, paragraph (2) of the new Act pursuant to the provisions of Article 4 of the Supplementary Provisions on or after the effective date, and has filed a notification under the provisions of Article 9, paragraph (1) of the former Act prior to the effective date concerning the change in land characteristics, is deemed to have filed the notification under the provisions of Article 12, paragraph (1) of the new Act.

(Transitional Measures concerning Notification When Carrying Out Contaminated Soil)

Article 9 The provisions of Article 16, paragraph (1) of the new Act apply to a person that intends to carry contaminated soil out of the area that requires measures, etc. (meaning an area that requires measures, etc. prescribed in that paragraph) on or after the date on which 14 days elapse from the effective date (excluding a person that intends to be entrusted only to carry the contaminated soil).

(Transitional Measures concerning Designation of a Designated Investigation Organization)

Article 10 A person that actually receives a designation under the provisions of Article 3, paragraph (1) of the former Act at the time of enforcement of this Act is deemed to have received the designation referred to in Article 3, paragraph (1) of the new Act on the effective date.

(Transitional Measures concerning Notification of Changes)

Article 11 The provisions of Article 35 of the new Act apply to a designated investigation organization that intends to make changes to the matters prescribed in that Article on or after the date on which 14 days elapse from the effective date; prior laws continue to govern any designated investigation organization that intends to make changes to the matters prior to that date.

(Transitional Measures concerning Compliance Orders)

Article 12 An order issued pursuant to the provisions of Article 16 of the former Act prior to enforcement of this Act is deemed to be an order that has been issued pursuant to the provisions of Article 39 of the new Act.

(Transitional Measures concerning Application of Penal Provisions)

Article 13 Prior laws continue to govern the application of penal provisions to acts committed prior to enforcement of this Act and acts committed on or after the effective date that are deemed to be governed by prior laws pursuant to the provisions of Article 6 of the Supplementary Provisions

(Delegation of Other Transitional Measures to Cabinet Order)

Article 14 Beyond what is provided for in these Supplementary Provisions, necessary transitional measures for the enforcement of this Act are prescribed by Cabinet Order.

(Reviews)

Article 15 When five years have elapsed since enforcement of this Act, the government is to review the status of enforcement of the new Act, and take any necessary measures based on the results thereof.

Supplementary Provisions [Act No. 74 of June 24, 2011] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day on which 20 days have elapsed from the date of promulgation.

Supplementary Provisions [Act No. 51 of June 4, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2015.

(Transitional Measures concerning Dispositions and Applications)

Article 7 (1) Except for matters provided in the provisions of Article 2 through the preceding Article of the supplementary provisions or in the provisions of the respective Acts amended by this Act (including orders issued thereunder) concerning transitional measures, dispositions to grant licenses or permission, etc. and other acts (hereinafter referred to as "dispositions or other such acts" in this paragraph) conducted prior to enforcement of this Act (for the provisions set forth in the items of Article 1 of the Supplementary Provisions, the respective provisions; hereinafter the same applies in this Article and the following Article) pursuant to the provisions of the respective laws prior to amendment by this Act or applications for licenses or permission, etc. and other acts (hereinafter referred to as "applications or other such acts" in this paragraph) that are actually conducted at the time of enforcement of this Act pursuant to the provisions of the respective laws prior to amendment by this Act, for which administrative affairs are to be performed by different persons as of the date on which this Act comes into effect, are deemed to be dispositions or other such acts or applications or other such acts conducted pursuant to the relevant provisions of the respective laws amended by this Act, in terms of the application of the respective laws amended by this Act on or after the date on which this Act comes into effect.

(2) With respect to particulars for which reports, notifications, submissions or other procedures must be provided to organs of the national or local governments prior to enforcement of this Act pursuant to the provisions of the respective laws prior to amendment by this Act, if those procedures have not yet been conducted by the date on which this Act comes into effect, the provisions of the respective laws amended by this Act apply to the relevant

procedures, except for those otherwise provided for by this Act or any Cabinet Order enacted thereunder, deeming that reports, notifications, submissions or other procedures have not yet been performed with respect to particulars for which the relevant procedures must be provided to organs of the national or local governments pursuant to the relevant provisions of the respective laws amended by this Act.

(Transitional Measures concerning Penal Provisions)

Article 8 Prior laws continue to govern the application of penal provisions to any act committed prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 9 Beyond what is provided for in Article 2 through the preceding Article of the Supplementary Provisions, necessary transitional measures for the enforcement of this Act (including transitional measures concerning penal provisions) are prescribed by Cabinet Order

Supplementary Provisions [Act No. 33 of May 19, 2017] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the date provided respectively in those item:

- (i) the provisions of Article 6 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 1: the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation;
- (iii) the provisions of Article 4 of the Supplementary Provisions: the date of promulgation of the Act on Coordination of Related Acts in Line with Enforcement of the Act Partially Amending the Civil Code (Act No. 45 of 2017) or the date on which this Act comes into effect (hereinafter referred to as the "effective date"), whichever comes later.

(Transitional Measures concerning Measures for Contamination Removal)

Article 2 (1) Prior laws continue to govern any measures for contamination removal, etc. related to a person that has received an instruction under the provisions of Article 7, paragraph (1) of the Soil Contamination Countermeasures Act prior to amendment by this Act (referred to as the "former Act" in the following paragraph) prior to enforcement of this Act.

(2) Prior laws continue to govern claims for expenses required for measures for

contamination removal, etc. related to a person that has received an instruction under the provisions of Article 7, paragraph (1) of the former Act prior to enforcement of this Act.

(Transitional Measures concerning Notification When Carrying Out Contaminated Soil)

Article 3 The provisions of Article 16, paragraph (1) of the Soil Contamination Countermeasures Act amended by this Act (referred to as the "new Act" in Article 7 of the Supplementary Provisions) apply to any person that intends to carry contaminated soil as prescribed in that paragraph out of the area that requires measures, etc. (meaning an area that requires measures, etc. prescribed in that paragraph) on or after the day on which 14 days elapse from the effective date (excluding a person that intends to be entrusted only to carry the contaminated soil).

(Transitional Measures concerning Application of Penal Provisions)

Article 5 Prior laws continue to govern the application of penal provisions to acts committed prior to enforcement of this Act and acts committed on or after the effective date that are deemed to be governed by prior laws pursuant to the provisions of Article 2, paragraph (1) of the Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 6 Beyond what is provided for in these Supplementary Provisions, necessary transitional measures for the enforcement of this Act are prescribed by Cabinet Order.

(Reviews)

Article 7 When five years have elapsed since the enforcement of this Act, the government is to take into account the status of enforcement of the new Act, if they find it necessary, they are to review the provisions of the new Act and take any necessary measures based on the results thereof.

Supplementary Provisions [Act No. 45 of June 2, 2017]

This Act comes into effect as of the effective date of the Civil Code Amendment Act; provided, however, that the provisions of Articles 103-2, 103-3, 267-2, 267-3 and 362 come into effect on the date of promulgation.