

Act on Waste Management and Public Cleaning

(Act No. 137 of December 25, 1970)

Table of Contents

Chapter I General Provisions (Articles 1 through 5-8)

Chapter II Municipal Waste

Section 1 Municipal Waste Management (Articles 6 through 6-3)

Section 2 Municipal Waste Management Businesses (Articles 7 through 7-5)

Section 3 Municipal Waste Management Facilities (Articles 8 through 9-7)

Section 4 Special Provisions on Municipal Waste Management (Articles 9-8 through 9-10)

Section 5 Export of Municipal Waste (Article 10)

Chapter III Industrial Waste

Section 1 Industrial Waste Management (Articles 11 through 13)

Section 2 Information Processing Center and Center for the Promotion of Proper Industrial Waste Management

Subsection 1 Information Processing Center (Articles 13-2 through 13-11)

Subsection 2 Centers for the Promotion of Proper Industrial Waste Management (Articles 13-12 through 13-16)

Section 3 Industrial Waste Management Businesses (Articles 14 through 14-3-3)

Section 4 Specially Controlled Industrial Waste Management Businesses (Articles 14-4 through 14-7)

Section 5 Industrial Waste Management Facilities (Articles 15 through 15-4)

Section 6 Special Provisions on Industrial Waste Management (Articles 15-4-2 through 15-4-4)

Section 7 Import and Export of Industrial Waste (Articles 15-4-5 through 15-4-7)

Chapter III-2 Waste Management Centers (Articles 15-5 through 15-16)

Chapter III-3 Changes to the Form or Nature of Land Where There Is Waste Underground (Articles 15-17 through 15-19)

Chapter IV Miscellaneous Provisions (Articles 16 through 24-6)

Chapter V Penal Provisions (Articles 25 through 34)

Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to conserve the living environment and

enhance public health by controlling the discharge of waste and carrying out waste management such as proper sorting, storage, collection, transport, recycling, disposal, etc. of waste, and to keep the living environment clean.

(Definitions)

- Article 2 (1) The term "waste" as used in this Act means rubbish, bulky rubbish, burnt ash, sludge, excreta, waste oils, waste acids, waste alkalis, animal corpses, and other filth, or unnecessary objects, in solid or liquid form (excluding radioactive materials and objects contaminated by them).
- (2) The term "municipal waste" as used in this Act means waste other than industrial waste.
- (3) The term "specially controlled municipal waste" as used in this Act means municipal waste that is designated by Cabinet Order as having explosive, toxic, infectious, or other properties that are likely to cause damage to human health or the living environment.
- (4) The term "industrial waste" as used in this Act means the following types of waste:
- (i) burnt ash, sludge, waste oils, waste acids, waste alkalis, plastic waste, and other waste specified by Cabinet Order that are generated in the course of business activities; or
 - (ii) imported waste (excluding waste listed in the preceding item, waste derived from during the navigation of ships and aircrafts (limited to those specified by Cabinet Order; referred to as "navigational waste" in Article 15-4-5, paragraph (1)), and waste carried by a person who enters Japan (limited to those specified by Cabinet Order; referred to as "accompanied waste" in the paragraph)).
- (5) The term "specially controlled industrial waste" as used in this Act means industrial waste that is designated by Cabinet Order as having explosive, toxic, infectious, or other properties that are likely to cause damage to human health or the living environment.
- (6) The term "electronic data processing system" as used in this Act means an electronic data processing system that connects a computer (including an input/output device; the same applies hereinafter) used by an information processing center as prescribed in Article 13-2, paragraph (1) with an input/output device used by a contractor as prescribed in Article 12-3, paragraph (1), an entrusted transporter as prescribed in paragraph (3) of the Article, and an entrusted disposer as prescribed in paragraph (4) of the Article via a telecommunications line.

(Principles for Domestic Waste Processing)

Article 2-2 (1) Waste generated in Japan is to be properly managed in Japan to

the greatest extent possible.

- (2) The import of waste generated outside Japan must be controlled so that its import will not hinder the proper waste management in Japan.

(Principles for Management of Waste Generated by Extraordinary Disasters)

Article 2-3 (1) waste generated as a result of extraordinary disasters must be managed smoothly and promptly while preventing any interference with the maintenance of the living environment or public health in light of the fact that it is likely to include waste that causes serious damage to human health or the living environment.

- (2) In light of the fact that the amount of waste generated as a result of extraordinary disasters will be extremely large, appropriate care must be given to minimize the amount of waste through sorting, recycling and utilizing, etc., in order to ensure the smooth and prompt management of waste so as to warrant the proper management of waste in the future.

(Obligations of Citizens)

Article 2-4 Citizens must cooperate with the State and local governments with regard to the reduction of waste and other proper management of waste, by means of controlling the discharge of waste, recycling and utilizing waste through the use of recycled articles, separating before disposing waste, etc.

(Obligations of Contractors)

Article 3 (1) A contractor must properly manage waste generated in the course of its business activities on its own responsibility.

- (2) A contractor must personally endeavor to reduce the amount of waste generated in the course of its business activities by recycling and utilizing, etc., and at the same time, when manufacturing, processing, or marketing products, etc., must ensure that proper management will not be difficult when their products, containers, etc. become waste, by conducting risk assessments in advance regarding the difficulty of management when the products, containers, etc. become waste and developing products, containers, etc. that are not difficult to manage and dispose of, by providing information on how to properly manage waste associated with products, containers, etc., or by other means.
- (3) In addition to what is provided for in the preceding two paragraphs, a contractor must cooperate with the State and local governments in carrying out their policies in connection with the reduction or any other measure of proper management of waste.

(Obligations of the National and Local Governments)

Article 4 (1) Municipalities must, within their boundaries, endeavor to promote

the voluntary activities of residents with regard to the reduction of municipal waste and also take necessary measures to sustain the proper management of municipal waste, and must also endeavor to effectively operate the service by improving the quality of their workforce, improving facilities and operation procedures, or by any other means when implementing services regarding the management of municipal waste.

- (2) Prefectures must endeavor to provide municipalities with the necessary technical assistance to enable them to fulfill their obligations under the preceding paragraph, and must also endeavor to understand the status of industrial waste within the boundaries of the relevant prefecture and take necessary measures to ensure the proper management of industrial waste.
- (3) The national government must collect, organize, and utilize information on waste, to promote technological development for waste management, and to take appropriate measures to ensure that nothing interferes with the proper management of waste in Japan, and must also endeavor to provide municipalities and prefectures with the necessary technical and financial assistance and coordination from a broad perspective to ensure that the obligations set forth in the preceding two paragraphs are fulfilled.
- (4) In order to control the discharge of waste and ensure their proper management, the national, prefectural, and municipal governments must endeavor to raise the awareness of citizens and contractors related to these.

(Ensuring Coordination and Cooperation During Extraordinary Disasters)

Article 4-2 The national government, local governments, contractors, and other relevant parties must endeavor to appropriately share roles and collaborate with each other to ensure smooth, prompt, and proper management of waste when extraordinary disasters strike, pursuant to the principles of management prescribed in Article 2-3.

(Maintenance of Cleanliness)

Article 5 (1) A possessor of land or a building (when there is no possessor, the manager; the same applies hereinafter) must endeavor to maintain the cleanliness of the land or building that it possess or manage.

- (2) If an owner or possessor of land finds waste that is deemed to have been improperly discarded by another person on the land that the owner or possessor owns, possesses, or manages, the owner or possessor must endeavor to promptly notify the prefectural governor or the mayor of the municipality to that effect.
- (3) A possessor of a building must carry out a general cleaning in accordance with the plan specified by the mayor of the municipality in order to keep the entire interior of the building clean and sanitary.

- (4) No person must pollute parks, open spaces for public use, camping grounds, ski slopes, beaches, roads, rivers, ports, or any other public places.
- (5) The administrator of the place prescribed in the preceding paragraph must endeavor to maintain the cleanliness of the place under their management.
- (6) Municipalities must install public toilets and public trash containers at locations deemed necessary, and maintain and manage them in a sanitary manner.
- (7) A person who operates a vehicle, vessel, or aircraft equipped with lavatories must endeavor to manage the human waste related to the lavatories in a manner that does not hinder the maintenance of the living environment.

(Basic Policy)

- Article 5-2 (1) The Minister of the Environment must establish basic policies (hereinafter referred to as "basic policies") for comprehensive and systematic promotion of the measures for reduction and proper management of waste by limiting the discharge, recycling, and utilizing etc. of them.
- (2) The basic policies are to provide for the following matters:
 - (i) basic directions for reduction of waste and other proper management of waste;
 - (ii) matters concerning establishing the targets for waste reduction and other measures for proper management of waste;
 - (iii) basic matters for promoting measures for waste reduction and other proper management of waste;
 - (iv) basic matters concerning the improvement of waste management facilities;
 - (v) matters necessary for promoting measures concerning the matters set forth in the preceding two items during extraordinary disasters;
 - (vi) beyond what is listed in the preceding items, necessary matters for proper management of waste such as waste reduction, etc.
 - (3) When the Minister of the Environment intends to formulate or revise the basic policies, the Minister must consult with the heads of the relevant administrative organs and hear the opinions of the prefectural governors in advance.
 - (4) When the Minister of the Environment has formulated or revised the basic policies, the Minister must make them public without delay.

(Waste Management Facilities Improvement Plans)

- Article 5-3 (1) In order to contribute to the systematic implementation of waste management facilities improvement projects (meaning projects concerning the improvement of waste management facilities specified by Cabinet Order; hereinafter the same applies in this Article), the Minister of the Environment must prepare drafts of plans concerning waste management facilities

improvement projects (hereinafter referred to as "waste management facilities improvement plans") every five years and seek a Cabinet decision, in line with the basic policies.

- (2) A waste management facilities improvement plan is to set forth the objectives and outline of the implementation of the waste management facilities improvement project for the planning period.
- (3) In specifying the objectives and outline of the implementation set forth in the preceding paragraph, due consideration must be given to the prioritization of investment and the improvement of efficiency in the waste management facilities improvement project in order to appropriately respond to the challenges inherent in the improvement of waste management facilities.
- (4) When the Minister of the Environment intends to prepare a draft of a waste management facilities improvement plan, the Minister must consult with the heads of the relevant administrative organs in advance.
- (5) When the cabinet decision set forth in paragraph (1) is made, the Minister of the Environment must make public the waste management facilities improvement plan without delay.
- (6) The provisions of paragraph (3) through the preceding paragraph apply mutatis mutandis to cases where changes are made to a waste management facilities improvement plan.

Article 5-4 In order to achieve the waste management facilities improvement plan, the national government is to take necessary measures for its implementation.

(Prefectural Waste Management Plan)

- Article 5-5 (1) In line with the basic policies, prefectures must establish plans for waste reduction and other proper waste management within their boundaries (hereinafter referred to as "waste management plan").
- (2) A waste management plan is to specify the following matters with regard to proper waste management such as waste reduction, etc. within the boundaries of the prefecture, in accordance with the standards specified by Order of the Ministry of the Environment:
 - (i) estimates of the amount of waste generated and the amount of waste processed;
 - (ii) basic matters concerning proper management of waste such as waste reduction;
 - (iii) matters concerning the system necessary to ensure the proper management of municipal waste;
 - (iv) matters concerning the improvement of industrial waste management facilities;

- (v) matters necessary for implementing measures concerning the matters set forth in the preceding three items during extraordinary disasters.
- (3) When a prefecture intends to formulate or revise its waste management plan, it must hear in advance the opinions of the council and other organizations with a council system established pursuant to the provisions of Article 43 of the Basic Act on the Environment (Act No. 91 of 1993) as well as the opinions of the municipalities concerned.
- (4) When a prefecture has formulated or revised a waste management plan, it must endeavor to publicize the plan without delay.

(Promoting the Achievement of Prefectural Waste Management Plans)

Article 5-6 The national government and prefectures are to endeavor to take necessary measures to achieve waste management plans.

(Waste Reduction Promotion Council)

Article 5-7 (1) Municipalities may establish a waste reduction promotion council so that it will deliberate on matters concerning the reduction, etc. of municipal waste within their boundaries.

- (2) Matters necessary for the organization and operation of the waste reduction promotion council are to be prescribed by Prefectural Ordinance.

(Waste Reduction Promoter)

Article 5-8 (1) Municipalities may commission a waste reduction promoter from among persons who have gained the public trust and are passionate and knowledgeable about the proper management of municipal waste.

- (2) Waste reduction promoters cooperate with municipalities in their measures to reduce municipal waste and engage in other activities.

Chapter II Municipal Waste

Section 1 Management of Municipal Waste

(Municipal Waste Management Plan)

Article 6 (1) Municipalities must establish a plan for the management of municipal waste within their boundaries (hereinafter referred to as "municipal waste management plan").

- (2) In accordance with Order of the Ministry of the Environment, a municipal waste management plan is to set forth the following matters concerning the management of municipal waste within the boundaries of the municipality:
 - (i) estimate of the amount of generated municipal waste and the amount of managed municipal waste;
 - (ii) matters concerning measures to control the discharge of municipal waste;

- (iii) types and classification of segregation of municipal waste to be collected separately;
 - (iv) basic matters concerning the proper management of municipal waste and the persons who implement it;
 - (v) matters concerning the improvement of municipal waste management facilities.
- (3) In establishing its municipal waste management plan, a municipality must endeavor to keep congruent with the municipal waste management plans of other municipalities that have working relationships with regard to the management of municipal waste within the boundaries of the municipal government.
- (4) When a municipality has formulated or revised a municipal waste management plan, it must endeavor to publicize the plan without delay.

(Waste Management by Municipalities)

Article 6-2 (1) In accordance with a municipal waste management plan, municipalities must collect, transport, and dispose of municipal waste (including recycling; the same applies hereinafter, excluding Article 7, paragraph (3), paragraph (5), item (iv), sub-items (d) through (f) and paragraph (8), Article 7-3, item (i), Article 7-4, paragraph (1), item (v), Article 8-2, paragraph (6), Article 9, paragraph (2), Article 9-2, paragraph (2), Article 9-2-2, paragraph (1), item (ii) and paragraph (3), Article 9-3, paragraph (12) (including cases where applied mutatis mutandis pursuant to Article 9-3-3, paragraph (3)), Article 13-11, paragraph (1), item (iii), Article 14, paragraphs (3) and (8), Article 14-3-2, paragraph (1), item (v), Article 14-4, paragraphs (3) and (8), Article 15-3, paragraph (1), item (ii), Article 15-12, Article 15-15, paragraph (1), item (iii), Article 16-2, item (ii), Article 16-3, item (ii), Article 23-3, paragraph (2), Article 24-2, paragraph (2), and Article 2, paragraph (2) of the Supplementary Provisions) within their boundaries without causing any hindrance to the maintenance of the living environment.

- (2) The standards concerning the collection, transport, and disposal of municipal waste to be implemented by municipalities (excluding specially controlled municipal waste; hereinafter the same applies in this paragraph) (in cases where municipal waste that can be disposed of by dumping it into the ocean is specified in the standards, the standards concerning the place and method of dumping in cases where the place and method of dumping are specified based on the Act on Prevention of Marine Pollution and Maritime Disaster (Act No. 136 of 1970) are excluded; hereinafter referred to as "municipal waste disposal standards"), and the standards in cases where municipalities entrust the collection, transport, or disposal of municipal waste to persons other than municipalities themselves, are prescribed by Cabinet Order.

- (3) The standards concerning the collection, transport and disposal of specially controlled municipal waste to be implemented by municipalities (in cases where specially controlled municipal waste that can be disposed of by dumping it into the ocean is specified in the standards, the standards concerning the place and method of dumping in cases where the place and method of dumping are specified based on the Act on Prevention of Marine Pollution and Maritime Disaster are excluded; hereinafter referred to as "standards for specially controlled municipal waste disposal"), and the standards when municipalities entrust the collection, transport, or disposal of specially controlled municipal waste to persons other than the municipalities themselves, are to be specified by Cabinet Order.
- (4) A possessor of land or a building must endeavor, to the greatest extent possible, to dispose of by themselves municipal waste that is on the land or within the building and that can be easily disposed of in a manner that does not hinder the maintenance of the living environment, and must also cooperate with the municipality appropriately separating the municipal waste in the collection, transport, and disposal of municipal waste by complying with the municipal waste management plan, for the municipal waste that the possessor does not dispose of by themselves.
- (5) The mayor of a municipality may give instructions to the possessor of land or a building in its area that generates a large amount of municipal waste in the course of business activities on matters such as making plans to reduce waste, places where the municipal waste should be transported, how to transport it, and other necessary matters.
- (6) When a contractor entrusts the transport or disposal of its municipal waste to another person or otherwise entrusts the transport or disposal of its municipal waste to another person in accordance with the municipal waste management plan, the contractor must entrust the transport to the municipal waste collection and transport service provider prescribed in Article 7, paragraph (12) or other persons specified by Order of the Ministry of the Environment, and the disposal to the municipal waste disposal service provider prescribed in the paragraph or other persons specified by Order of the Ministry of the Environment.
- (7) When entrusting the transport or disposal of municipal waste pursuant to the provisions of the preceding paragraph, the contractor must comply with the standards specified by Cabinet Order.

(Cooperation of Contractors)

Article 6-3 (1) The Minister of the Environment may investigate the status of municipal waste management, and designate some municipal waste managed by municipal governments as being difficult throughout the country to manage

properly in light of the municipal facilities and technology for managing municipal waste.

- (2) As prescribed by Order of the Ministry of the Environment, the mayor of a municipality may request necessary cooperation to complement the proper proceeding of the municipal waste from a contractor engaged in the manufacture, processing, and sale, etc. of products and waste containers, etc. before those products become municipal waste related to the designation pursuant to the provisions of the preceding paragraph.
- (3) The Minister of the Environment may request a Minister who has jurisdiction over businesses in the manufacture, processing, sale, etc. of products and waste containers, etc. before those products become municipal waste related to the designation pursuant to the provisions of the paragraph (1), to take necessary measures to enable municipalities to obtain the cooperation of the contractors engaged in the manufacture, processing, sale, etc. of products and containers, etc. with regard to the management of the municipal waste.
- (4) When making a designation pursuant to the provisions of paragraph (1), the Minister of the Environment must listen to the opinions of the Minister who has jurisdiction over the businesses in the manufacture, process, and sale, etc. of products and containers, etc. before they become municipal waste related to the designation.

Section 2 Municipal Waste Management Business

(Municipal Waste Management Business)

- Article 7 (1) A person who intends to conduct the collection or transport of municipal waste as a business must obtain the permission of the municipal mayor who has jurisdiction over the area where the person intends to conduct the business (limited to the area where the unloading of municipal waste is carried out when only transport is conducted as a business); provided, however, that this does not apply to contractors (limited to cases where the contractor transports the municipal waste by itself), persons who conduct the collection or transport of only municipal waste which is generally intended for recycling and utilizing as a business, or any other person specified by Order of the Ministry of the Environment.
- (2) The permission set forth in the preceding paragraph ceases to be effective upon expiration of a period of not less than one year specified by Cabinet Order unless it is renewed within each of the periods.
 - (3) When an application for renewal set forth in the preceding paragraph has been filed, if a disposition for the application has not been made by the expiration date of the period set forth in the paragraph (hereinafter referred to as "validity period of the permission" in this paragraph and the following

paragraph), the previous permission remains in force until the disposition is made even after the expiration of the validity period of the permission.

- (4) In the case set forth in the preceding paragraph, when a permission is renewed, the validity period of the permission is calculated from the day following the expiration date of the validity period of the previous permission.
- (5) The mayor of a municipality must not grant the permission set forth in paragraph (1) unless the mayor finds that the application for the permission set forth in that paragraph conforms to all of the following items:
- (i) it is difficult for the municipality to collect or transport the municipal waste;
 - (ii) the application complies with the municipal waste management plan;
 - (iii) the facilities to be used for the business and the capabilities of the applicant conform to the standards specified by Order of the Ministry of the Environment as being sufficient for conducting the business properly and continuously; and
 - (iv) the applicant does not fall under any of the following:
 - (a) a person specified by Order of the Ministry of the Environment as being unable to properly perform their duties due to mental or physical disorder;
 - (b) a person who has received an order of commencement of bankruptcy proceedings and has not yet obtained a restoration of rights;
 - (c) a person who has been sentenced to imprisonment without work or a heavier punishment, and for whom five years have not passed since the date on which the person finished serving the sentence or to be subject to its enforcement.
 - (d) a person who has been sentenced to a fine for having violated the provisions of this Act, the Purification Tank Act (Act No. 43 of 1983), or other laws and regulations for the purpose of preserving the living environment which are specified by Cabinet Order, dispositions based on these laws and regulations, or the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991; excluding Article 32-3, paragraph (7) and Article 32-11, paragraph (1)), or for having committed a crime under Article 204, 206, 208, 208-2, 222, or 247 of the Penal Code (Act No. 45 of 1907) or a crime under the Act on Punishment of Physical Violence and Others (Act No. 60 of 1926), and for whom five years have not passed since the date on which the person finished serving the sentence or ceased to be subject to its enforcement;
 - (e) a person whose permission was rescinded pursuant to the provisions of Article 7-4, paragraph (1) (excluding the part related to item (iv)) or paragraph (2) or Article 14-3-2, paragraph (1) (excluding the part related to item (iv)) or paragraph (2) (including cases where these provisions are applied *mutatis mutandis* by replacing the terms in Article 14-6) or Article 41, paragraph (2) of the Purification Tank Management Act and for whom

five years have not passed since the date of the rescission (when the person whose permission has been rescinded is a corporation, including persons who were officers (meaning a member in charge of executing business, director, executive officer, or any other person equivalent to them, including an advisor, consultant, or any other person, irrespective of title, who is found to have control over a corporation which is equivalent to or greater than that of a member in charge of executing business, director, executive officer, or any other person equivalent to them; hereinafter the same applies in this item, Article 8-5, paragraph (6) and Article 14, paragraph (5), item (ii), (d))) of the corporation within 60 days prior to the date of notification under Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) related to the rescission and for whom five years have not passed since the date of the rescission (excluding cases where the permission has been rescinded due to falling under Article 7-4, paragraph (1), item (iii) or Article 14-3-2, paragraph (1), item (iii) (including cases where applied mutatis mutandis pursuant to Article 14-6));

- (f) a person who has submitted a notification of total discontinuation of any of the business of collection, transport, or disposal (including recycling) of municipal waste or industrial waste pursuant to the provisions of paragraph (3) of the following Article (including cases where applied mutatis mutandis by replacing the terms and phrases in Article 14-2, paragraph (3) and Article 14-5, paragraph (3); the same applies hereinafter in this item) or a notification pursuant to the provisions of Article 38 of the Purification Tank Management Act to the effect that the person falls under item (v) of the Article (excluding those who have reasonable grounds for the discontinuation of the business), during the period from the date on which notice was given pursuant to the provisions of Article 15 of the Administrative Procedure Act related to rescission of the permission pursuant to the provisions of Article 7-4 or Article 14-3-2 (including cases where applied mutatis mutandis by replacing the terms and phrases in Article 14-6) or Article 41, paragraph (2) of the Purification Tank Act until the date on which the official termination disposition is made or the date on which it is determined that the disposition will not be made, and for whom five years have not passed since the date of the notification;
- (g) in cases where a notification of the total discontinuation of any of the business of collection, transport or disposal of municipal waste or industrial waste under paragraph (3) of the following Article or a notification under Article 38 of the Purification Tank Act to the effect that the person falls under item (v) of the Article has been made within the period prescribed in (f), a person who was an officer or an employee specified by Cabinet Order of the corporation (excluding corporations that

- have reasonable grounds for the discontinuation of business) related to the notification or a person who was an employee specified by Cabinet Order of the individual (excluding individuals that have reasonable grounds for the discontinuation of the business) related to the notification within 60 days prior to the date of the notice referred to in (f), and for whom five years have not passed since the date of the notification;
- (h) a person for whom there are reasonable grounds to believe that the person is likely to engage in wrongful or dishonest conduct in carrying out the business;
 - (i) a minor who does not have the same capacity to act as an adult with regard to the business, and whose statutory agent (if the statutory agent is a corporation including its officers; the same applies in Article 14, paragraph (5), item (ii), (c)) falls under any of (a) through (h);
 - (j) a corporation with one or more officers or employees specified by Cabinet Order falling under any of (a) through (h); or
 - (k) an individual with one or more employees specified by Cabinet Order falling under any of (a) through (h).
- (6) A person who intends to conduct the disposal of municipal waste as a business must obtain the permission of the mayor of the municipality who has jurisdiction over the area where the person intends to conduct the business; provided, however, that this does not apply to contractors (limited to those that dispose of their municipal waste by themselves), persons who conduct the disposal of only municipal waste which is generally intended for recycling and utilizing as a business, and other persons specified by Order of the Ministry of the Environment.
- (7) The permission set forth in the preceding paragraph ceases to be effective upon expiration of a period of not less than one year specified by Cabinet Order unless it is renewed within each of the periods..
- (8) When an application for renewal set forth in the preceding paragraph has been filed, even if a disposition for the application has not been made by the expiration date of the period set forth in the paragraph (hereinafter referred to as "validity period of the permission" in this paragraph and the following paragraph), the previous permission remains in force until the disposition is made even after the expiration of the validity period of the permission.
- (9) In the case set forth in the preceding paragraph, when a permission is renewed, the validity period of permission is calculated from the day following the expiration date of the previous validity period of permission.
- (10) The mayor of a municipality must not grant the permission set forth in paragraph (6) unless the mayor finds that the application for the permission set forth in the paragraph conforms to all of the following items:
- (i) it is difficult for the municipality to dispose of the municipal waste;

- (ii) the application complies with the municipal waste management plan;
 - (iii) the facilities to be used for the business and the capabilities of the applicant conform to the standards specified by Order of the Ministry of the Environment as being sufficient for conducting the business properly and continuously; and
 - (iv) the applicant does not fall under any of paragraph (5), item (iv), (a) through (k).
- (11) The permission set forth in paragraph (1) or paragraph (6) may specify the area where the collection of municipal waste may be conducted or may attach conditions necessary for the maintenance of the living environment.
- (12) A person who has obtained the permission set forth in paragraph (1) (hereinafter referred to as "municipal waste collection and transport service contractor") and a person who has obtained the permission set forth in paragraph (6) (hereinafter referred to as a "municipal waste disposal service contractor") must not receive a fee for the collection, transport, and disposal of municipal waste that exceeds the amount for the collection, transport, and disposal specified by Municipal Ordinance pursuant to the provisions of Article 228, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947).
- (13) A municipal waste collection and transport service contractor or municipal waste disposal service contractor must collect, transport, or dispose of municipal waste in accordance with the municipal waste management standards (or the specially controlled municipal waste management standards in the case of specially controlled municipal waste).
- (14) A municipal waste collection and transport service contractor or municipal waste disposal service contractor must not entrust the collection, transport, or disposal of municipal waste to others.
- (15) A municipal waste collection and transport service contractor or municipal waste disposal service contractor must keep books and record the matters specified by Order of the Ministry of the Environment concerning the management of municipal waste.
- (16) The books set forth in the preceding paragraph must be kept as prescribed by Order of the Ministry of the Environment.

(Permission for Changes)

- Article 7-2 (1) When a municipal waste collection and transport service contractor or municipal waste disposal service contractor intends to change the scope of its business of collection, transport, or disposal of municipal waste, it must obtain permission from the mayors of municipalities; provided, however, that this does not apply when the change is the discontinuation of a part of the business.
- (2) The provisions of paragraph (5) and paragraph (11) of the preceding Article

apply mutatis mutandis to the permission set forth in the preceding paragraph related to a change in the scope of a collection or transport business, and the provisions of paragraph (10) and paragraph (11) of the Article apply mutatis mutandis to the permission set forth in the preceding paragraph related to a change in the scope of a disposal business.

- (3) When a municipal waste collection and transport service contractor or municipal waste disposal service contractor has discontinued the whole or a part of its business of collection, transport, or disposal of municipal waste, or has changed the address or other matters specified by Order of the Ministry of the Environment, it must notify the mayor of the municipality to that effect as provided by Order of the Ministry of the Environment.
- (4) When a municipal waste collection and transport service contractor or a municipal waste disposal service contractor has fallen under any of the provisions of (b) through (g) or (i) through (k) of item (iv) of paragraph (5) of the preceding Article (excluding those listed in (i) through (k) of the item that pertain to (a) or (h) of the item), it must notify the mayor of the municipality to that effect as provided by Order of the Ministry of the Environment.
- (5) The provisions of the preceding paragraph also apply when a municipal waste collection and transport service contractor or municipal waste disposal service contractor, their legal representative prescribed in (i) of item (iv) of paragraph (5) of the preceding Article, their officer or employee prescribed in (j) of the item, or their employee prescribed in (k) of the item has come to fall under a category of persons specified by Order of the Ministry of the Environment as one that is likely to fall under (a) of the item.

(Suspension of Business)

Article 7-3 When a municipal waste collection and transport service contractor or a municipal waste disposal service contractor falls under any of the following items, the mayor of the municipality may order the complete or partial suspension of its business for a specified period:

- (i) when it has committed an act in violation of this Act or any disposition based on this Act (hereinafter referred to as a "violation"), or has demanded, requested, or incited another person to commit a violation, or has assisted another person in committing a violation;
- (ii) when the facilities used for the business or the capabilities of a municipal waste collector and transporter or a municipal waste disposal service contractor have ceased to conform to the standards prescribed in Article 7, paragraph (5), item (iii) or paragraph (10), item (iii); or
- (iii) when it violates the conditions attached to the permission pursuant to the provisions of Article 7, paragraph (11) (including as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article).

(Rescission of Permission)

Article 7-4 (1) When a municipal waste collection and transport service contractor or municipal waste disposal service contractor falls under any of the following items, the mayor of the municipality must rescind the permission:

- (i) when it comes to fall under Article 7, paragraph (5), item (iv), (c) or (d) (limited to cases where it is punished for violating the provisions of Articles 25 through 27 or Article 32, paragraph (1) (limited to the part related to the provisions of Articles 25 through 27) or the provisions of the Act on Prevention of Unjust Acts by Members of Organized Crime Groups), or (h) of the item;
- (ii) when it comes to fall under any category of the persons in Article 7, paragraph (5), item (iv), (i) to (k) (limited to (c) or (d) of the item (limited to cases where it is due to the fact that it has been sentenced for violating the provisions of Articles 25 to 27 or the provisions of the Act on Prevention of Unjust Acts by Members of Organized Crime Groups) or (h) of the item);
- (iii) when it comes to fall under any category of the persons in Article 7, paragraph (5), item (iv), (i) to (k) (limited to those related to (e) of the item);
- (iv) when it comes to fall under any category of the persons in Article 7, paragraph (5), item (iv), sub-items (a) to (g) or (i) to (k) (excluding cases falling under one of the preceding three items);
- (v) when it falls under item (i) of the preceding Article and the circumstances are particularly serious, or when it has violated a ruling pursuant to the provisions of the Article; or
- (vi) when it has obtained by wrongful means the permission set forth in Article 7, paragraph (1) or (6) (including the renewal of the permission set forth in paragraph (2) or (7) of the Article) or the permission for change set forth in Article 7-2, paragraph (1).

(2) When a municipal waste collection and transport service contractor or municipal waste disposal service contractor falls under either item (ii) or item (iii) of the preceding Article, the mayor of the municipality may rescind the permission.

(Prohibition of Name Lending)

Article 7-5 A municipal waste collection and transport service contractor or municipal waste disposal service contractor must not allow other persons the use of their names to conduct the collection, transport, or disposal of municipal waste as a business.

Section 3 Municipal Waste Management Facilities

(Permission for Municipal Waste Management Facilities)

- Article 8 (1) A person who intends to establish a municipal waste management facility (meaning a solid waste management facility specified by Cabinet Order (hereinafter simply referred to as "solid waste management facility"), human waste management facility (excluding purification tanks prescribed in Article 2, item (i) of the Purification Tank Act; the same applies hereinafter), and final disposal site for the municipal waste specified by Cabinet Order; the same applies hereinafter) (excluding municipalities that intend to establish a municipal waste management facility for the purpose of disposing of municipal waste pursuant to the provisions of Article 6-2, paragraph (1)) must obtain permission from the prefectural governor who has jurisdiction over the place where the municipal waste management facility is planned to be established.
- (2) A person who intends to obtain the permission set forth in the preceding paragraph must submit a written application stating the following matters, as provided for by Order of the Ministry of the Environment:
- (i) the name and address of the applicant, and in the case of a corporation, the name of its representative;
 - (ii) the location of the municipal waste management facility;
 - (iii) the type of the municipal waste management facility;
 - (iv) the type of municipal waste to be managed at the municipal waste management facility;
 - (v) the management capacity of the municipal waste management facility (in the case of a final disposal site for municipal waste, the area and the landfill capacity of the portion of the site used for landfill disposal of municipal waste);
 - (vi) plans for the establishment of the municipal waste management facility such as its location, structure, etc.
 - (vii) plans for the maintenance and management and management of the municipal waste management facility;
 - (viii) in the case of a final disposal site for municipal waste, a disaster prevention plan; and
 - (ix) other matters specified by Order of the Ministry of the Environment.
- (3) The application set forth in the preceding paragraph must be submitted together with a document containing the results of an assessment of the impact of the establishment of the municipal waste management facility on the living environment of the surrounding areas as provided by Order of the Ministry of the Environment; provided, however, that this does not apply to cases where the matters set forth in items (ii) through (vii) of the paragraph and stated in the application are identical to the matters related to the permission set forth in paragraph (1) already granted in the past or other cases provided by Order of the Ministry of the Environment.

- (4) When an application for the permission set forth in paragraph (1) has been filed for a municipal waste management facility (limited to those specified by Cabinet Order), the prefectural governor must, without delay, give public notice regarding the matters set forth in items (i) through (iv) of paragraph (2), the date of application, and the place for public inspection, and must also make the written application set forth in the paragraph and make the documents set forth in the preceding paragraph (in the case prescribed in the proviso to the paragraph, the written application set forth in paragraph (2)) available for public inspection for one month from the date of the public notice.
- (5) When a prefectural governor has given public notice pursuant to the provisions of the preceding paragraph, the governor must, without delay, notify the mayors of municipalities concerning the maintenance of the living environment related to the establishment of the municipal waste management facility to that effect, and hear the opinions of the mayors of the municipalities from the viewpoint of preserving the living environment within the period of time designated by the governor.
- (6) When public notice pursuant to the provisions of paragraph (4) has been given, a person who has an interest in the establishment of the municipal waste management facility may, within two weeks from the day following the expiration date of the public inspection period in the paragraph, submit a written opinion from the viewpoint of preserving the living environment to the prefectural governor.

(Criteria for Permission)

Article 8-2 (1) The prefectural governor must not grant the permission set forth in paragraph (1) of the preceding Article unless the governor finds that the application for the permission set forth in the paragraph conforms to all of the following items:

- (i) the plan for the establishment of the municipal waste management facility conforms to the technical standards specified by Order of the Ministry of the Environment;
- (ii) The plan for the establishment of the municipal waste management facility and the plan for its maintenance and management give due consideration to the maintenance of the living environment of the surrounding areas related to the municipal waste management facility and the surrounding facilities specified by Order of the Ministry of the Environment;
- (iii) the capability of the applicant conforms to the standards specified by Order of the Ministry of the Environment for being able to properly and continuously equip, maintain, and manage the municipal waste management facility in accordance with the plan for establishment and the plan for maintenance and management of the municipal waste management facility;

and

- (iv) the applicant does not fall under any of the provisions of Article 7, paragraph (5), item (iv), (a) through (k).
- (2) When a prefectural governor finds that the establishment of a solid waste management facility related to an application for the permission set forth in paragraph (1) of the preceding Article (limited to those specified by Cabinet Order; hereinafter the same applies in this paragraph and Article 15-2, paragraph (2)) makes it difficult to ensure the air quality standards (meaning the standards for environmental conditions concerning air pollution caused by substances specified by Cabinet Order that are generated at solid waste management facilities or industrial waste management facilities, which are specified by Cabinet Order; the same applies in Article 15-2, paragraph (2)) due to an excessive concentration of solid waste management facilities or industrial waste management facilities (limited to those specified by Cabinet Order; hereinafter the same applies in this paragraph and Article 15-2, paragraph (2)), the governor may choose not to grant the permission set forth in paragraph (1) of the preceding Article.
- (3) When granting the permission set forth in paragraph (1) of the preceding Article (limited to the permission related to a municipal waste management facility prescribed in paragraph (4) of the Article), a prefectural governor must hear in advance the opinions of persons who have expert knowledge on the matters specified by Order of the Ministry of the Environment concerning the maintenance of the living environment with regard to the matters set forth in paragraph (1), item (ii).
- (4) Conditions necessary for the maintenance of the living environment may be attached to the permission referred to in paragraph (1) of the preceding Article.
- (5) A person who has obtained the permission set forth in paragraph (1) of the preceding Article must not use the municipal waste management facility related to the permission until the municipal waste management facility has undergone an inspection by the prefectural governor and has been found to be in conformity with the established plan described in the written application set forth in paragraph (2) of the Article related to the permission.
- (6) When there is an urgent necessity for the maintenance of the living environment, the Minister of the Environment may give necessary instructions concerning the dispositions to be made by a prefectural governor in response to applications for permission under paragraph (1) of the preceding Article.
- (7) When there is an urgent necessity for the maintenance of the living environment, the Minister of the Environment may give necessary instructions concerning the inspection set forth in paragraph (5) that is conducted by the prefectural governor.

(Periodic Inspection)

Article 8-2-2 (1) A person who has obtained the permission set forth in Article 8, paragraph (1) (limited to the permission related to a municipal waste management facility prescribed in paragraph (4) of the Article) must undergo an inspection of the municipal waste management facility by the prefectural governor for each period specified by Order of the Ministry of the Environment, as provided for by Order of the Ministry of the Environment.

(2) The inspection set forth in the preceding paragraph is conducted in order to ascertain whether the municipal waste management facility conforms to the technical standards prescribed in paragraph (1), item (i) of the preceding Article.

(Maintenance and Management of Municipal Waste Management Facilities)

Article 8-3 (1) A person who has obtained the permission set forth in Article 8, paragraph (1) must maintain and manage the municipal waste management facility related to the permission in accordance with the technical standards specified by Order of the Ministry of the Environment and the maintenance and management plan described in the written application set forth in paragraph (2) of the Article related to the permission (when the permission set forth in Article 9, paragraph (1) has been obtained for the plan, the revised plan; the same applies in the following paragraph).

(2) A person who has obtained the permission set forth in Article 8, paragraph (1) (limited to the permission related to the municipal waste management facility prescribed in paragraph (4) of the Article) must publicize the plan concerning the maintenance and management of the municipal waste management facility pertaining to the permission and information on the status of the maintenance and management of the municipal waste management facility, as provided for by Order of the Ministry of the Environment, through the internet or other appropriate methods, as provided for by Order of the Ministry of the Environment.

(Records and Inspections)

Article 8-4 A person who has obtained the permission set forth in Article 8, paragraph (1) (limited to the permission related to municipal waste management facilities prescribed in paragraph (4) of the Article) must keep a record of the matters specified by Order of the Ministry of the Environment concerning the maintenance and management of the municipal waste management facility pertaining to the permission, keep the records at the municipal waste management facility (when it is difficult to retain the records at the municipal waste management facility, at the office nearest to the municipal waste management facility), and make the records available for

inspection at the request by any person who has an interest in the maintenance of the living environment to which the maintenance and management is related, as provided for by Order of the Ministry of the Environment.

(Maintenance Reserve Fund)

- Article 8-5 (1) A person who has obtained the permission set forth in Article 8, paragraph (1) for a final disposal site for specified municipal waste (meaning a final disposal site for municipal waste that is a municipal waste management facility and is specified by Order of the Ministry of the Environment; the same applies hereinafter) (hereinafter referred to as "establisher of a landfill for specified municipal waste") must set aside the amount of money notified by the prefectural governor pursuant to the provisions of paragraph (4) as the maintenance and management reserve fund for each final disposal site for specified municipal waste every fiscal year until the completion of the landfill, in order to properly maintain and manage the final disposal site for specified municipal waste following the completion of the landfill disposal
- (2) The funds set aside for the maintenance and management reserve fund must be saved to the designated account of the Environmental Restoration and Conservation Agency (hereinafter referred to as the "Agency"), pursuant to the provisions of Order of the Ministry of the Environment.
- (3) The maintenance and management reserve fund is managed by the Agency.
- (4) The amount of the maintenance and management reserve fund is the amount calculated and notified by the prefectural governor in accordance with the standards for calculation specified by Order of the Ministry of the Environment based on the amount of expenses necessary for the maintenance and management of the final disposal site for specified municipal waste and the reclamation period for the final disposal site for specified municipal waste.
- (5) The Agency must accrue interest on the maintenance and management reserve fund, as specified by Order of the Ministry of the Environment.
- (6) An establisher of a final disposal site for specified municipal waste, or a person who was the establisher of a specified final disposal site for municipal waste or their successor (including a person who was an officer of a corporation when the person is a corporation, the corporation has dissolved, and there is no person to succeed the final disposal site for specified municipal waste) may recover the maintenance and management reserve fund for the final disposal site for specified municipal waste as prescribed by Order of the Ministry of the Environment when the maintenance and management of the final disposal site for specified municipal waste for which the maintenance and management reserve fund has been set aside is to be carried out after the completion of the landfill disposal or in other cases specified by Order of the Ministry of the

Environment.

- (7) When there has been a succession of the status of a person who has obtained permission under Article 8, paragraph (1) pursuant to the provisions of Article 9-5, paragraph (3), Article 9-6, paragraph (1), or Article 9-7, paragraph (1), the maintenance and management reserve fund set aside by the person who has obtained the permission is to be deemed to have been set aside by the person who has succeeded the status of the person who has obtained the permission.
- (8) Beyond what is provided for in the preceding paragraphs, matters necessary for the setting aside and recovery of the maintenance and management reserve fund are specified by Order of the Ministry of the Environment.

(Permission for Changes)

Article 9 (1) When a person who has obtained the permission set forth in Article 8, paragraph (1) intends to change any of the matters set forth in paragraph (2), items (iv) through (vii) of the Article related to the permission, it must obtain the permission of the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment; provided, however, that this does not apply when the change is a minor change specified by Order of the Ministry of the Environment.

- (2) The provisions of Article 8, paragraphs (3) through (6) and Article 8-2, paragraphs (1) through (4) apply mutatis mutandis to the permission set forth in the preceding paragraph; the provisions of paragraph (5) of that Article apply mutatis mutandis to the person who has obtained the permission set forth in the preceding paragraph; the provisions of paragraph (6) of that Article apply mutatis mutandis to the ruling to be made by the prefectural governor in response to the application for the permission set forth in the preceding paragraph; and the provisions of paragraph (7) of that Article apply mutatis mutandis to the inspection to be made by the prefectural governor based on the provisions of paragraph (5) of that Article as applied mutatis mutandis pursuant to this paragraph.
- (3) When a person who has obtained permission under of Article 8, paragraph (1) has made minor changes specified by Order of the Ministry of the Environment under the proviso of paragraph (1), when there have been changes to the matters set forth in item (i) of paragraph (2) of the Article or other matters specified by Order of the Ministry of the Environment, or when it have abolished the municipal waste management facility pertaining to the permission (excluding those that are landfills for municipal waste), suspended operation of the municipal waste management facility, or resumed the suspended operations of the municipal waste management facility, it must notify the prefectural governor to that effect without delay.
- (4) When the municipal waste management facility related to the permission is a

final disposal site for municipal waste, and when the landfill disposal related to the final disposal site (including methods of disposal using underground space; the same applies hereinafter) has been completed, a person who has obtained the permission set forth in Article 8, paragraph (1) must notify the prefectural governor to that effect and of other matters specified by Order of the Ministry of the Environment, as provided for by Order of the Ministry of the Environment, within 30 days from the date of completion.

- (5) When the municipal waste management facility related to the permission is a final disposal site for municipal waste, a person who has obtained the permission set forth in Article 8, paragraph (1) may abolish the final disposal site only when the person has received confirmation from the prefectural governor in advance, as provided for by Order of the Ministry of the Environment, that the status of the final disposal site conforms to the technical standards provided for by Order of the Ministry of the Environment.
- (6) When a person who has obtained the permission set forth in Article 8, paragraph (1) falls under any of the provisions of Article 7, paragraph (5), item (iv), (b) through (g) or (i) through (k) (excluding persons listed in (i) through (k) of the item that pertain to (a) or (h) of the item), the person must notify the prefectural governor to that effect as prescribed by Order of the Ministry of the Environment.
- (7) The provisions of the preceding paragraph also apply when a person who has obtained the permission set forth in Article 8, paragraph (1) or their statutory agent prescribed in Article 7, paragraph (5), item (iv), (i), an officer or employee prescribed in (j) of the item, or an employee prescribed in (k) of the item falls under a category of person specified by Order of the Ministry of the Environment as being likely to fall under (a) of the item.

(Orders for Improvement)

Article 9-2 (1) When a person who has obtained the permission set forth in Article 8, paragraph (1) falls under any of the following items, the prefectural governor may order the person to make necessary improvements to a municipal waste management facility within a specified period or order the suspension of use of the municipal waste management facility within a specified period:

- (i) when it is verified that the structure or maintenance of the municipal waste management facility related to the permission set forth in Article 8, paragraph (1) does not conform to the technical standards prescribed in Article 8-2, paragraph (1), item (i) or Article 8-3, paragraph (1), or the installation plan or maintenance plan (when the permission set forth in paragraph (1) of the preceding Article is obtained for these plans, the revised plan) stated in the written application set forth in Article 8, paragraph (2) related to the permission;

- (ii) when it is verified that the competence of a person who has obtained the permission set forth in Article 8, paragraph (1) does not conform to the standards specified by Order of the Ministry of the Environment prescribed in Article 8-2, paragraph (1), item (iii);
 - (iii) when a person who has obtained the permission set forth in Article 8, paragraph (1) has committed a violation, or has demanded, requested, or instigated another person to commit a violation, or has aided another person in committing a violation;
 - (iv) when a person who has obtained the permission set forth in Article 8, paragraph (1) violates the conditions attached to the permission pursuant to the provisions of Article 8-2, paragraph (4) (including cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article).
- (2) The provisions of Article 8-2, paragraph (6) apply mutatis mutandis to the dispositions made by prefectural governors based on the provisions of the preceding paragraph.

(Rescission of Permission)

Article 9-2-2 (1) The prefectural governor must rescind the permission set forth in Article 8, paragraph (1) related to a municipal waste management facility if it falls under any of the following items:

- (i) when a person who has obtained the permission set forth in Article 8, paragraph (1) has come to fall under any of (a) through (k) of Article 7, paragraph (5), item (iv);
 - (ii) when it falls under paragraph (1), item (iii) of the preceding Article and the circumstances are particularly serious, or it violates a disposition pursuant to the provisions of that paragraph;
 - (iii) when the permission set forth in Article 8, paragraph (1) or the permission for change set forth in Article 9, paragraph (1) is obtained by wrongful means.
- (2) When a municipal waste management facility falls under any of items (i), (ii), or (iv) of paragraph (1) of the preceding Article, or when the establisher of a final disposal site for specified municipal waste has not set aside the maintenance and management reserve fund pursuant to the provisions of Article 8-5, paragraph (1), the prefectural governor may rescind the permission set forth in Article 8, paragraph (1) related to the municipal waste management facility.
- (3) The provisions of Article 8-2, paragraph (6) apply mutatis mutandis to dispositions made by prefectural governors based on the provisions of the preceding two paragraphs.

(Measures Accompanying Rescission of Permission)

Article 9-2-3 (1) When a person who has obtained the permission set forth in

Article 8, paragraph (1) for a final disposal site for municipal waste which is a municipal waste management facility has had the permission rescinded pursuant to the provisions of paragraph (1) or (2) of the preceding Article, the person whose permission has been rescinded or their successor (referred to as "former establisher, etc." in the following paragraph) is deemed to continue to be a person who has obtained the permission set forth in Article 8, paragraph (1) with regard to the application of the provisions of Article 8-2-2, paragraph (1), Article 8-3, Article 8-4, Article 9-2, paragraph (1) and Article 9-4 (including penal provisions related to these provisions), to continue to be the establisher of a municipal waste management facility prescribed in Article 9-4 with regard to the application of the provisions of Article 18, paragraph (1), Article 19, paragraph (1) and Article 21 (including penal provisions related to these provisions), and to continue to be the establisher prescribed in Article 21-2, paragraph (1) with regard to the application of the provisions of the paragraph (including penal provisions related to the provisions of the paragraph), until it obtain the confirmation pursuant to the provisions of the following paragraph.

(2) The former establisher, etc. may abolish the final disposal site, as provided by Order of the Ministry of the Environment, only when it have received confirmation from the prefectural governor that the status of the final disposal site conforms to the technical standards prescribed in Article 9, paragraph (5).

(Special Provisions for Municipal Waste Management Facilities with Heat Recovery System)

Article 9-2-4 (1) A person who has in place a municipal waste management facility related to the permission set forth in Article 8, paragraph (1) that is equipped with a heat recovery system (refers to using waste that is useful for the combustion process to obtain heat; the same applies hereinafter) (hereinafter referred to as "heat recovery facility" in this Article) may obtain certification from the prefectural governor with regard to conformity to all of the following items pursuant to the provisions of Order of the Ministry of the Environment:

- (i) the heat recovery facility conforms to the technical standards specified by Order of the Ministry of the Environment;
- (ii) the applicant's capability conforms to the standards specified by Order of the Ministry of the Environment as being sufficient to carry out heat recovery properly and continuously.

(2) Unless the certification set forth in the preceding paragraph is renewed for each period as specified by Order of the Ministry of the Environment, it ceases to be effective when the relevant period has elapsed.

(3) A person who has obtained the certification set forth in paragraph (1) (hereinafter referred to as "certified heat recovery facility establisher" in this

Article) may dispose of the municipal waste at the heat recovery facility related to the certification in accordance with the standards specified by Cabinet Order, notwithstanding the provisions of Article 7, paragraph (13). In this case, the term "collection, transport or disposal of municipal waste" in Article 19-3, item (i) and Article 19-4, paragraph (1) is deemed to be replaced with "collection, transport or disposal of municipal waste (in the case of the disposal of municipal waste at the heat recovery facility related to the certification set forth in Article 9-2-4, paragraph (1), the disposal of municipal waste that does not conform to the standards prescribed in paragraph (3) of the Article)."

- (4) The provisions of Article 8-2-2 do not apply to a certified heat recovery facility permit holder.
- (5) When a prefectural governor finds that a certified heat recovery facility permit holder has ceased to conform to any of the items of paragraph (1), the prefectural governor may rescind the certification.
- (6) In addition to what is provided for in the preceding paragraphs, necessary matters concerning the certification set forth in paragraph (1) are to be specified by Cabinet Order.

(Notification of Municipal Waste Management Facility to Be Constructed by Municipality)

- Article 9-3 (1) When a municipality intends to construct a municipal waste management facility in order to dispose of municipal waste pursuant to the provisions of Article 6-2, paragraph (1), as provided for by Order of the Ministry of the Environment, it must notify the prefectural governor to that effect by attaching a document stating the matters set forth in the items of Article 8, paragraph (2) and a document stating the results of an assessment describing the impact of the construction of the municipal waste management facility on the living environment of the surrounding area.
- (2) When preparing a document stating the matters set forth in each item of Article 8, paragraph (2) as prescribed in the paragraph, the mayor of the municipality who intends to make a notification pursuant to the provisions of the preceding paragraph is to make available for public inspection of the document stating the results of the investigation prescribed in the preceding paragraph and grant an opportunity to submit a written opinion from the viewpoint of preserving the living environment to any person who has an interest in the establishment of the municipal waste management facility related to the notification, as provided for by Municipal Ordinance, with respect to the matters specified by Cabinet Order.
 - (3) If a notification has been filed pursuant to the provisions of paragraph (1), when the prefectural governor finds that the municipal waste management facility related to the notification does not conform to the technical standards

prescribed in Article 8-2, paragraph (1), item (i), the governor may order the municipal government to make changes or abolish the entire plan related to the notification within 30 days (60 days for final disposal sites for municipal waste) from the date on which the notification was received.

- (4) A municipality which has submitted a notification pursuant to the provisions of paragraph (1) must not construct a municipal waste management facility related to the notification until after the expiration of the period set forth in the preceding paragraph; provided, however, that this does not apply after receiving a notice from the prefectural governor to the effect that the content of the notification has been found to be appropriate.
- (5) The administrator of a municipal waste management facility related to the notification pursuant to the provisions of paragraph (1) must maintain and manage the municipal waste management facility in accordance with the technical standards prescribed in Article 8-3, paragraph (1) and the maintenance and management plan described in the documents describing the matters set forth in each item of Article 8, paragraph (2) as prescribed in paragraph (1) related to the notification (when the notification concerning the plan has been made pursuant to the provisions of paragraph (8), the revised plan; the same applies in the following paragraph).
- (6) The administrator of a municipal waste management facility related to the notification pursuant to the provisions of paragraph (1) (limited to municipal waste management facilities prescribed in Article 8, paragraph (4)) must publicize the plan for the maintenance and management of the municipal waste management facility related to the notification and information on the status of the maintenance and management of the municipal waste management facility as provided for by Order of the Ministry of the Environment through the Internet or other appropriate means as provided for by Order of the Ministry of the Environment.
- (7) As provided for by Order of the Ministry of the Environment, the administrator of a municipal waste management facility related to the notification pursuant to the provisions of paragraph (1) (limited to municipal waste management facilities prescribed in Article 8, paragraph (4)) must record the matters specified by Order of the Ministry of the Environment concerning the maintenance and management of the municipal waste management facility, keep the records at the municipal waste management facility (if it is difficult to keep the records at the municipal waste management facility, the nearest office of the municipal waste management facility), and make it available for inspection at the request of any person who has an interest in the maintenance of the living environment to which the maintenance and management pertains.
- (8) If a municipality that has made a notification under paragraph (1) intends to

change any of the matters set forth in Article 8, paragraph (2), items (iv) through (vii) related to the notification (excluding minor changes specified by Order of the Ministry of the Environment), it must notify the prefectural governor to that effect by attaching a document stating the matters specified by Order of the Ministry of the Environment, as provided for by Order of the Ministry of the Environment.

- (9) The provisions of paragraph (2) and paragraph (3) apply mutatis mutandis to the notification pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (4) apply mutatis mutandis to a municipality that has made the notification pursuant to the provisions of the preceding paragraph. In this case, the term "the paragraph" in paragraph (2) is deemed to be replaced with "the preceding paragraph" and the term "must not construct a municipal waste management facility" in paragraph (4) is deemed to be replaced with "must not change the matters set forth in Article 8, paragraph (2), items (iv) through (vii)".
- (10) When a prefectural governor finds that the structure or maintenance and management of the municipal waste management facility related to a notification pursuant to the provisions of paragraph (1) does not conform to the technical standards prescribed in Article 8-2, paragraph (1), item (i) or Article 8-3, paragraph (1), or the establishment plan or maintenance and management plan (when a notification has been made with regard to these plans pursuant to the provisions of paragraph (8), the revised plan) stated in the document stating the matters set forth in each item of Article 8, paragraph (2) prescribed in paragraph (1) related to the notification, the prefectural governor may order the establisher or administrator to make necessary improvements to the municipal waste management facility or suspend the use of the municipal waste management facility for a specified period.
- (11) The provisions of paragraphs (3) through (5) of Article 9 apply mutatis mutandis to a municipality that has submitted a notification of the construction of a municipal waste management facility pursuant to the provisions of paragraph (1). In this case, in paragraph (3) of the Article, "the proviso to paragraph (1)" is deemed to be replaced with "Article 9-3, paragraph (8)", "the matters set forth in paragraph (2), item (i) of the Article or Order of the Ministry of the Environment" is deemed to be replaced with "Order of the Ministry of the Environment", and "the permission" is deemed to be replaced with "the notification"; in paragraphs (4) and (5) of the Article, "the permission" is deemed to be replaced with "the notification".
- (12) The provisions of Article 8-2, paragraph (6) apply mutatis mutandis to a disposition made by a prefectural governor pursuant to the provisions of paragraph (3) or paragraph (10).

(Special Provisions for Notification by a Municipality of a Municipal Waste Management Facility Related to an Extraordinary Disaster)

Article 9-3-2 (1) With regard to a municipal waste management facility whose construction is deemed necessary in order to dispose of waste generated as a result of an extraordinary disaster, when a municipal government intends to stipulate this in the municipal waste management plan or revise the plan, it may consult with the prefectural governor and obtain their consent, as provided for by Order of the Ministry of the Environment.

(2) With regard to the application of the provisions of the preceding Article when a municipality intends to construct a municipal waste management facility related to the consent set forth in the preceding paragraph: in paragraph (9) of the Article, "the provisions of paragraphs (2) and (3)" is deemed to be replaced with "the provisions of paragraph (2)"; ", and the provisions of paragraph (4) apply mutatis mutandis to a municipality that has made a notification pursuant to the provisions of the preceding paragraph" is deemed to be replaced with "apply mutatis mutandis"; the phrase "must not construct a municipal waste management facility" in paragraph (4) is deemed to be replaced with "must not change the matters set forth in Article 8, paragraph (2), items (iv) through (vii)" is deemed to be replaced with "is deemed to be replaced"; and the provisions of paragraphs (3) and (4) of the same Article do not apply.

(Special Provisions for Establishment of a Municipal Waste Management Facility Related to an Extraordinary Disaster)

Article 9-3-3 (1) When a person who has been entrusted by a municipality with the disposal of waste generated as a result of an extraordinary disaster intends to construct a municipal waste management facility (excluding one that is a final disposal site for municipal waste) for carrying out the disposal, , notwithstanding the provisions of Article 8, paragraph (1), it must notify the prefectural governor to that effect, pursuant to the provisions of Order of the Ministry of the Environment, by attaching a document stating the matters set forth in the items of paragraph (2) of the Article and a document stating the results of an assessment into the impact of the establishment of the municipal waste management facility on the living environment of the surrounding area.

(2) When a person intends to make a notification under the preceding paragraph and prepares a document stating the matters set forth in the items of Article 8, paragraph (2) as prescribed in the paragraph, pursuant to the provisions of Prefectural Ordinance with regard to the matters specified by Cabinet Order, it must make the document stating the results of the investigation prescribed in the preceding paragraph available for public inspection. In this case, any person who has an interest in the construction of the municipal waste

management facility may submit a written opinion to the person who intends to make the notification, from the viewpoint of preserving the living environment, pursuant to the provisions of Prefectural Ordinance with regard to the matters specified by Cabinet Order.

- (3) The provisions of Article 9-3, paragraphs (3) through (10) and paragraph (12) apply mutatis mutandis to the notification under paragraph (1), and the provisions of Article 9, paragraph (3) apply mutatis mutandis to the person who has made the relevant notification. In this case, the term "municipality" in Article 9-3, paragraphs (3), (4), (8), and (9) is deemed to be replaced with "person entrusted with the disposal of waste arising from an extraordinary disaster"; the term "paragraph (2) and" in the paragraph is deemed to be replaced with "the provisions of Article 9-3-3, paragraph (2) and"; the term "in paragraph (2)" in the paragraph is deemed to be replaced with "of the preceding paragraph "in paragraph (2) of the Article is deemed to be replaced with" of Article 9-3, paragraph (8) as applied mutatis mutandis pursuant to the following paragraph"; in Article 9, paragraph (3), the phrase "the proviso to paragraph (1)" is deemed to be replaced with "Article 9-3, paragraph (8) as applied mutatis mutandis pursuant to Article 9-3-3, paragraph (3)"; the term "paragraph (2), item (i) of the Article" in the paragraph is deemed to be replaced with "Article 8, paragraph (2), item (i)"; and the term "the permission" in the paragraph is deemed to be replaced with "the notification".

(Consideration for Surrounding Areas)

Article 9-4 A person who has obtained the permission set forth in Article 8, paragraph (1), a municipality which has made a notification pursuant to the provisions of Article 9-3, paragraph (1), and a person who has made a notification pursuant to the provisions of paragraph (1) of the preceding Article (hereinafter referred to as "establisher of a municipal waste management facility"), are to give consideration to the maintenance and promotion of the living environment of the surrounding area related to the municipal waste management facility.

(Acquisition of Municipal Waste Management Facility)

Article 9-5 (1) A person who intends to acquire or lease a municipal waste management facility related to the permission set forth in Article 8, paragraph (1) from a person who has obtained the permission (referred to as "permitted facility establisher" in paragraph (3) and paragraph (1) of the following Article) must obtain the permission of the prefectural governor as provided for by Order of the Ministry of the Environment.

- (2) The provisions of Article 8-2, paragraph (1) (limited to the parts related to items (iii) and (iv)) apply mutatis mutandis to the permission set forth in the

preceding paragraph.

- (3) A person who has received or leased a municipal waste management facility with the permission set forth in paragraph (1) succeeds to the status of the permitted management facility establisher related to the municipal waste management facility.

(Merger and Split)

Article 9-6 (1) In the case of a merger or split of a permitted facility establisher or a corporation who has made notification pursuant to the provisions of Article 9-3-3 paragraph (1) (hereinafter referred to as the "permitted facility establisher, etc." in this paragraph and the following Article), when the approval of the prefectural governor has been obtained for the merger (excluding cases where a corporation that is a permitted facility establisher, etc. continues to exist in the case of a merger between a corporation that is a permitted facility establisher, etc. and a corporation that is not a permitted facility establisher, etc.) or split (limited to cases in which the municipal waste management facility related to the permission is to be succeeded), the corporation who continues to exist after the merger, the corporation who has been established by the merger, or the corporation who has succeeded to the municipal waste management facility by the split succeeds to the status of the permitted facility establisher, etc.

- (2) The provisions of Article 8-2, paragraph (1) (limited to the parts related to items (iii) and (iv)) apply mutatis mutandis to the approval under the preceding paragraph.

(Succession)

Article 9-7 (1) In the event of succession with regard to a permitted facility establisher, etc., the successor succeeds to the status of the permitted facility establisher, etc.

- (2) A successor who has succeeded to the status of the permitted facility establisher, etc. pursuant to the provisions of the preceding paragraph must notify the prefectural governor to that effect within 30 days from the date of succession, as provided for by Order of the Ministry of the Environment.

Section 4 Special Provisions for Municipal Waste Management

(Special Provisions for Recycling of Municipal Waste)

Article 9-8 (1) A person who carries out or intends to carry out the recycling and utilizing of municipal waste specified by Order of the Ministry of the Environment may obtain certification from the Minister of the Environment with regard to compliance with all of the following items, as provided for by

Order of the Ministry of the Environment:

- (i) the content of the recycling and utilization conforms to the standards specified by Order of the Ministry of the Environment as causing no interference with the maintenance of the living environment;
 - (ii) the person who carries out or intends to carry out the recycling and utilization conforms to the standards specified by Order of the Ministry of the Environment; and
 - (iii) the facilities to be used for recycling and utilization that the person prescribed in the preceding item has established or intends to establish conform to the standards specified by Order of the Ministry of the Environment.
- (2) A person who intends to obtain the certification set forth in the preceding paragraph must submit to the Minister of the Environment an application form that contains the following matters and other documents specified by Order of the Ministry of the Environment, as provided for by Order of the Ministry of the Environment:
- (i) the name and address of the applicant, and in the case of a corporation, the name of its representative;
 - (ii) the facility to be used for the recycling and utilization.
- (3) When the Minister of the Environment finds that the recycling and utilization related to the application for approval set forth in paragraph (1) conforms to all of the items of the paragraph, the minister is to grant the approval set forth in the paragraph.
- (4) Notwithstanding the provisions of Article 7, paragraph (1) or (6) or Article 8, paragraph (1), without obtaining permission under these provisions, a person who has received the certification under paragraph (1) may conduct the collection, transport, or disposal of the municipal waste related to the certification as a business, or establish a municipal waste management facility related to the certification.
- (5) A person who has received the certification set forth in paragraph (1) is deemed to be a municipal waste collection and transport service contractor or a municipal waste disposal service contractor with regard to the application of the provisions of Article 7, paragraphs (13), (15), and (16) and Article 19-3 (including penal provisions related to these provisions), and deemed to be an establisher of a municipal waste management facility with regard to the application of the provisions of Article 18, paragraph (1) (including penal provisions related to the provisions of the paragraph).
- (6) When a person who has received the certification set forth in paragraph (1) intends to change the matters set forth in paragraph (2), item (ii) (including the establishment of facilities to be used for recycling and utilization other than the facilities to be used for recycling and utilization related to the

certification (limited to those that do not recycle and utilize the content other than the recycling and utilization of the content related to the certification)), it must obtain certification from the Minister of the Environment as specified by Order of the Ministry of the Environment; provided, however, that this does not apply to cases where the change is a minor change specified by Order of the Ministry of the Environment.

- (7) The provisions of paragraph (3) (limited to the part related to paragraph (1), item (iii)) apply mutatis mutandis to the certification of changes set forth in the preceding paragraph.
- (8) When a person who has received the certification set forth in paragraph (1) has made a change to the matters set forth in paragraph (2), item (i) or has made a minor change specified by Order of the Ministry of the Environment set forth in the proviso to paragraph (6), it must notify the Minister of the Environment to that effect without delay, as specified by Order of the Ministry of the Environment.
- (9) When the Minister of the Environment finds that the recycling and utilization related to the certification set forth in paragraph (1) has ceased conforming to any of the items of the paragraph, or when a person who has received the certification has violated the provisions of paragraph (6) or the preceding paragraph, the Minister may rescind the certification.
- (10) Beyond what is provided for in the preceding paragraphs, matters necessary for the approval set forth in paragraph (1) and the certification of changes set forth in paragraph (6) are specified by Cabinet Order.

(Special Provisions for Cross-Regional Management of Municipal Waste)

- Article 9-9 (1) A person who carries out or intends to carry out cross-regional management of municipal waste specified by Order of the Ministry of the Environment (including a person who carries out or intends to carry out the management by entrusting it to another person) may obtain certification from the Minister of the Environment with regard to compliance with all of the following items, as provided by Order of the Ministry of the Environment:
- (i) the content of the management complies with the standards specified by Order of the Ministry of the Environment as contributing to the reduction of municipal waste and ensuring the proper management of municipal waste;
 - (ii) the person who carries out or intends to carry out the management (including a person who carries out or intends to carry out the management as entrusted by the person; the same applies in item (ii) of the following paragraph) conforms to the standards specified by Order of the Ministry of the Environment; and
 - (iii) the person prescribed in the preceding item has a facility that conforms to the standards specified by Order of the Ministry of the Environment.

- (2) As provided for by Order of the Ministry of the Environment, a person who intends to obtain the certification set forth in the preceding paragraph must submit to the Minister of the Environment an application form that contains the following matters and other documents specified by Order of the Ministry of the Environment:
- (i) the name and address of the applicant, and in the case of a corporation, the name of its representative;
 - (ii) the person who carries out or intends to carry out the management related to the certification and the facilities to be used for the management.
- (3) When the Minister of the Environment finds that the management related to the application for approval set forth in paragraph (1) conform to all of the items of the paragraph, the Minister is to grant the certification set forth in the paragraph.
- (4) A person who has received the certification set forth in paragraph (1) (including a person who is entrusted by the person to conduct the management related to the certification as a business (limited to a person prescribed in paragraph (2), item (ii))) may conduct the collection, transport, or disposal related to the certification of the municipal waste related to the certification as a business without obtaining permission pursuant to these provisions, notwithstanding the provisions of Article 7, paragraph (1) or paragraph (6).
- (5) A person prescribed in the preceding paragraph is deemed to be a municipal waste collection and transport service contractor or municipal waste disposal service contractor with regard to the application of the provisions of Article 7, paragraphs 13, 15, and 16, Article 7-5, and Article 19-3 (including penal provisions related to these provisions).
- (6) When a person who has received the certification set forth in paragraph (1) intends to change the content of the service related to the certification or the matters set forth in paragraph (2), item (ii), it must obtain certification from the Minister of the Environment as specified by Order of the Ministry of the Environment; provided, however, that this does not apply to cases where the change is a minor change specified by Order of the Ministry of the Environment.
- (7) The provisions of paragraph (3) apply mutatis mutandis to the certification of changes set forth in the preceding paragraph.
- (8) When a person who has received the certification set forth in paragraph (1) has made a change to the matters set forth in paragraph (2), item (i) or made a minor change specified by Order of the Ministry of the Environment set forth in the proviso to paragraph (6), it must notify the Minister of the Environment to that effect without delay, as specified by Order of the Ministry of the Environment.
- (9) A person who has received the certification set forth in paragraph (1) must

endeavor to take necessary measures to ensure that the service related to the certification is carried out appropriately when entrusting the service related to the certification to another person.

- (10) When the Minister of the Environment finds that the conditions related to the certification set forth in paragraph (1) have ceased to conform to any of the items of the paragraph, or when a person who has received the certification has violated the provisions of paragraph (6) or (8), the Minister may rescind the certification.
- (11) Beyond what is provided for in the preceding paragraphs, matters necessary for the approval set forth in paragraph (1) and the certification of changes set forth in paragraph (6) are to be specified by Cabinet Order.

(Special Provisions for Detoxification of Municipal Waste)

Article 9-10 (1) A person who carries out or intends to carry out the detoxification of municipal waste containing asbestos or other municipal waste specified by Order of the Ministry of the Environment as having properties that are likely to cause damage to human health or the living environment, using advanced technology (meaning the management that makes waste into properties that are unlikely to cause damage to human health or the living environment; the same applies hereinafter) may obtain certification from the Minister of the Environment regarding conformity to all of the following items, pursuant to the provisions of Order of the Ministry of the Environment:

- (i) the content of the detoxification process conforms to the standards specified by Order of the Ministry of the Environment as help to ensure the prompt and safe management of municipal waste;
 - (ii) the person who carries out or intends to carry out the detoxification process conforms to the standards specified by Order of the Ministry of the Environment; and
 - (iii) the facilities to be used for the detoxification process established or is to be established by the person prescribed in the preceding item conform to the standards specified by Order of the Ministry of the Environment.
- (2) A person who intends to obtain the certification set forth in the preceding paragraph must submit to the Minister of the Environment a written application stating the following matters, as prescribed by Order of the Ministry of the Environment:
- (i) the name and address of the applicant, and in the case of a corporation, the name of its representative;
 - (ii) the site where the facility to be used for detoxification is to be established;
 - (iii) the type of facility to be used for detoxification;
 - (iv) the type of municipal waste to be processed at the facility to be used for detoxification;

- (v) the management capacity of the facility to be used for detoxification;
 - (vi) a plan concerning the facility to be used for detoxification such as its location, structure, etc.;
 - (vii) a plan concerning the maintenance and management of the facility to be used for detoxification; and
 - (viii) other matters specified by Order of the Ministry of the Environment.
- (3) When the Minister of the Environment finds that the detoxification process related to the application for certification set forth in paragraph (1) conforms to all of the items of the paragraph, the Minister is to grant the approval set forth in the paragraph.
- (4) Notwithstanding the provisions of Article 7, paragraph (1) or (6) or Article 8, paragraph (1), without obtaining permission under these provisions, a person who has received the certification under paragraph (1) may conduct the collection, transport, or disposal of the municipal waste related to the certification as a business, or establish a municipal waste management facility related to the certification.
- (5) A person prescribed in paragraph (1) is deemed to be a municipal waste collection and transport service contractor or municipal waste disposal service contractor with regard to the application of the provisions of Article 7, paragraphs (13), (15), and (16) (including penal provisions related to these provisions).
- (6) When a person who has received the certification set forth in paragraph (1) has made a change to the matters set forth in paragraph (2), item (i) or other matters specified by Order of the Ministry of the Environment, it must notify the Minister of the Environment to that effect without delay, as specified by Order of the Ministry of the Environment.
- (7) When the Minister of the Environment finds that the detoxification process related to the certification set forth in paragraph (1) has ceased to conform to any of the items of the paragraph, or when a person who has received the certification has violated the provisions of the preceding paragraph, the Minister may rescind the certification.
- (8) The provisions of the main clause of Article 8, paragraph (3) and paragraphs (4) through (6) apply mutatis mutandis to the approval set forth in paragraph (1), and the provisions of Article 8-4 apply mutatis mutandis to a person who has obtained the certification set forth in the paragraph. In this case, the term "the preceding paragraph" in the main clause of Article 8, paragraph (3) is deemed to be replaced with "Article 9-10, paragraph (2)"; "a prefectural governor may, with respect to municipal waste management facilities (limited to those specified by Cabinet Order)" in paragraph (4) of the Article is deemed to be replaced with "the Minister of the Environment may"; the term "paragraph (2), item (i)" of the paragraph is deemed to be replaced with

"Article 9-10, paragraph (2), item (i)"; the phrase "documents (or, in the cases prescribed in the proviso to the paragraph, the written application set forth in paragraph (2))" of the paragraph is deemed to be replaced with "documents"; the term "prefectural governors" in paragraph (5) of the Article is deemed to be replaced with "the Minister of the Environment"; "heads of municipalities" and "mayors of municipalities" of the paragraph is deemed to be replaced with "heads of prefectures and municipalities"; and "the prefectural governors" in paragraph (6) of the Article is deemed to be replaced with "the Minister of the Environment".

(9) In addition to what is provided for in the preceding paragraphs, necessary matters concerning the certification set forth in paragraph (1) are to be specified by Cabinet Order.

Section 5 Export of Municipal Waste

Article 10 (1) A person who intends to export municipal waste must obtain confirmation from the Minister of the Environment that the export of the municipal waste falls under any of the following items:

- (i) the export of the municipal waste is recognized to be difficult to manage properly in Japan in light of the facilities and technology for management of the municipal waste in Japan;
- (ii) in the case of municipal waste other than the municipal waste prescribed in the preceding item, the export of municipal waste conforms to the standards specified by Order of the Ministry of the Environment that does not hinder the proper management of municipal waste in Japan;
- (iii) it is found to be certain that the municipal waste related to the export will be managed by a method that does not fall below the municipal waste management standards (in the case of specially controlled municipal waste, the specially controlled municipal waste management standards);
- (iv) the applicant falls under any of the following:
 - (a) municipality; or
 - (b) other persons specified by Order of the Ministry of the Environment.

(2) The provisions of the preceding paragraph do not apply to the following persons:

- (i) a person who departs from Japan, carries and exports municipal waste, who is specified by Order of the Ministry of the Environment; or
- (ii) a person specified by the national government or Order of the Ministry of the Environment.

Chapter III Industrial Waste

Section 1 Management of Industrial Waste

(Management by Contractors and Local Governments)

- Article 11 (1) A contractor must manage its industrial waste on its own.
- (2) Municipalities may manage industrial waste that is able to be managed together with municipal waste, and other types of industrial waste that the municipalities deemed necessary, either independently or jointly, as an administrative matter.
- (3) Prefectures may, as their own scope of service, dispose industrial waste that they find necessary to dispose of in order to ensure the proper management of industrial waste.

(Management by Contractor)

- Article 12 (1) When transporting or disposing of industrial waste (excluding specially controlled industrial waste; hereinafter the same applies in this Article, excluding paragraphs (5) through (7)) on their own, a contractor must comply with the standards (when industrial waste that can be disposed of by discarding it into the ocean is specified in the standards, the standards concerning the place and method of dumping when the place and method of dumping are specified based on the Act on Prevention of Marine Pollution and Maritime Disaster are excluded; hereinafter referred to as "industrial waste management standards") for the collection, transport, and disposal of industrial waste specified by Cabinet Order.
- (2) A contractor must store industrial waste in accordance with the technical standards specified by Order of the Ministry of the Environment (hereinafter referred to as "industrial waste storage standards") until it is transported so as not to interfere with the maintenance of the living environment.
- (3) When a contractor intends to store industrial waste (limited to those specified by Order of the Ministry of the Environment; the same applies in the following paragraph) outside the workplace where the industrial waste is generated in the course of the business activities, as provided for by Order of the Ministry of the Environment, the contractor must notify the prefectural governor to that effect in advance, except when it does so as an emergency measure necessitated by an extraordinary disaster or in other cases specified by Order of the Ministry of the Environment. The same applies when the contractor intends to make any changes to the already notified matters.
- (4) In the case specified by Order of the Ministry of the Environment in the preceding paragraph, a contractors who has stored the industrial waste prescribed in the paragraph outside the workplace where the industrial waste is generated in the course of the business activities must notify the prefectural governor to that effect within 14 days from the date of the storage, pursuant to the provisions of Order of the Ministry of the Environment.

- (5) When a contractor (including an intermediate management business operator (meaning persons who dispose of industrial waste partway through a series of management processes from generation to completion of final disposal (meaning disposal in a final disposal site, dumping into the sea (meaning disposal to be made in accordance with the specified standards concerning the place and method of dumping into the ocean based on the Act on Prevention of Marine Pollution and Maritime Disaster), or recycling; the same applies hereinafter); the same applies hereinafter); the same applies in the following paragraph, paragraph (7), and paragraphs (5) through (7) of the following Article) entrust the transport or disposal of their industrial waste (excluding specially controlled industrial waste and including intermediately treated industrial waste (meaning industrial waste after it has been disposed of partway through a series of management processes from generation to completion of the final disposal; the same applies hereinafter); the same applies in the following paragraph and paragraph (7)) to another person, the contractor must entrust the transport to an industrial waste collection and transport service contractor prescribed in Article 14, paragraph (12) or other persons specified by Order of the Ministry of the Environment, and the disposal to an industrial waste disposal service contractor prescribed in the paragraph or other persons specified by Order of the Ministry of the Environment.
- (6) When entrusting the transport or disposal of industrial waste pursuant to the provisions of the preceding paragraph, the contractor must comply with the standards specified by Cabinet Order.
- (7) When a contractor entrust the transport or disposal of industrial waste pursuant to the provisions of the preceding two paragraphs, the contractors must endeavor to confirm the status of the management of the industrial waste and take necessary measures to ensure that the industrial waste is managed properly through a series of management processes from generation of the industrial waste to completion of the final disposal.
- (8) The contractor that has established a workplace where an industrial waste management facility provided for in Article 15, paragraph (1) has been established for the purpose of disposing of industrial waste generated in the course of the business activities must assign an industrial waste management supervisor to each of the workplaces in order to have the person appropriately perform operations associated with the management of industrial waste at the workplace; provided, however, this does not apply to workplaces where the contractor serves as an industrial waste management supervisor.
- (9) The contractor specified by Cabinet Order as having established a workplace that generates a large amount of industrial waste in the course of the business activities (referred to as "large volume generator" in the following paragraph)

must prepare a plan for the reduction and other management of industrial waste relative to the workplace, and submit it to the prefectural governor in accordance with the standards specified by Order of the Ministry of the Environment.

- (10) Pursuant to the provisions of Order of the Ministry of the Environment, a large volume generator must report to the prefectural governor on the state of implementation of the plan set forth in the preceding paragraph.
- (11) A prefectural governor is to make public the plan set forth in paragraph (9) and the status of the implementation set forth in the preceding paragraph as provided by Order of the Ministry of the Environment,.
- (12) When the Minister of the Environment intends to establish or revise an Order of the Ministry of the Environment referred to in paragraph (9), the Minister must consult with the heads of the relevant administrative organs in advance.
- (13) The provisions of Article 7, paragraphs (15) and (16) apply mutatis mutandis to contractors that generate industrial waste in the course of their business activities and that are specified by Cabinet Order. In this case, the term "of municipal waste" in paragraph (15) of the Article is deemed to be replaced with "of the industrial waste".

(Management of Specially Controlled Industrial Waste by Contractors)

- Article 12-2 (1) When transporting or disposing of industrial waste on their own, a contractor must comply with the standards (in cases where specially controlled industrial waste that can be disposed of by dumping it into the ocean is specified in the standards, the standards concerning the place and method of dumping in the case where the place and method of dumping are specified based on the Act on Prevention of Marine Pollution and Maritime Disaster are excluded; hereinafter referred to as "specially controlled industrial waste management standards") for the collection, transport, and disposal of specially controlled industrial waste specified by Cabinet Order.
- (2) A contractor must store specially controlled industrial waste until it is transported in accordance with the technical standards specified by Order of the Ministry of the Environment (hereinafter referred to as "specially controlled industrial waste storage standards") in a manner that does not hinder the maintenance of the living environment.
 - (3) When a contractor intend to store specially controlled industrial waste (limited to that specified by Order of the Ministry of the Environment; the same applies in the following paragraph) outside the workplace where the specially controlled industrial waste is generated in the course of the business activities, as provided for by Order of the Ministry of the Environment, the contractor must notify the prefectural governor to that effect in advance,

except when it does so as an emergency measure necessitated by an extraordinary disaster or in other cases specified by Order of the Ministry of the Environment. The same applies when the contractor intends to make any changes to the notified matters.

- (4) In the case specified by Order of the Ministry of the Environment in the preceding paragraph, the contractor who has stored the specially controlled industrial waste prescribed in the paragraph outside the workplace where the industrial waste is generated in the course of the business activities must notify the prefectural governor to that effect within 14 days from the date of the storage, pursuant to the provisions of Order of the Ministry of the Environment.
- (5) When a contractor entrusts the transport or disposal of its specially controlled industrial waste (including intermediately treated industrial waste; the same applies in the following paragraph and paragraph (7)) to another person, the contractor must entrust the transport to a specially controlled industrial waste collection and transport service contractor prescribed in Article 14-4, paragraph (12) or any other person specified by Order of the Ministry of the Environment, and the disposal to a specially controlled industrial waste disposal service contractor prescribed in the paragraph or any other person specified by Order of the Ministry of the Environment.
- (6) When entrusting the transport or disposal of specially controlled industrial waste pursuant to the provisions of the preceding paragraph, the contractor must comply with the standards specified by Cabinet Order.
- (7) When a contractor entrusts the transport or disposal of specially controlled industrial waste pursuant to the provisions of the preceding two paragraphs, the contractor must endeavor to confirm the status of the management of the specially controlled industrial waste and take necessary measures to ensure that the industrial waste is managed properly in a series of management processes from the generation of the specially controlled industrial waste to the completion of the final disposal.
- (8) A contractor who has a workplace where specially controlled industrial waste is generated in the course of the business activities must appoint a specially controlled industrial waste control supervisor for each such workplace in order to have the person appropriately carry out duties related to the management of the specially controlled industrial waste related to the workplace; provided, however, that this does not apply to a workplace where the contractor serves as a specially controlled industrial waste control supervisor.
- (9) The specially controlled industrial waste control supervisor set forth in the preceding paragraph must be a person who possesses the qualifications specified by Order of the Ministry of the Environment.
- (10) A contractor specified by Cabinet Order that has a workplace that generates

a large amount of specially controlled industrial waste in the course of the business activities (referred to as "a large volume generator" in the following paragraph) must prepare a plan for the reduction and other management of specially controlled industrial waste related to the workplace and submit it to the prefectural governor in accordance with the standards specified by Order of the Ministry of the Environment.

- (11) Pursuant to the provisions of Order of the Ministry of the Environment, a large volume generator must report to the prefectural governor on the state of implementation of the plan set forth in the preceding paragraph.
- (12) As provided by Order of the Ministry of the Environment, a prefectural governor must make public the plan set forth in paragraph (10) and the status of implementation set forth in the preceding paragraph.
- (13) When the Minister of the Environment intends to establish or revise the Order of the Ministry of the Environment in paragraph (10), the Minister must consult with the heads of the relevant administrative organs in advance.
- (14) The provisions of Article 7, paragraphs (15) and (16) apply mutatis mutandis to a contractor that generates specially controlled industrial waste in the course of the business activities. In this case, the term "of municipal waste" in paragraph 15 of the Article is deemed to be replaced with "of the specially controlled industrial waste".

(Industrial Waste Control Sheet)

- Article 12-3 (1) When a contractor (including an intermediate waste management business operator) that generates industrial waste in the course of the business activities entrust the transport or disposal of the industrial waste (including an intermediately treated industrial waste; the same applies in Article 12-5, paragraphs (1) and (2)) to another person (excluding cases specified by Order of the Ministry of the Environment), the contractor must deliver an industrial waste control sheet pursuant to the provisions of Order of the Ministry of the Environment (hereinafter simply referred to as "control sheet") that states the type and quantity of the industrial waste subject to the entrustment, the name of the person entrusted with the transport or disposal, and other matters specified by Order of the Ministry of the Environment, to the person entrusted with the transport of the industrial waste (when the entrustment is related only to the disposal of industrial waste, the person entrusted with the disposal) at the same time as the delivery of the industrial waste subject to the entrustment.
- (2) A person who has delivered a control sheet pursuant to the provisions of the preceding paragraph (hereinafter referred to as "control sheet deliverer") must retain a copy of the control sheet for the period specified by Order of the Ministry of the Environment from the date on which the document was

delivered.

- (3) When a person who has been entrusted with the transport of industrial waste (hereinafter referred to as "entrusted transporter") has completed the transport, the entrusted transporter must enter the matters specified by Order of the Ministry of the Environment in the control sheet delivered pursuant to the provisions of paragraph (1) and send a copy of the control sheet to the control sheet deliverer within the period specified by Order of the Ministry of the Environment. In this case, if there is a person who has been entrusted with the disposal of the industrial waste, the entrusted transporter must hand over the control sheet to the person who has been entrusted with the disposal.
- (4) When a person who has been entrusted with the disposal of industrial waste (hereinafter referred to as a "entrusted disposer") has completed the disposal, the entrusted disposer must enter the matters specified by Order of the Ministry of the Environment (if the disposal is the final disposal, the matters specified by Order of the Ministry of the Environment and the fact that the final disposal has been completed) in the control sheet delivered pursuant to the provisions of paragraph (1) or the control sheet handed over pursuant to the provisions of the second sentence of the preceding paragraph, and send a copy of the control sheet to the control sheet deliverer who has entrusted the disposal within the period specified by Order of the Ministry of the Environment. In this case, if the control sheet has been handed over pursuant to the provisions of the second sentence of the paragraph, the entrusted disposer must also send a copy of the control sheet to the person who has forwarded it.
- (5) When the entrusted disposer has received a copy of the control sheet that states that the final disposal of the intermediately treated industrial waste related to the disposal has been completed pursuant to the provisions of the first sentence of the preceding paragraph, this paragraph, or Article 12-5, paragraph (6), the entrusted disposer must, as provided for by Order of the Ministry of the Environment, state that the final disposal has been completed in the control sheet delivered pursuant to the provisions of paragraph (1) or the control sheet forwarded pursuant to the provisions of the second sentence of paragraph (3), and send a copy of the control sheet to the control sheet deliverer who has entrusted the disposal within the period provided for by Order of the Ministry of the Environment.
- (6) When a control sheet deliverer has received a copy of the control sheet pursuant to the provisions of the preceding three paragraphs or Article 12-5, paragraph (6), the control sheet deliverer must confirm that the transport or disposal has been completed by referring to the copy of the control sheet, and must keep the copy of the control sheet for the period specified by Order of the Ministry of the Environment from the date the copy of the control sheet is

received.

- (7) A control sheet deliverer must prepare a report on the control sheet and submit it to the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment.
- (8) When a control sheet deliverer has not received a copy of the control sheet pursuant to the provisions of paragraphs (3) through (5), or Article 12-5, paragraph (6), within the period specified by Order of the Ministry of the Environment, when the control sheet deliverer has received a copy of the control sheet that does not contain the matters prescribed in these provisions or a copy of the control sheet that contains a false entry, or when the control sheet deliverer has received a notice pursuant to the provisions of Article 14, paragraph (13), Article 14-2, paragraph (4), Article 14-3-2, paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 14-6), Article 14-4, paragraph (13), or Article 14-5, paragraph (4), the control sheet deliverer must promptly ascertain the status of the transport or disposal of the industrial waste related to the entrustment and take appropriate measures pursuant to the provisions of Order of the Ministry of the Environment.
- (9) When a entrusted transporter has sent a copy of the control sheet pursuant to the provisions of the first sentence of paragraph (3) (excluding cases where the entrusted transporter has handed over the control sheet pursuant to the provisions of the second sentence of the paragraph), the entrusted transporter must keep the control sheet for the period specified by Order of the Ministry of the Environment from the date on which the copy was sent, and when the entrusted transporter has received a copy of the control sheet pursuant to the provisions of the second sentence of paragraph (4), the entrusted transporter must preserve a copy of the control sheet for the period specified by Order of the Ministry of the Environment from the date on which the copy was received.
- (10) When an entrusted disposer has sent a copy of the control sheet pursuant to the provisions of the first sentence of paragraph (4), paragraph (5), or Article 12-5, paragraph (6), the entrusted disposer must keep the control sheet for the period specified by Order of the Ministry of the Environment from the date on which the copy was sent.
- (11) Beyond what is provided for in the preceding paragraphs, necessary matters concerning the control sheet are specified by Order of the Ministry of the Environment.

(Prohibition of Delivery of False Control Sheet)

Article 12-4 (1) An industrial waste collection and transport service contractor provided for in Article 14, paragraph (12), a specially controlled industrial waste collection and transport service contractor provided for in Article 14-4, paragraph (12), an industrial waste disposal service contractor provided for in

Article 14, paragraph (12), or a specially controlled industrial waste disposal service contractor provided for in Article 14-4, paragraph (12) must not deliver a control sheet containing any false entry regarding the matters provided for in paragraph (3) of the preceding Article or the matters provided for in paragraph (4) or (5) of the Article, unless it has been entrusted with the transport or disposal of industrial waste.

- (2) When control sheet is required to be delivered pursuant to the provisions of paragraph (1) of the preceding Article, the entrusted transporter or the entrusted disposer must not accept delivery of the industrial waste related to the entrustment, unless it has received the control sheet pursuant to the provisions of the paragraph; provided, however, that this does not apply to an entrusted transporter or an entrusted disposer prescribed in paragraph (1) of the following Article who has been requested by a person obligated to use an electronic data processing system prescribed in the paragraph, or by a contractor using an electronic data processing system prescribed in paragraph (2) of the Article, to use an electronic data processing system and report to the effect that the transport or disposal of the industrial waste has been completed via the information processing center prescribed in paragraph (1) of the Article.
- (3) An entrusted transporter or an entrusted disposer must not make the delivery set forth in paragraph (3) or (4) of the preceding Article or the report set forth in paragraph (3) of the following Article, unless the transport or disposal of the industrial waste entrusted to the entrusted transporter or the entrusted disposer has been completed.
- (4) An entrusted disposer must not send a copy as set forth in paragraph (5) of the preceding Article, a report as set forth in paragraph (4) of the following Article, or a delivery as set forth in paragraph (6) of the Article unless the entrusted disposer has received a copy of the control sheet indicating the completion of the final disposal of the intermediately treated industrial waste subject to the disposal pursuant to the provisions of the first sentence of paragraph (4) of the preceding article, paragraph (5), or paragraph (6) of the following article or a notification indicating the completion of the final disposal of the intermediately treated industrial waste subject to the disposal pursuant to the provisions of paragraph (5) of the article.

(Use of Electronic Data Processing System)

Article 12-5 (1) If a contractor prescribed in Article 12-3, paragraph (1) that is specified by Order of the Ministry of the Environment as a contractor that has a workplace that generates a large amount of industrial waste (limited to those specified by Order of the Ministry of the Environment as those for which it is necessary to promptly ascertain the status of their transport or disposal; hereinafter the same applies in this paragraph) in the course of its business

activities (hereinafter referred to as "person obligated to use an electronic data processing system" in this Article) entrusts the transport or disposal of the industrial waste to another person (excluding cases specified by Order of the Ministry of the Environment as prescribed in Article 12-3, paragraph (1), and cases specified by Order of the Ministry of the Environment as cases in which it is difficult to register with the information processing center prescribed in Article 13-2, paragraph (1) (hereinafter simply referred to as "information processing center" in this Article) using an electronic data processing system, such as cases in which there has been a failure in a telecommunications line), the contractor must request the entrusted transporter or entrusted disposer (limited to a person whose input-output device is connected to the computer used by the information processing center via a telecommunications line; hereinafter the same applies in this Article) to use an electronic data processing system to report, via an information processing center, that the transport or disposal of the industrial waste has been completed, and, as prescribed by Order of the Ministry of the Environment, register with the information processing center, using an electronic data processing system, the type and quantity of the industrial waste subject to the entrustment, the name of the person entrusted with the transport or disposal, and other matters specified by Order of the Ministry of the Environment within the period specified by Order of the Ministry of the Environment following the delivery of the industrial waste subject to the entrustment. In this case, notwithstanding the provisions of Article 12-3, paragraph (1), if the person obligated to use an electronic data processing system has requested that the entrusted transporter or entrusted disposer make a report and has registered the request with the information processing center, the person is not required to deliver the control sheet to the entrusted transporter or the entrusted disposer.

- (2) When a contractor prescribed in Article 12-3, paragraph (1) (limited to persons whose input-output devices are connected via telecommunications line to the computer used by the information processing center, and excluding persons obligated to use an electronic data processing system when handling industrial waste as prescribed in the preceding paragraph; hereinafter referred to as a "contractor using an electronic data processing system" in this Article) entrusts the transport or disposal of industrial waste to another person (excluding cases specified by Order of the Ministry of the Environment as prescribed in Article 12-3, paragraph (1)), if the contractor requests the entrusted transporter or the entrusted disposer to report the completion of the transport or disposal of the industrial waste via the information processing center using an electronic data processing system, and if the contractor registers the type and quantity of the industrial waste subject to the entrustment, the name of the person entrusted with the transport or disposal,

and other matters specified by Order of the Ministry of the Environment with the information processing center using an electronic data processing system within the period specified by Order of the Ministry of the Environment following the delivery of the industrial waste subject to the entrustment, as provided by Order of the Ministry of the Environment, the contractor is not required to deliver a control sheet to the entrusted transporter or the entrusted disposer, notwithstanding the provisions of the paragraph.

- (3) Notwithstanding the provisions of Article 12-3, paragraphs (3) and (4), when a person obligated to use an electronic data processing system or a contractor using an electronic data processing system has requested an entrusted transporter or an entrusted disposer to make a report pursuant to the provisions of the preceding two paragraphs, and when the transport or disposal of the industrial waste related to the report has been completed, as provided for by Order of the Ministry of the Environment, the entrusted transporter or the entrusted disposer must use an electronic data processing system to report to the information processing center to that effect (if the disposal of the industrial waste related to the report is a final disposal, to the effect that the final disposal has been completed) within the period specified by Order of the Ministry of the Environment.
- (4) Notwithstanding the provisions of paragraph (2), when an entrusted disposer is requested by a person obligated to use an electronic data processing system, or a contractor using an electronic data processing system, to make a report pursuant to the provisions of paragraph (1) or paragraph (2), and receives a copy of the control sheet indicating the completion of the final disposal of the intermediately treated industrial waste pursuant to the provisions of paragraph (6), the first sentence of Article 12-3, paragraph (4), or paragraph (5), the entrusted disposer must use an electronic data processing system to report the completion of the final disposal to the information processing center within the period specified by Order of the Ministry of the Environment, as provided for by Order of the Ministry of the Environment.
- (5) When the information processing center has received a report pursuant to the provisions of the preceding two paragraphs, it is to use an electronic data processing system to notify without delay the person obligated to use an electronic data processing system or a contractor using an electronic data processing system that has entrusted the transport or disposal of the industrial waste related to the report that the transport or disposal has been completed by the entrusted transporter or the entrusted disposer (or that the final disposal has been completed, if the disposal of the industrial waste related to the report is the final disposal).
- (6) When a notification has been received pursuant to the provisions of the preceding paragraph to the effect that the final disposal of the intermediately

treated industrial waste related to the disposal has been completed, and if the person who has entrusted the disposal is neither a person obligated to use an electronic data processing system nor a contractor using an electronic data processing system, the entrusted disposer must enter the fact that the final disposal has been completed in the control sheet delivered pursuant to the provisions of Article 12-3, paragraph (1) or the control sheet handed over pursuant to the provisions of the second sentence of paragraph (3) of the Article, and send a copy of the control sheet to the control sheet deliverer who has entrusted the disposal within the period specified by Order of the Ministry of the Environment.

- (7) When a person obligated to use an electronic data processing system or a contractor using an electronic data processing system has received a notification pursuant to the provisions of paragraph (5), they must confirm the completion of the transport or disposition by referencing the notification.
- (8) The information processing center must record the information related to the registration pursuant to the provisions of paragraph (1) or (2) and the report pursuant to the provisions of paragraph (3) or (4) in a file stored on the computer used by the information processing center, and must keep the file for the period specified by Order of the Ministry of the Environment from the day when the information processing center receives the report.
- (9) Pursuant to the provisions of Order of the Ministry of the Environment, the information processing center must report to the prefectural governor matters concerning registration pursuant to the provisions of paragraph (1) or (2) and reporting pursuant to the provisions of paragraph (3) or (4).
- (10) When the information processing center does not receive a report pursuant to the provisions of paragraph (3) or (4) within the period specified by Order of the Ministry of the Environment with regard to registration pursuant to the provisions of paragraph (1) or (2), it must notify the registered person obligated to use an electronic data processing system, or the contractor using an electronic data processing system, to that effect without delay by means of an electronic data processing system.
- (11) When a person obligated to use an electronic data processing system or a contractor using an electronic data processing system has received a notification pursuant to the provisions of the preceding paragraph, when a report pursuant to the provisions of paragraph (3) or (4) about which a notice has been received pursuant to the provisions of paragraph (5) contains false information, or when a notification pursuant to the provisions of Article 14, paragraph (13), Article 14-2, paragraph (4), Article 14-3-2, paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 14-6), Article 14-4, paragraph (13), or Article 14-5, paragraph (4) has been received, the person obligated to use an electronic data processing system or the

contractor using an electronic data processing system must promptly learn the status of the transport or disposal of the industrial waste related to the notification, and must take appropriate measures pursuant to the provisions of Order of the Ministry of the Environment.

(12) Beyond what is provided for in the preceding paragraphs, necessary matters concerning electronic data processing system are specified by Order of the Ministry of the Environment.

(Recommendations and Orders)

Article 12-6 (1) When a prefectural governor finds that a contractor, entrusted transporter or entrusted disposer prescribed in Article 12-3, paragraph (1) (hereinafter referred to as a "contractor, etc." in this Article) has failed to comply with the provisions of Article 12-3, paragraphs (1) through (10), Article 12-4, paragraphs (2) through (4), or paragraphs (1) through (4), paragraph (6), paragraph (7), and paragraph (11) of the preceding Article, the prefectural governor may recommend these business operators to take necessary measures for the proper management of industrial waste.

(2) When the contractor, etc. who has received the recommendation prescribed in the preceding paragraph fail to follow the recommendation, the prefectural governor may publicize this fact.

(3) If the contractor, etc. that has received the recommendation prescribed in paragraph (1) does not take the measures related to the recommendation without justifiable grounds even after the fact that the contractor, etc. has failed to follow the recommendation has been publicized pursuant to the provisions of the preceding paragraph, the prefectural governor may order the contractor, etc. to take the measures related to the recommendation.

(Special Provisions for Management of Industrial Waste by Two or More Contractors)

Article 12-7 (1) Where two or more contractors intend to carry out the collection, transport, or disposal of the industrial waste in an integrated manner, the two or more contractors may jointly obtain, pursuant to the provisions of Order of the Ministry of the Environment, certification from the prefectural governor who has jurisdiction over the area where they intend to carry out the collection, transport, or disposal of the industrial waste (limited to the area where the unloading of industrial waste is carried out when only transport is conducted), with regard to compliance with all of the following items:

(i) any one of the two or more contractors holds the total number of issued shares of all of the other contractors among the two or more companies and conforms to the standards specified by Order of the Ministry of the Environment for the two or more contractors to conduct integrated

- management;
- (ii) of the two or more contractors concerned, those who collect, transport, or dispose of the industrial waste conform to the standards specified by Order of the Ministry of the Environment as a contractor capable of conducting the proper collection, transport, or disposal of industrial waste.
- (2) A person who intends to obtain the certification set forth in the preceding paragraph must jointly submit a written application stating the following matters to the prefectural governor (meaning the prefectural governor prescribed in the paragraph; hereinafter the same applies in this Article) as provided for by Order of the Ministry of the Environment:
- (i) the names and addresses of the two or more contractors, and the names of their representatives;
 - (ii) matters concerning the proportion of voting rights held (meaning the proportion obtained by dividing the number of voting rights held by one contractor in another contractor by the number of voting rights held by all shareholders of other contractor) for all of the two or more contractors concerned;
 - (iii) matters concerning the system for carrying out the collection, transport, or disposal of industrial waste related to the two or more contractors concerned; and
 - (iv) other matters specified by Order of the Ministry of the Environment.
- (3) When a prefectural governor finds that a person who intends to obtain the certification set forth in paragraph (1) conforms to all of the items of the paragraph, the governor is to grant the certification set forth in the paragraph.
- (4) With regard to the application of the provisions of Article 11, paragraph (1), Article 12, paragraphs (1) through (8), Article 7, paragraph (15) as applied mutatis mutandis in paragraph (13) of the Article following the deemed replacement of terms, and Article 7, paragraph (16) as applied mutatis mutandis in Article 12, paragraph (13), Article 12-2, paragraphs (1) through (8), the provisions of Article 7, paragraph (15) as applied mutatis mutandis in paragraph (14) of the Article following the deemed replacement of terms, and Article 7, paragraph (16) as applied mutatis mutandis pursuant to Article 12-2, paragraph (14), Article 12-3, paragraphs (1) through (8), Article 12-5, paragraphs (1) through (7), paragraphs (10) and (11), the preceding Article, the provisions of the proviso to Article 14, paragraph (1), the proviso to Article 14, paragraph (6), the proviso to Article 14, paragraph (16), the proviso to Article 14-4, paragraph (1), the proviso to Article 14-4, paragraph (6), and the proviso to Article 14-4, paragraph (16) (including penal provisions related to these provisions) to industrial waste generated in the course of business activities by any one of the contractors who has received the certification set forth in paragraph (1), other contractors who have received the certification are also

deemed to be companies that have generated the industrial waste in the course of their business activities.

- (5) With regard to the application of the provisions of Article 18, paragraph (1), Article 19, paragraph (1), Article 19-3 (excluding items (i) and (iii)), Article 19-5, paragraph (1), Article 19-6, paragraph (1), and Article 19-8 (including penal provisions related to these provisions) to industrial waste generated in the course of the business activities of any one of the contractors that has received the certification set forth in paragraph (1), the contractor that has received the certification is deemed to be a contractors.
- (6) With regard to the application of the provisions set forth in the following items to any one of the contractors that has received the certification set forth in paragraph (1), the other contractors that have received the certification are also deemed to be the persons prescribed in the relevant items:
- (i) Article 7, paragraph (5), item (iv) and paragraph (10), item (iv) (including as applied mutatis mutandis pursuant to Article 7-2, paragraph (2)), Article 8-2, paragraph (1), item (iv) (including the cases where it is applied mutatis mutandis pursuant to Article 9, paragraph (2), Article 9-5, paragraph (2), and Article 9-6, paragraph (2) (including the cases where these provisions are applied mutatis mutandis in Article 15-4) following the deemed replacement of terms), Article 14, paragraph (5), item (ii) and paragraph (10), item (ii) (including as applied mutatis mutandis pursuant to Article 14-2, paragraph (2)), Article 14-4, paragraph (5), item (ii) and paragraph (10), item (ii) (including as applied mutatis mutandis pursuant to Article 14-5, paragraph (2)), and Article 15-2, paragraph (1), item (iv) (including as applied mutatis mutandis pursuant to Article 15-2-6, paragraph (2)): the applicant;
 - (ii) items (i) through (iv) of paragraph (1) of Article 7-4: the municipal waste collection and transport service or municipal waste disposal service;
 - (iii) Article 9-2-2, paragraph (1), item (i): a person who has obtained the permission referred to in Article 8, paragraph (1);
 - (iv) Article 14-3-2, paragraph (1), items (i) through (iv) (including the case where applied mutatis mutandis pursuant to Article 14-6): the industrial waste collection and transport service contractor or industrial waste disposal service contractor prescribed in Article 14, paragraph (12) (in the case where applied mutatis mutandis pursuant to Article 14-6, a specially controlled industrial waste collection and transport service contractor or a specially controlled industrial waste disposal service contractor prescribed in Article 14-4, paragraph (12)); and
 - (v) Article 15-3, paragraph (1), item (i): the establisher of an industrial waste management facility prescribed in Article 15-2, paragraph (5).
- (7) When a person who has received the certification set forth in paragraph (1)

intends to make changes to the matters set forth in the items of paragraph (2), they must jointly receive certification from the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment; provided, however, that this does not apply when the changes are minor changes specified by Order of the Ministry of the Environment.

- (8) The provisions of paragraph (3) apply mutatis mutandis to the certification of changes set forth in the preceding paragraph.
- (9) When a person who has received the certification set forth in paragraph (1) has made a minor change specified by Order of the Ministry of the Environment set forth in the proviso to paragraph (7), they must jointly notify the prefectural governor to that effect without delay pursuant to the provisions of Order of the Ministry of the Environment.
- (10) When a prefectural governor finds that a person who has received the certification set forth in paragraph (1) no longer conforms to any of the items of the paragraph, or when the person has violated the provisions of paragraph (7) or the preceding paragraph, the governor may rescind the certification.
- (11) Beyond what is provided for in the preceding paragraphs, matters necessary for the certification set forth in paragraph (1) and the certification of changes set forth in paragraph (7) are specified by Cabinet Order.

(Management by Local Governments)

Article 13 (1) The standards for the collection, transport, and disposal of industrial waste that a municipality or prefecture carries out as their service work pursuant to the provisions of Article 11, paragraph (2) or (3) are the industrial waste management standards (the specially controlled industrial waste management standards in the case of specially controlled industrial waste).

- (2) A prefecture or municipality is to, as provided for by Prefectural or Municipal Ordinance, collect expenses required for the establishment of industrial waste management facilities and for collection, transport, and disposal of industrial waste conducted by the prefecture or municipality.

**Section 2 Information Processing Center and Center for the Promotion of
Proper Industrial Waste Management
Subsection 1 Information Processing Center**

(Designation)

Article 13-2 (1) The Minister of the Environment may designate a general incorporated association or a general incorporated foundation that is found to be capable of properly and reliably performing the services provided for in the following Article as an information processing center, upon application by the

general incorporated association or general incorporated foundation, and limited to one throughout the country.

- (2) When the Minister of the Environment has made a designation pursuant to the provisions of the preceding paragraph, the minister must issue a public notice of the name, address, and location of the office of the information processing center.
- (3) When the information processing center intends to change its name, address or the location of its office, it must notify the Minister of the Environment to that effect in advance.
- (4) The Minister of the Environment must give a public notice of the matters related to the notification upon receiving the notification pursuant to the provisions of the preceding paragraph.

(Operations)

Article 13-3 The information processing center is to perform the following operations:

- (i) operate and manage computers and other equipment necessary for processing paperwork related to registration pursuant to the provisions of Article 12-5, paragraphs (1) and (2), reporting pursuant to the provisions of paragraphs (3) and (4) of the Article, and notice pursuant to the provisions of paragraphs (5) and (10) of the Article (referred to as "registration and reporting affairs" in the following item) by means of an electronic data processing system;
- (ii) create and store programs, data, files, etc. necessary for processing the registration and reporting affairs by means of an electronic data processing system;
- (iii) record and retain pursuant to the provisions of Article 12-5, paragraph (8) and preparation pursuant to paragraph (9) of the Article; and
- (iv) perform services incidental to those listed in the preceding three items.

(Operational Rules)

Article 13-4 (1) When the information processing center performs the services listed in the items of the preceding Article (hereinafter referred to as "information processing operations"), prior to the commencement of such services, it must establish rules concerning the information processing services (hereinafter referred to as "operational rules") with regard to the methods of implementing the information processing services, matters concerning usage fees, and other matters specified by Order of the Ministry of the Environment, and must obtain approval of the rules to be implemented from the Minister of the Environment. The same applies when the information processing center intends to revise the operational rules.

(2) If the Minister of the Environment finds that the operational rules approved pursuant to the preceding paragraph have become inappropriate for the proper and reliable implementation of the information processing operations, the minister may order that the Operational Rules be changed.

(Operation Plans)

Article 13-5 (1) Each fiscal year, pursuant to the provisions of Order of the Ministry of the Environment, an information processing center must prepare an operation plan and an income and expenditure budget related to its information processing operations, and obtain approval of them from the Minister of the Environment. The same applies when the information processing center intends to revise its plan or budget.

(2) Pursuant to Order of the Ministry of the Environment the information processing center must prepare a business report and an income and expenditure statement of its information processing operations and submit them to the Minister of the Environment after the end of each fiscal year.

(Suspension and Discontinuance of Operations)

Article 13-6 The information processing center must not suspend or discontinue all or part of its information processing operations without the permission of the Minister of the Environment.

(Duty of Confidentiality)

Article 13-7 An officer or employee of an information processing center or a person who has held these positions must not divulge any confidential information that has come to their knowledge with regard to the information processing operations.

(Books)

Article 13-8 Pursuant to the provisions of Order of the Ministry of the Environment, the information processing center must prepare books, write the matters concerning the information processing operations specified by Order of the Ministry of the Environment, and preserve the books.

(Reporting and On-Site Inspections)

Article 13-9 (1) To the extent necessary for ensuring the proper operation of the information processing operations, the Minister of the Environment may have the information processing center make necessary reports on the status of the information processing operations or assets, or have officials of the Ministry of the Environment enter the office of the information processing center and inspect the status of the information processing operations or the books,

documents, or any other articles.

- (2) An official who enters and inspects the center pursuant to the provisions of the preceding paragraph, must carry a certificate of identification and present it to the persons concerned.
- (3) The authority to conduct on-site inspections pursuant to the provisions of paragraph (1) must not be construed as having been granted for the purposes of criminal investigation.

(Supervision Order)

Article 13-10 To the extent necessary for the enforcement of the provisions of this Subsection, the Minister of the Environment may issue to information processing centers orders necessary for conducting the supervision of information processing operations.

(Rescission of the Designation)

Article 13-11 (1) If an information processing center falls under any of the following items, the Minister of the Environment may rescind the designation pursuant to Article 13-2, paragraph (1) (hereinafter simply referred to as "designation" in this Article):

- (i) when recognized that it is unable to perform the information processing operations in a proper and reliable manner;
 - (ii) when there has been a wrongful act with regard to the designation; or
 - (iii) when it violates the provisions of this Subsection or an order or ruling based on those provisions, or it performs the information processing operations without complying with the approved operational rules referred to in Article 13-4, paragraph (1).
- (2) When the Minister of the Environment has rescinded a designation pursuant to the provisions of the preceding paragraph, the Minister must give public notice to that effect.

Subsection 2 Center for the Promotion of Proper Industrial Waste Management

(Designation)

Article 13-12 The Minister of the Environment may designate a general incorporated association or general incorporated foundation whose purpose is to promote voluntary activities for ensuring the proper management of industrial waste by companies, and that is recognized as capable of properly and reliably performing the operations prescribed in the following Article, as a center for the promotion of proper industrial waste management (hereinafter referred to as "proper management promotion center"), upon application, only

one center throughout the country.

(Operations)

Article 13-13 The proper management promotion center is to perform the following operations:

- (i) provide contractors with necessary advice or guidance for the purpose of inspecting or improving their industrial waste management methods and systems;
- (ii) collect information on industrial waste collection and transport service contractors and industrial waste disposal service contractors, etc., and provide the information to contractors;
- (iii) provide training to contractors and their employees on the proper management of industrial waste;
- (iv) carry out educational and public relations activities that contribute to ensuring the proper management of industrial waste;
- (v) when industrial waste has been stored, collected, transported, or disposed of improperly, cooperate with the prefecture, etc. taking measures including removing hindrance pursuant to the provisions of Article 19-8, paragraph (1), such as implementing the removal of the industrial waste, disbursing funds, and other matters; and
- (vi) perform services incidental to those listed in the preceding items.

(Special Provisions for Permission for Industrial Waste Management Businesses)

Article 13-14 (1) In response to a request for cooperation pursuant to the provisions of Article 19-9, when the proper management promotion center or a person entrusted by the center carries out the removal, etc. of industrial waste, notwithstanding the provisions of Article 14, paragraph (1) or (6) or Article 14-4, paragraph (1) or (6), the center or the person entrusted by the center may conduct the acts necessary for the removal, etc. as a business without obtaining permission pursuant to these provisions.

- (2) When the proper management promotion center entrusts the acts prescribed in the preceding paragraph to another person, it must comply with the standards specified by Cabinet Order.

(Funds)

Article 13-15 (1) The proper management promotion center is to establish a fund for the operations listed in the items of Article 13-13, and allocate the total amount of money contributed by the companies, etc. on the condition that it is allocated to the expenses required for these operations.

- (2) The Minister of the Environment must endeavor to request necessary

cooperation from the companies, etc. with regard to contributions to the fund prescribed in the preceding paragraph.

(Application Mutatis Mutandis)

Article 13-16 The provisions of paragraphs (2) through (4) of Article 13-2, Article 13-5, Article 13-10, and Article 13-11 apply mutatis mutandis to the proper management promotion center. In this case, the term "information processing services" in Article 13-5, Article 13-10, and Article 13-11, paragraph (1), item (i) is deemed to be replaced with "services listed in the items of Article 13-13"; the term ", or the" in item (iii) of the paragraph is deemed to be replaced with "or", and the phrase "when it violates the provisions of this Subsection or an order or disposition based on those provisions, or it performs the information processing operations without complying with the approved operational rules as referred to in Article 13-4, paragraph (1)" is deemed to be replaced with "when it violates,".

Section 3 Industrial Waste Management Businesses

(Industrial Waste Management Businesses)

Article 14 (1) A person who intends to conduct the collection or transport of industrial waste (excluding specially controlled industrial waste; hereinafter the same applies from this Article through Article 14-3-3, Article 15-4-2, Article 15-4-3, paragraph (3) and Article 15-4-4, paragraph (3)) as a business must obtain permission from the prefectural governor who has jurisdiction over the area where the person intends to conduct the business (limited to the area where the unloading of industrial waste is carried out in cases where only transport is conducted as a business); provided, however, that this does not apply to contractors (limited to those that transport their own industrial waste), persons who conduct the collection or transport of only industrial waste which is generally intended for recycling and utilizing as a business, or other persons specified by Order of the Ministry of the Environment.

- (2) The permission set forth in the preceding paragraph, unless it is renewed within the period of not less than five years as specified by Cabinet Order in consideration of the capabilities and results associated with the implementation of the business related to the permission, ceases to be effective upon expiration of the relevant period.
- (3) When an application for renewal set forth in the preceding paragraph has been filed, if a disposition for the application has not been made by the expiration date of the period set forth in the paragraph (hereinafter referred to as "validity period of the permission" in this paragraph and the following paragraph), the previous permission remains in force until the disposition is

- made even after the expiration of the validity period of the permission.
- (4) In the case set forth in the preceding paragraph, when a permission is renewed, the validity period of the permission is calculated from the day following the date of expiration of the validity period of the previous permission.
- (5) The prefectural governor must not grant the permission set forth in paragraph (1) unless the governor finds that the application conforms to all of the following items:
- (i) the facilities to be used for the business and the capabilities of the applicant conform to the standards specified by Order of the Ministry of the Environment as being sufficient for conducting the business appropriately and continuously; and
 - (ii) the applicant does not fall under any of the following:
 - (a) a person who falls under any of sub-items (a) through (h) of Article 7, paragraph (5), item (iv);
 - (b) a person who is a member of a crime syndicate set forth in item (vi) of Article 2 of the Act on Prevention of Unjust Acts by Organized Crime Group Members (hereinafter referred to as "member of an organized crime group" in this item) or a person for whom five years have not passed from the day on which the person was no longer a member of crime syndicate (hereinafter referred to as "member of an organized crime group, etc." in this item);
 - (c) a minor who does not have the same capacity to act as an adult with regard to the business, and whose legal representative falls under either (a) or (b);
 - (d) a corporation whose officers or employees specified by Cabinet Order include a person who falls under either (a) or (b);
 - (e) a person whose employees specified by Cabinet Order include a person who falls under either (a) or (b); or
 - (f) a person whose business activities are controlled by a member of an organized crime group, etc.
- (6) A person who intends to conduct the disposal of industrial waste as a business must obtain permission from the prefectural governor who has jurisdiction over the area where the person intends to conduct the business; provided, however, that this does not apply to contractors (limited to those that dispose of their own industrial waste), a person who conducts the disposal of only industrial waste which is generally intended for recycling and utilizing as a business, and other persons specified by Order of the Ministry of the Environment.
- (7) The permission set forth in the preceding paragraph, unless it is renewed within the period of not less than five years as specified by Cabinet Order in consideration of the capabilities and results associated with the

implementation of the business related to the permission, ceases to be effective upon expiration of the relevant period.

(8) When the application for renewal set forth in the preceding paragraph has been filed, when no disposition related to the application has been made by the expiration date of the period set forth in the paragraph (hereinafter referred to as "validity period of permission" in this paragraph and the following paragraph), the previous permission remains in force until the disposition is made, even after the expiration of the validity period of permission.

(9) In the case set forth in the preceding paragraph, when a permission is renewed, the validity period of permission is calculated from the day following the date of expiration of the previous validity period of permission.

(10) The prefectural governor must not grant the permission set forth in paragraph (6) unless the governor finds that the application for the permission set forth in the paragraph conforms to all of the following items:

(i) the facilities to be used for the business and the capabilities of the applicant conform to the standards specified by Order of the Ministry of the Environment as being sufficient for conducting the business appropriately and continuously; and

(ii) the applicant does not fall under any of the provisions of paragraph (5), item (ii), sub-items (a) through (f).

(11) Conditions necessary for the maintenance of the living environment may be attached to the permission referred to in paragraph (1) or paragraph (6).

(12) A person who has obtained permission pursuant to paragraph (1) (hereinafter referred to as "industrial waste collection and transport service contractor") or a person who has obtained a permission pursuant to paragraph (6) (hereinafter referred to "industrial waste disposal service contractor") must collect, transport, or dispose of industrial waste in accordance with the industrial waste management standards.

(13) When it is difficult for an industrial waste collection and transport service contractor or industrial waste disposal service contractor to properly collect, transport, or dispose of the industrial waste with which the contractors have been entrusted or any event occurs specified by Order of the Ministry of the Environment that makes it likely to be difficult to do so, the industrial waste collection and transport service contractor or industrial waste disposal service contractor must notify in writing the person who has entrusted the collection, transport, or disposal business to that effect without delay as provided by Order of the Ministry of the Environment.

(14) When an industrial waste collection and transport service contractor or industrial waste disposal service contractor has given notice pursuant to the provisions of the preceding paragraph, it must retain a copy of the notice for the period specified by Order of the Ministry of the Environment from the date

of the notice.

- (15) No person other than an industrial waste collection and transport service contractor or any other person specified by Order of the Ministry of the Environment may be entrusted with the collection or transport of industrial waste, and no person other than an industrial waste disposal service contractor or any other person specified by Order of the Ministry of the Environment may be entrusted with the disposal of industrial waste.
- (16) The industrial waste collection and transport service contractor and the industrial waste disposal service contractor must not entrust the collection, transport, or disposal of industrial waste to others; provided, however, that this does not apply if the collection, transport, or disposal of industrial waste entrusted by a contractor is entrusted in accordance with the standards prescribed by Cabinet Order, nor does it apply in cases prescribed by Order of the Ministry of the Environment.
- (17) The provisions of Article 7, paragraphs (15) and (16) apply mutatis mutandis to an industrial waste collection and transport service contractor or industrial waste disposal service contractor. In this case, the term "of municipal waste" in paragraph (15) of the Article is deemed to be replaced with "of industrial waste".

(Permission for Change)

- Article 14-2 (1) When an industrial waste collection and transport service contractor or industrial waste disposal service contractor intends to change the scope of the business of collection, transport, or disposal of industrial waste, it must obtain the permission of the prefectural governor; provided, however, that this does not apply when the change is the discontinuation of a part of the business.
- (2) The provisions of paragraph (5) and paragraph (11) of the preceding Article apply mutatis mutandis to the permission set forth in the preceding paragraph related to a change in the scope of a collection or transport business, and the provisions of paragraph (10) and paragraph (11) of the Article apply mutatis mutandis to the permission set forth in the preceding paragraph related to a change in the scope of a disposal business.
- (3) The provisions of Article 7-2, paragraphs (3) through (5) apply mutatis mutandis to an industrial waste collection and transport service contractor or industrial waste disposal service contractor. In this case, the terms "of municipal waste" and "mayor of municipality" in paragraph (3) of the Article are deemed to be replaced with "of industrial waste" and "prefectural governor", respectively; in paragraph (4) of the Article, the phrase "(b) through (g) or (i) through (k) of item (iv) of paragraph (5) of the preceding Article (excluding those listed in (i) through (k) of the item that pertain to (a) or (h) of the item"

is deemed to be replaced with "Article 14, paragraph (5), item (ii), (a) (excluding those related to paragraph (5), item (iv), (a) or (h) of the preceding Article) or Article 14, paragraph (5), item (ii), (c) through (e) (excluding those related to paragraph (5), item (iv), (a) or (h) of the preceding Article, or Article 14, paragraph (5), item (ii), (b)), and the term "mayor of municipality" is deemed to be replaced with "prefectural governor"; in paragraph (5) of the Article, the phrase "paragraph (5), item (iv), (i) of the preceding Article" is deemed to be replaced with "Article 14, paragraph (5), item (ii), (c)", the phrase "(j) of the item" is deemed to be replaced with "(d) of the item", the phrase "(k) of the item" is deemed to be replaced with "(e) of the item", and the phrase "(a) of the item" is deemed to be replaced with "(a) of the item (limited to those related to paragraph (5), item (iv), (a) of the preceding Article)".

- (4) A person who has either entirely or partially discontinued the business of collection, transport, or disposal of industrial waste and who has not completed the collection, transport, or disposal of the industrial waste related to the business must, as provided for by Order of the Ministry of the Environment, notify in writing and without delay the person who has entrusted the collection, transport, or disposal of the industrial waste for which the collection, transport or disposal has not been completed to the effect that they have either entirely or partially discontinued the business.
- (5) A person who has made a notification pursuant to the provisions of the preceding paragraph must retain a copy of the notification for the period specified by Order of the Ministry of the Environment from the date of the notification.

(Suspension of Business)

Article 14-3 When an industrial waste collection and transport service contractor or industrial waste disposal service contractor falls under any of the following items, the prefectural governor may order the suspension of all or part of its business for a specified period:

- (i) when it has committed a violation, or has demanded, requested, or incited another person to commit a violation, or has aided another person in committing a violation;
- (ii) when the facilities to be used for the business or the capabilities of the municipal waste collection and transport service contractor or the municipal waste disposal service contractor has ceased to conform to the standards prescribed in Article 14, paragraph (5), item (i) or paragraph (10), item (i); or
- (iii) when it violates the conditions attached to the permission pursuant to the provisions of Article 14, paragraph (11) (including as applied mutatis mutandis pursuant to paragraph (2) of the preceding Article).

(Rescission of Permission)

- Article 14-3-2 (1) When an industrial waste collection and transport service contractor or industrial waste disposal service contractor falls under any of the following items, the prefectural governor must rescind the permission:
- (i) when it comes to fall under Article 14, paragraph (5), item (ii), sub-item (a) (limited to those related to Article 7, paragraph (5), item (iv), (c) or (d) (limited to cases in which it is punished pursuant to the provisions of Articles 25 through 27 or Article 32, paragraph (1) (limited to the parts related to the provisions of Articles 25 through 27), or for violating the provisions of the Act on Prevention of Unjust Acts by Organized Crime Group Members), or (h) of the item) or Article 14, paragraph (5), item (ii), sub-item (b) or (f);
 - (ii) when it comes to fall under Article 14, paragraph (5), item (ii), sub-items (c) to (e) (limited to those related to (a) (limited to those related to Article 7, paragraph (5), item (iv), (c) or (d) (limited to cases in which it is punished pursuant to the provisions of Articles 25 through 27 or for violating the provisions of the Act on Prevention of Unjust Acts by Organized Crime Group Members), or (h) of the item) of the item or Article 14, paragraph (5), item (ii), (b));
 - (iii) when it comes to fall under Article 14, paragraph (5), item (ii), sub-items (c) through (e) (limited to those related to sub-item (a) of the item (limited to those related to Article 7, paragraph (5), item (iv), sub-item (e)));
 - (iv) when it comes to fall under one of the categories in Article 14, paragraph (5), item (ii), sub-items (a) or (c) through (e) (excluding cases that fall under one of the preceding item (iii));
 - (v) when it falls under item (i) of the preceding Article and the circumstances are particularly serious, or when it has violated a disposition pursuant to the provisions of the Article; or
 - (vi) when it has obtained the permission set forth in Article 14, paragraph (1) or (6) (including the renewal of the permission set forth in paragraph (2) or (7) of the Article) or the permission for change set forth in Article 14-2, paragraph (1) by wrongful means.
- (2) When an industrial waste collection and transport service contractor or industrial waste disposal service contractor falls under either item (ii) or item (iii) of the preceding Article, the prefectural governor may rescind the permission.
- (3) As provided for by Order of the Ministry of the Environment, a person whose permission has been rescinded pursuant to the provisions of the preceding two paragraphs and who has not completed the collection, transport, or disposal of the industrial waste related to the permission must without delay, notify in writing the person who has entrusted the collection, transport, or disposal of

the industrial waste that has not been collected, transported, or disposed of that the permission has been rescinded.

- (4) The provisions of Article 14-2, paragraph (5) apply mutatis mutandis to a person who has given notification pursuant to the preceding paragraph.

(Prohibition of Name Lending)

Article 14-3-3 Industrial waste collection and transport service contractor and industrial waste disposal service contractor must not allow other persons the use of their names when conducting the collection, transport, or disposal of industrial waste as a business.

Section 4 Specially Controlled Industrial Waste Management Business

(Specially Controlled Industrial Waste Management Business)

Article 14-4 (1) A person who intends to conduct the collection or transport of specially controlled industrial waste as a business must obtain permission from the prefectural governor who has jurisdiction over the area where the person intends to conduct the business (limited to the area where the specially controlled industrial waste is unloaded in cases where only transport is conducted as a business); provided, however, that this does not apply to contractors (limited to cases where they transport the specially controlled industrial waste on their own) or any other persons specified by Order of the Ministry of the Environment.

- (2) The permission set forth in the preceding paragraph, unless it is renewed within the period of not less than five years as specified by Cabinet Order in consideration of the capabilities and results associated with the implementation of the business related to the permission, ceases to be effective upon expiration of the relevant period.
- (3) In the case where an application for renewal set forth in the preceding paragraph has been filed, if a disposition for the application has not been made by the expiration date of the period set forth in the paragraph (hereinafter referred to as "validity period of the permission" in this paragraph and the following paragraph), the previous permission remains in force until the disposition is made even after the expiration of the validity period of the permission.
- (4) In the case set forth in the preceding paragraph, when a permission is renewed, the validity period of the permission is calculated from the day following the date of expiration of the validity period of the previous permission.
- (5) The prefectural governor must not grant the permission set forth in paragraph (1) unless the governor finds that the application for the permission

set forth in the paragraph conforms to the following items:

- (i) the facilities to be used for the business and the capabilities of the applicant conform to the standards specified by Order of the Ministry of the Environment as being sufficient for conducting the business appropriately and continuously; and
 - (ii) the applicant does not fall under any of the provisions of Article 14, paragraph (5), item (ii), sub-items (a) through (f).
- (6) A person who intends to conduct the disposal of specially controlled industrial waste as a business must obtain permission from the prefectural governor who has jurisdiction over the area where the person intends to conduct the business; provided, however, that this does not apply to contractors (limited to those who dispose of their specially controlled industrial waste on their own) and other persons specified by Order of the Ministry of the Environment.
- (7) The permission set forth in the preceding paragraph, unless it is renewed within the period of not less than five years as specified by Cabinet Order based in consideration of the capabilities and results associated with the implementation of the business related to the permission, ceases to be effective upon expiration of the relevant period.
- (8) If the application for renewal set forth in the preceding paragraph has been filed, when no disposition related to the application has been made by the expiration date of the period set forth in the paragraph (hereinafter referred to as "validity period of permission" in this paragraph and the following paragraph), the previous permission remains in force until the disposition is made, even after the expiration of the validity period of permission.
- (9) In the case set forth in the preceding paragraph, when a permission is renewed, the validity period of permission is calculated from the day following the date of expiration of the previous validity period of permission.
- (10) The prefectural governor must not grant the permission set forth in paragraph (6) unless the governor finds that the application for the permission set forth in the paragraph conforms to all of the following items:
- (i) the facilities to be used for the business and the capabilities of the applicant conform to the standards specified by Order of the Ministry of the Environment as being sufficient for conducting the business appropriately and continuously; and
 - (ii) the applicant does not fall under any of the provisions of Article 14, paragraph (5), item (ii), sub-items (a) through (f).
- (11) Conditions necessary for the maintenance of the living environment may be attached to the permission referred to in paragraph (1) or paragraph (6).
- (12) A person who has obtained permission under paragraph (1) (hereinafter referred to as "specially controlled industrial waste collection and transport service contractor") or a person who has obtained permission pursuant to

paragraph (6) (hereinafter referred to "specially controlled industrial waste disposal service contractor") must collect, transport, or dispose of industrial waste in accordance with the industrial waste management standards.

- (13) When it is difficult for a specially controlled industrial waste collection and transport service contractor or specially controlled industrial waste disposal service contractor to properly collect, transport, or dispose of the specially controlled industrial waste with which the contractors have been contracted and any event occurs specified by Order of the Ministry of the Environment that makes it likely to be difficult to do so, the specially controlled industrial waste collection and transport service contractor or specially controlled industrial waste disposal service contractor must notify in writing the person who has entrusted the collection, transport, or disposal business to that effect without delay as provided by Order of the Ministry of the Environment.
- (14) When a specially controlled industrial waste collection and transport service contractor or specially controlled industrial waste disposal service contractor has given notice pursuant to the provisions of the preceding paragraph, it must retain, from the date on which notice is given, a copy of the notice for the period specified by Order of the Ministry of the Environment.
- (15) No person other than a specially controlled industrial waste collection and transport service contractor or any other person specified by Order of the Ministry of the Environment may be entrusted with the collection or transport of specially controlled industrial waste, and no person other than a specially controlled industrial waste disposal service contractor or any other person specified by Order of the Ministry of the Environment must be entrusted with the disposal of specially controlled industrial waste.
- (16) The specially controlled industrial waste collection and transport service contractor and the specially controlled industrial waste disposal service contractor must not entrust the collection, transport, or disposal of specially controlled industrial waste to others; provided, however, that this does not apply if the collection, transport, or disposal of specially controlled industrial waste entrusted by a contractor is entrusted in accordance with the standards prescribed by Cabinet Order, nor does it apply in cases prescribed by Order of the Ministry of the Environment
- (17) Notwithstanding the provisions of Article 7, paragraph (1) or paragraph (6), the specially controlled industrial waste collection and transport service contractor, the specially controlled industrial waste disposal service contractor, or any other person specified by Order of the Ministry of the Environment may conduct the business of collection, transport, or disposal of specially controlled municipal waste as provided for by Order of the Ministry of the Environment. In this case, the person must collect, transport, or dispose of specially controlled municipal waste in accordance with the specially controlled

municipal waste management standards.

- (18) The provisions of paragraphs (15) and (16) of Article 7 apply mutatis mutandis to a specially controlled industrial waste collection and transport service contractor or specially controlled industrial waste disposal service contractor. In this case, the term "municipal waste" in paragraph (15) of the Article is deemed to be replaced with "specially controlled industrial waste (including specially controlled municipal waste when the business of collection, transport, or disposal of specially controlled municipal waste is conducted pursuant to the provisions of Article 14-4, paragraph (17))".

(Permission for Change)

- Article 14-5 (1) When a specially controlled industrial waste collection and transport service contractor or specially controlled industrial waste disposal service contractor intends to change the scope of the business of collection, transport, or disposal of the specially controlled industrial waste, it must obtain the permission of the prefectural governor; provided, however, that this does not apply when the change is the discontinuation of a part of the business.
- (2) The provisions of paragraph (5) and paragraph (11) of the preceding Article apply mutatis mutandis to the permission set forth in the preceding paragraph related to a change in the scope of a collection or transport business, and the provisions of paragraph (10) and paragraph (11) of the Article apply mutatis mutandis to the permission set forth in the preceding paragraph related to a change in the scope of a disposal business.
- (3) The provisions of Article 7-2, paragraphs (3) through (5) apply mutatis mutandis to a specially controlled industrial waste collection and transport service contractor or specially controlled industrial waste disposal service contractor. In this case, the terms "municipal waste" and "mayor of municipality" in paragraph (3) of the Article are deemed to be replaced with "industrial waste" and "prefectural governor", respectively; in paragraph (4) of the Article, the phrase "(b) through (g) or (i) through (k) of item (iv) of paragraph (5) of the preceding Article (excluding those listed in (i) through (k) of the item that pertain to (a) or (h) of the item)" is deemed to be replaced with "Article 14, paragraph (5), item (ii), (a)" (excluding those related to paragraph (5), item (iv), (a) or (h) of the preceding Article) or Article 14, paragraph (5), item (ii), (c) through (e) (excluding those related to paragraph (5), item (iv), (a) or (h) of the preceding Article, or Article 14, paragraph (5), item (ii), (b))", and the term "mayor of municipality" is deemed to be replaced with "prefectural governor"; in paragraph (5) of the Article, the phrase "paragraph (5), item (iv), (i) of the preceding Article" is deemed to be replaced with "Article 14, paragraph (5), item (ii), (c)", the phrase "(j) of the item" is deemed to be replaced with "(d) of the item", the phrase "(k) of the item" is deemed to be

replaced with "(e) of the item", and the phrase "(a) of the item" is deemed to be replaced with "(a) of the item (limited to those related to paragraph (5), item (iv), (a) of the preceding Article)".

- (4) As provided for by Order of the Ministry of the Environment, a person who has entirely or partially discontinued the business of collection, transport, or disposal of specially controlled industrial waste and who has not completed the collection, transport or disposal of the specially controlled industrial waste related to the business must notify in writing and without delay the person who has entrusted the collection, transport, or disposal of the specially controlled industrial waste that has not been collected, transported, or disposed of to the effect that it has entirely or partially discontinued the business.
- (5) The provisions of Article 14-2, paragraph (5) apply mutatis mutandis to a person who has given notification pursuant to the preceding paragraph.

(Application Mutatis Mutandis)

Article 14-6 The provisions of Article 14-3 and Article 14-3-2 apply mutatis mutandis to a specially controlled industrial waste collection and transport service or specially controlled industrial waste disposal service. In this case, in Article 14-3, item (ii), the phrase "Article 14, paragraph (5), item (i) or paragraph (10), item (i)" is deemed to be replaced with "Article 14-4, paragraph (5), item (i) or paragraph (10), item (i)"; the phrase "Article 14, paragraph (11) (paragraph (2) of the preceding Article)" in item (iii) of the Article is deemed to be replaced with "Article 14-4, paragraph (11) (Article 14-5, paragraph (2))"; the phrase "Article 14, paragraph (1) or paragraph (6)" in Article 14-3-2, paragraph (1), item (vi) is deemed to be replaced with "Article 14-4, paragraph (1) or paragraph (6)"; and the phrase "Article 14-2, paragraph (1)" is deemed to be replaced with "Article 14-5, paragraph (1) ".

(Prohibition of Name Lending)

Article 14-7 Specially controlled industrial waste collection and transport services contractor and specially controlled industrial waste disposal services contractor must not allow other persons to use their names to conduct the collection, transport, or disposal of industrial waste as a business.

Section 5 Industrial Waste Management Facilities

(Industrial Waste Management Facilities)

Article 15 (1) A person who intends to establish an industrial waste management facility (meaning a plastic waste management facility, a final disposal site for industrial waste, or any other industrial waste management

facility specified by Cabinet Order; the same applies hereinafter) must obtain permission from the prefectural governor who has jurisdiction over the place where the industrial waste management facility is to be established.

(2) A person who intends to obtain the permission set forth in the preceding paragraph must submit a written application stating the following matters, as provided for by Order of the Ministry of the Environment:

(i) the name and address of the applicant, and in the case of a corporation, the name of its representative;

(ii) the location of the industrial waste management facility;

(iii) the type of the industrial waste management facility;

(iv) the type of industrial waste to be managed at the industrial waste management facility;

(v) the processing capacity of the industrial waste management facility (in the case of a final disposal site for municipal waste, the area and the landfill capacity of the portion of the site used for landfill disposal of industrial waste);

(vi) a plan concerning the establishment of the industrial waste management facility such as the location, structure, etc.;

(vii) a plan for the maintenance and management of the industrial waste management facility;

(viii) a disaster prevention plan in the case of the final disposal site for industrial waste; and

(ix) other matters specified by Order of the Ministry of the Environment.

(3) The application set forth in the preceding paragraph must be submitted together with a document stating the results of a survey on the impact of the installation of the industrial waste management facility on the living environment of the surrounding area as provided by Order of the Ministry of the Environment; provided, however, that this does not apply to cases where the matters set forth in items (ii) through (vii) of the paragraph stated in the application are identical to the matters related to the permission set forth in paragraph (1) already granted in the past or other cases provided by Order of the Ministry of the Environment.

(4) When an application for the permission set forth in paragraph (1) has been filed for an industrial waste management facility (limited to those specified by Cabinet Order), the prefectural governor must, without delay, give public notice of the matters set forth in paragraph (2), items (i) through (iv), the date of application, and the place for public inspection, and must make a written application set forth in the paragraph and the documents set forth in the preceding paragraph (in the case prescribed in the proviso to the paragraph, the written application set forth in paragraph (2)) available for public inspection for one month from the date of the public notice.

- (5) When a prefectural governor has given public notice pursuant to the provisions of the preceding paragraph, the governor must, without delay, notify the mayors of municipalities concerning the maintenance of the living environment related to the establishment of the industrial waste management facility to that effect, and listen to the opinions of the mayors of municipalities concerned from the viewpoint of preserving the living environment within a period of time designated by the governor.
- (6) When a public notice pursuant to the provisions of paragraph (4) has been posted, a person who has an interest in the establishment of the industrial waste management facility may submit a written opinion to the prefectural governor from the viewpoint of maintaining the living environment within two weeks from the day following the expiration date of the public inspection period in the paragraph .

(Criteria for Permission)

Article 15-2 (1) The prefectural governor must not grant the permission set forth in paragraph (1) of the preceding Article unless the governor finds that the application for the permission set forth in the paragraph conforms to all of the following items:

- (i) the plan for the establishment of the industrial waste management facility conforms to the technical standards specified by Order of the Ministry of the Environment;
 - (ii) the plan for the establishment of the industrial waste management facility and the plan for its maintenance and management give due consideration to the maintenance of the living environment of the surrounding area related to the industrial waste management facility and the surrounding facilities specified by Order of the Ministry of the Environment;
 - (iii) the capacity of the applicant conforms to the standards specified by Order of the Ministry of the Environment for being capable of installing, maintaining, and managing the industrial waste management facility in accordance with the plan properly and on a continuous basis; and
 - (iv) the applicant does not fall under any of the provisions of Article 14, paragraph (5), item (ii), sub-items (a) through (f).
- (2) When a prefectural governor finds that the establishment of an industrial waste management facility related to an application for the permission set forth in paragraph (1) of the preceding Article makes it difficult to ensure the air quality standards due to an excessive concentration of solid waste management facilities or industrial waste management facilities, the governor may choose not to grant the permission set forth in the paragraph.
 - (3) When granting the permission set forth in paragraph (1) of the preceding Article (limited to the permission related to an industrial waste management

facility prescribed in paragraph (4) of the Article) a prefectural governor must listen in advance to the opinions of persons who have expert knowledge on the matters specified by Order of the Ministry of the Environment concerning the maintenance of the living environment with regard to the matters set forth in paragraph (1), item (ii).

- (4) Conditions necessary for the maintenance of the living environment may be attached to the permission referred to in paragraph (1) of the preceding article.
- (5) A person who has obtained the permission set forth in paragraph (1) of the preceding Article (hereinafter referred to as "establisher of an industrial waste management facility") must not use the industrial waste management facility related to the permission until the industrial waste management facility has undergone an inspection by the prefectural governor and has been found to be in conformity with the establishment plan described in the written application set forth in paragraph (2) of the Article related to the permission.

(Periodic Inspection)

Article 15-2-2 (1) The establisher of an industrial waste management facility (limited to persons who have obtained the permission set forth in Article 15, paragraph (1) for the industrial waste management facility prescribed in paragraph (4) of the Article) must, as provided for by Order of the Ministry of the Environment, undergo an inspection of the industrial waste management facility by the prefectural governor for each period specified by Order of the Ministry of the Environment.

- (2) The inspection set forth in the preceding paragraph is conducted in order to make certain whether the industrial waste management facility conforms to the technical standards prescribed in item (i) of paragraph (1) of the preceding Article.

(Maintenance of Industrial Waste Management Facilities)

Article 15-2-3 (1) The establisher of an industrial waste management facility must maintain and manage the industrial waste management facility in accordance with the technical standards specified by Order of the Ministry of the Environment and the maintenance and management plan described in the written application set forth in Article 15, paragraph (2) related to the permission granted to the industrial waste management facility (when the permission set forth in Article 15-2-6, paragraph (1) has been obtained for the plan, the revised plan; the same applies in the following paragraph).

- (2) The establisher of an industrial waste management facility (limited to persons who have obtained the permission set forth in Article 15, paragraph (1) for the industrial waste management facility prescribed in paragraph (4) of the Article) must, as prescribed by Order of the Ministry of the Environment,

publicize plans concerning the maintenance and management of the industrial waste management facility and the information concerning the status of the maintenance and management of the industrial waste management facility, as specified by Order of the Ministry of the Environment, via the Internet or by other appropriate means.

(Application Mutatis Mutandis)

Article 15-2-4 The provisions of Article 8-4 apply mutatis mutandis to the establisher of an industrial waste management facility (limited to those who have obtained the permission set forth in Article 15, paragraph (1) for the industrial waste management facility prescribed in paragraph (4) of the Article), and the provisions of Article 8-5 apply mutatis mutandis to a person who has obtained the permission set forth in the paragraph for a final disposal site for industrial waste that is an industrial waste management facility and is specified by Order of the Ministry of the Environment. In this case, in Article 8-4, the phrases "the municipal waste management facility related to the permission" and "the municipal waste management facility" are deemed to be replaced with "the industrial waste management facility"; in Article 8-5, paragraph (1), the phrase "final disposal site for specified municipal waste" is deemed to be replaced with "final disposal site for specified industrial waste", the phrase "final disposal site for municipal waste, which is a municipal waste management facility" is deemed to be replaced with "final disposal site of industrial waste, which is an industrial waste management facility", and the term "Article 8, paragraph (1)" is deemed to be replaced with "Article 15, paragraph (1)"; in paragraphs (4) and (5) of the Article, the phrase "final disposal site for specified municipal waste" is deemed to be replaced with "final disposal site for specified industrial waste"; in paragraph (7) of the Article, the phrase "Article 9-5, paragraph (3), Article 9-6, paragraph (1) or Article 9-7, paragraph (1)" is deemed to be replaced with "Article 9-5, paragraph (3), Article 9-6, paragraph (1) or Article 9-7, paragraph (1) as applied mutatis mutandis pursuant to Article 15-4", and "Article 8, paragraph (1)" is deemed to be replaced with "Article 15, paragraph (1)."

(Special Provisions Regarding the Establishment of a Municipal Waste Management Facility Related to the Establisher of the Industrial Waste Management Facility)

Article 15-2-5 (1) Notwithstanding the provisions of Article 8, paragraph (1), when an establisher of an industrial waste management facility intends to treat municipal waste specified by Order of the Ministry of the Environment as having the same properties as the industrial waste to be treated at the industrial waste management facility, and has notified the prefectural

governor in advance, pursuant to the provisions of Order of the Ministry of the Environment, of the type of municipal waste to be managed at the management facility and other matters specified by Order of the Ministry of the Environment, the establisher may treat the municipal waste at the management facility without obtaining the permission referred to in the paragraph.

- (2) In the case prescribed in the preceding paragraph, when managing the waste set forth in the paragraph as an emergency measure necessary due to an extraordinary disaster, it is sufficient to send without delay a notice to that effect and including the matters prescribed in the paragraph after the commencement of the management, notwithstanding the provisions of the paragraph.

(Permission for Changes)

Article 15-2-6 (1) When an establisher of an industrial waste management facility intends to change any of the matters set forth in Article 15, paragraph (2), items (iv) through (vii) related to the permission, the establisher must obtain a permission from the prefectural governor pursuant to the provisions of Order of the Ministry of the Environment; provided, however, that this does not apply when the change is a minor change specified by Order of the Ministry of the Environment.

- (2) The provisions of Article 15, paragraphs (3) through (6) and Article 15-2, paragraphs (1) through (4) apply mutatis mutandis to the permission set forth in the preceding paragraph, and the provisions of paragraph (5) of the Article apply mutatis mutandis to the person who has obtained the permission set forth in the preceding paragraph.

- (3) The provisions of Article 9, paragraphs (3) through (7) apply mutatis mutandis to an establisher of an industrial waste management facility. In this case, in paragraph (3) of the Article, the phrase "the proviso to paragraph (1)" is deemed to be replaced with "the proviso to Article 15-2-6, paragraph (1)", the phrase "paragraph (2), item (i) of the Article" is deemed to be replaced with "Article 15, paragraph (2), item (i)", the phrase "the municipal waste management facility related to the permission" is deemed to be replaced with "the industrial waste management facility", the phrase "of municipal waste" is deemed to be replaced with "of industrial waste", and the term "municipal waste management facility" is deemed to be replaced with "industrial waste management facility"; in paragraphs (4) and (5) of the Article, the phrase "municipal waste management facility related to the permission" is deemed to be replaced with "the industrial waste management facility", and the phrase "of municipal waste" is deemed to be replaced with "of industrial waste"; in paragraph (6) of the Article, the phrase "Article 7, paragraph (5), item (iv), (b)

through (g) or (i) through (k) (excluding those listed in (i) to (k) of the item that pertain to (a) or (h) of the item" is deemed to be replaced with "Article 14, paragraph (5), item (ii), (a) (excluding those related to paragraph (5), item (iv), (a) or (h) of the preceding Article) or Article 14, paragraph (5), item (ii), (c) to (e) (excluding those related to paragraph (5), item (iv), (a) or (h) of the preceding Article, or Article 14, paragraph (5), item (ii), (b))"; and in paragraph (7) of the Article, the term "Article 7, paragraph (5), item (iv), sub-item (i)" is deemed to be replaced with "Article 14, paragraph (5), item (ii), sub-item (c)", the term "(j) of the same sub-item" is deemed to be replaced with "(d) of the same sub-item," and "(k) of the same sub-item" is deemed to be replaced with "(e) of the same sub-item", and "(a) of the same sub-item" is deemed to be replaced with "(a) of the same sub-item (limited to those related to Article 7, paragraph (5), item (iv), sub-item (a))".

(Orders for Improvement)

Article 15-2-7 When any of the following items is relevant, the prefectural governor may specify a time limit and order an establisher of an industrial waste management facility (including a municipal waste management facility when the management facility has been established as a municipal waste management facility pursuant to the provisions of Article 15-2-5; hereinafter the same applies in this Article) to make necessary improvements to the industrial waste management facility, or may specify a time limit and order the suspension of the use of the industrial waste management facility:

- (i) when it is realized that the structure or maintenance of the industrial waste management facility related to the permission set forth in Article 15, paragraph (1) does not conform to the technical standards prescribed in Article 15-2, paragraph (1), item (i) or Article 15-2-3, paragraph (1), or the establishment plan or maintenance plan (when the permission set forth in paragraph (1) of the preceding Article is obtained for these plans, the revised plan) stated in the written application set forth in Article 15, paragraph (2) related to the permission for the industrial waste management facility;
- (ii) when it is realized that the competence of the establisher of an industrial waste management facility does not conform to the standards specified by Order of the Ministry of the Environment prescribed in Article 15-2, paragraph (1), item (iii);
- (iii) when the establisher of an industrial waste management facility has committed a violation, or has demanded, requested, or instigated another person to commit a violation, or has aided another person in committing a violation;
- (iv) when the establisher of an industrial waste management facility violates the conditions attached to the permission pursuant to the provisions of

Article 15-2, paragraph (4) (including cases where applied mutatis mutandis pursuant to paragraph (2) of the preceding Article).

(Rescission of Permission)

Article 15-3 (1) The prefectural governor must rescind the permission set forth in Article 15, paragraph (1) related to an industrial waste management facility if it falls under any of the following items:

- (i) when the establisher of an industrial waste management facility falls under any of (a) through (f) of Article 14, paragraph (5), item (ii);
- (ii) when it comes to fall under item (iii) of the preceding Article and the circumstances are particularly serious, or when it violates a ruling pursuant to the provisions of the Article; or
- (iii) when the permission set forth in Article 15, paragraph (1) or the permission for change set forth in Article 15-2-6, paragraph (1) is obtained by wrongful means.

(2) When an industrial waste management facility falls under any of items (i), (ii) or (iv) of paragraph (1) of the preceding Article, or when the establisher of a final disposal site for specified industrial waste does not set aside the maintenance and management reserve fund pursuant to the provisions of Article 8-5, paragraph (1) as applied mutatis mutandis pursuant to Article 15-2-4 following the deemed replacement of terms, the prefectural governor may rescind the permission set forth in Article 15, paragraph (1) related to the industrial waste management facility.

(Measures Accompanying Rescission of Permission)

Article 15-3-2 (1) When a person who has obtained the permission set forth in Article 15, paragraph (1) for a final disposal site for industrial waste that is an industrial waste management facility has had the permission rescinded pursuant to the provisions of the preceding Article, the person whose permission is rescinded (referred to as "former establisher, etc." in the following paragraph) or the successor is deemed to be the establisher of the industrial waste management facility with regard to the application of the provisions of Article 15-2-2, paragraph (1), Article 15-2-3, Article 8-4 as applied mutatis mutandis pursuant to Article 15-2-4 following the deemed replacement of terms, Article 15-2-7, Article 9-4 as applied mutatis mutandis pursuant to Article 15-4 following the deemed replacement of terms, Article 18, paragraph (1), Article 19, paragraph (1), and Article 21 (including penal provisions related to these provisions), and is deemed to be the establisher prescribed in Article 21-2, paragraph (1) with regard to the application of the provisions of the paragraph (including penal provisions related to the provisions of the paragraph), until the confirmation pursuant to the following paragraph is

obtained.

- (2) The former establisher, etc. may abolish the final disposal site, as provided by Order of the Ministry of the Environment, only when it receives confirmation from the prefectural governor in advance that the status of the final disposal site conforms to the technical standards prescribed in Article 9, paragraph (5) as applied mutatis mutandis pursuant to Article 15-2-6, paragraph (3) following the deemed replacement of terms.

(Special Provisions for Industrial Waste Management Facilities with Heat Recovery Function)

Article 15-3-3 (1) A person who has in place an industrial waste management facility related to the permission set forth in Article 15, paragraph (1) equipped with a heat recovery function (hereinafter referred to as "heat recovery facility" in this Article) may obtain certification from the prefectural governor with regard to conformity to all of the following items pursuant to the provisions of Order of the Ministry of the Environment:

(i) the heat recovery facility conforms to the technical standards specified by Order of the Ministry of the Environment;

(ii) the applicant's capability conforms to the standards specified by Order of the Ministry of the Environment as being sufficient to carry out the heat recovery function properly on a continuous basis.

- (2) Unless the certification set forth in the preceding paragraph is renewed for each period as specified by Order of the Ministry of the Environment it ceases to be effective when the relevant period has elapsed.

(3) Notwithstanding the provisions of Article 12, paragraph (1), Article 12-2, paragraph (1), Article 14, paragraph (12), and Article 14-4, paragraph (12), a person who has received the certification set forth in paragraph (1) (hereinafter referred to as "certified heat recovery facility establisher" in this Article) may dispose of industrial waste at the heat recovery facility related to the certification in accordance with the standards specified by Cabinet Order. In this case, the phrase "storage, collection, transport, or disposal of industrial waste" in Article 19-3, item (ii) and Article 19-5, paragraph (1) is deemed to be replaced with "storage, collection, transport, or disposal of industrial waste (in the case of disposal of industrial waste at the heat recovery facility related to the certification set forth in Article 15-3-3, paragraph (1), disposal of industrial waste that does not conform to the standards prescribed in paragraph (3) of the Article)."

- (4) The provisions of Article 15-2-2 do not apply to a certified heat recovery facility establisher.

(5) When a prefectural governor realizes that a certified heat recovery facility establisher has ceased to conform to any of the items of paragraph (1), the

prefectural governor may rescind the certification.

- (6) Beyond what is provided for in the preceding paragraphs, necessary matters concerning the certification set forth in paragraph (1) are specified by Cabinet Order.

(Application Mutatis Mutandis)

Article 15-4 The provisions of Article 9-4 apply mutatis mutandis to the establisher of an industrial waste management facility, and the provisions of Article 9-5 to Article 9-7 apply mutatis mutandis to an industrial waste management facility. In this case, the term "municipal waste management facility" in Article 9-4 is deemed to be replaced with "industrial waste management facility"; the term "Article 8, paragraph (1)" in Article 9-5, paragraph (1) is deemed to be replaced with "Article 15, paragraph (1)"; and the term "Article 8-2, paragraph (1)" in paragraph (2) of the Article and Article 9-6, paragraph (2) is deemed to be replaced with "Article 15-2, paragraph (1)".

Section 6 Special Provisions on Industrial Waste Management

(Special Provisions for Recycling and Utilization of Industrial Waste)

Article 15-4-2 (1) A person who carries out or intends to carry out the recycling and utilization of industrial waste specified by Order of the Ministry of the Environment may obtain certification from the Minister of the Environment with regard to compliance with all of the following items as provided for by Order of the Ministry of the Environment:

- (i) the content of the recycling and utilizing conforms to the standards specified by Order of the Ministry of the Environment as causing no interference with the maintenance of the living environment;
- (ii) the person who carries out or intends to carry out the recycling and utilization conforms to the standards specified by Order of the Ministry of the Environment; and
- (iii) the facilities to be used for recycling and utilization that the person prescribed in the preceding item has established or intends to establish conform to the standards specified by Order of the Ministry of the Environment.

(2) A person who intends to obtain the certification set forth in the preceding paragraph must, as provided for by Order of the Ministry of the Environment, submit to the Minister of the Environment an application form that contains the following matters and other documents specified by Order of the Ministry of the Environment:

- (i) the name and address of the applicant, and in the case of a corporation, the name of its representative; and

(ii) the facility used for the recycling and utilizing.

(3) The provisions of Article 9-8 paragraph (3) apply mutatis mutandis to the certification set forth in paragraph (1); the provisions of paragraphs (4) through (6) of the Article apply mutatis mutandis to the person who has obtained the certification set forth in paragraph (1); the provisions of paragraph (7) of the Article apply mutatis mutandis to the certification of changes set forth in paragraph (6) of the Article as applied mutatis mutandis pursuant to this paragraph following the deemed replacement of terms; the provisions of paragraph (8) of the Article apply mutatis mutandis to a person who has obtained the certification set forth in paragraph (1); the provisions of paragraph (9) of the Article apply mutatis mutandis to the certification set forth in paragraph (1); and the provisions of paragraph (10) of the Article apply mutatis mutandis to the certification set forth in paragraph (1) and the certification of changes set forth in paragraph (6) of the Article as applied mutatis mutandis pursuant to this paragraph following the deemed replacement of terms. In this case, in paragraph (4) of the Article, "Article 7, paragraph (1) or paragraph (6), or Article 8, paragraph (1)" is deemed to be replaced with "Article 14, paragraph (1) or paragraph (6), or Article 15, paragraph (1)", the term "of municipal waste" is deemed to be replaced with "of industrial waste", and the term "municipal waste management facility" is deemed to be replaced with "industrial waste management facility"; in paragraph (5) of the Article, "Article 7, paragraphs (13), (15), and (16)" is deemed to be replaced with "Article 14, paragraphs (12), (15), and (17)", the terms "municipal waste collection and transport service contractor", "municipal waste disposal service contractor", and "municipal waste management facility" are deemed to be replaced with "industrial waste collection and transport service contractor", "industrial waste disposal service contractor", and "industrial waste management facility", respectively; in paragraph (6) of the Article, "paragraph (2), item (ii)" is deemed to be replaced with "Article 15-4-2, paragraph (2), item (ii)"; in paragraph (7) of that Article, "paragraph (1), item (iii)" is deemed to be replaced with "Article 15-4-2, paragraph (1), item (iii)"; and Cabinet Order provides for the necessary technical replacement of terms in those provisions.

(Special Provisions for Cross-Regional Management of Industrial Waste)

Article 15-4-3 (1) A person who carries out or intends to carry out industrial waste management for wider areas specified by Order of the Ministry of the Environment (including a person who carries out or intends to carry out the management by entrusting it to another person) may obtain certification from the Minister of the Environment with regard to compliance with all of the following items as provided by Order of the Ministry of the Environment:

- (i) the content of the management complies with the standards specified by Order of the Ministry of the Environment as contributing to the reduction of industrial waste and ensuring the proper management of industrial waste;
 - (ii) the person who carries out or intends to carry out the management (including a person who carries out or intends to carry out the management as entrusted by the person; the same applies in item (ii) of the following paragraph) conforms to the standards specified by Order of the Ministry of the Environment; and
 - (iii) the person prescribed in the preceding item has a facility that conforms to the standards specified by Order of the Ministry of the Environment.
- (2) A person who intends to obtain the certification set forth in the preceding paragraph must submit to the Minister of the Environment an application form that contains the following matters and other documents specified by Order of the Ministry of the Environment as provided for by Order of the Ministry of the Environment:
- (i) the name and address of the applicant, and in the case of a corporation, the name of its representative;
 - (ii) the person who carries out or intends to carry out the management related to the approval and the facilities to be used for the management.
- (3) The provisions of Article 9-9, paragraph (3) apply mutatis mutandis to the certification set forth in paragraph (1); the provisions of paragraphs (4) and (5) of the Article apply mutatis mutandis to a person who has received the certification set forth in paragraph (1) (including a person (limited to a person prescribed in item (ii) of the preceding paragraph) who is entrusted by the person to conduct the management related to the certification as a business); the provisions of paragraph (6) of the Article apply mutatis mutandis to a person who has received the certification set forth in paragraph (1); the provisions of paragraph (7) of the Article apply mutatis mutandis to the certification of changes set forth in paragraph (6) of the Article as applied mutatis mutandis pursuant to this paragraph following the deemed replacement of terms; the provisions of paragraphs (8) and (9) of the Article apply mutatis mutandis to a person who has received the certification set forth in paragraph (1); the provisions of paragraph (10) of the Article apply mutatis mutandis to the certification set forth in paragraph (1); the provisions of paragraph (11) of the Article apply mutatis mutandis to the certification set forth in paragraph (1) and the certification of changes set forth in paragraph (6) of the Article as applied mutatis mutandis pursuant to this paragraph following the deemed replacement of terms. In this case, in paragraph (4) of the Article, "Article 7, paragraph (1) or paragraph (6)" is deemed to be replaced with "Article 14, paragraph (1) or paragraph (6), or Article 14-4, paragraph (1) or paragraph (6)", the term "municipal waste" is deemed to be replaced with

"industrial waste or specially controlled industrial waste"; in paragraph (5) of the Article, "Article 7, paragraphs (13), (15), and (16), Article 7-5" is deemed to be replaced with "Article 14, paragraphs (12), (15), and (17), and Article 14-3-3, or Article 14-4, paragraphs (12), (15), (17), and (18), and Article 14-7", the terms "municipal waste collection and transport service contractor or municipal waste disposal service contractor" is deemed to be replaced with "industrial waste collection and transport service contractor or industrial waste disposal service contractor, or specially controlled industrial waste collection and transport service contractor or specially controlled industrial waste disposal service contractor"; in paragraph (6) of that Article, "paragraph (2), item (ii)" is deemed to be replaced with "Article 15-4-3, paragraph (2), item (ii)"; and Cabinet Order provides for the necessary technical replacement of terms in those provisions.

(Special Provisions for Detoxification of Industrial Waste)

Article 15-4-4 (1) A person who carries out or intends to carry out the detoxification of industrial waste containing asbestos or other municipal waste specified by Order of the Ministry of the Environment as having properties that are likely to cause damage related to human health or living environment applying advanced technology may obtain certification from the Minister of the Environment regarding the conformity to all of the following items, pursuant to the provisions of Order of the Ministry of the Environment:

(i) the content of the detoxification conforms to the standards specified by Order of the Ministry of the Environment as helping to ensure the prompt and safe management of industrial waste;

(ii) the person who carries out or intends to carry out the detoxification conforms to the standards specified by Order of the Ministry of the Environment; and

(iii) the facility to be used for the detoxification that the person prescribed in the preceding item has established or intends to establish conforms to the standards specified by Order of the Ministry of the Environment.

(2) A person who intends to obtain the certification set forth in the preceding paragraph must submit to the Minister of the Environment a written application stating the following matters, as prescribed by Order of the Ministry of the Environment:

(i) the name and address of the applicant, and in the case of a corporation, the name of its representative;

(ii) the site where the facility to be used for detoxification is to be built;

(iii) the type of facility to be used for detoxification;

(iv) the type of industrial waste to be processed at the facility to be used for detoxification;

- (v) the management capacity of the facility to be used for detoxification;
 - (vi) a plan concerning the facility for detoxification such as its location, structure, etc.;
 - (vii) a plan concerning the maintenance and management of the facility to be used for detoxification; and
 - (viii) other matters specified by Order of the Ministry of the Environment.
- (3) The provisions of Article 8-4 apply mutatis mutandis to a person who has received the certification set forth in paragraph (1); the provisions of Article 9-10, paragraph (3) apply mutatis mutandis to the certification set forth in paragraph (1); the provisions of paragraphs (4) through (6) of the Article apply mutatis mutandis to a person who has received the certification set forth in paragraph (1); and the provisions of paragraphs (7) and (9) of the Article, the main clause of Article 15, paragraph (3), and paragraphs (4) through (6) of the Article apply mutatis mutandis to the certification pursuant to paragraph (1). In this case, in Article 8-4, the term "municipal waste management facility related to the permission" is deemed to be replaced with "facility related to the permission", the term "the municipal waste management facility" is deemed to be replaced with "the facility"; in Article 9-10, paragraph (4), "Article 7, paragraph (1) or paragraph (6), or Article 8, paragraph (1)" is deemed to be replaced with "Article 14, paragraph (1) or paragraph (6), Article 14-4, paragraph (1) or paragraph (6), or Article 15, paragraph (1)", the term "of municipal waste" is deemed to be replaced with "of industrial waste or specially-controlled industrial waste", the term "municipal waste management facility" is deemed to be replaced with "industrial waste management facility"; in paragraph (5) of the Article, "Article 7, paragraphs (13), (15), and (16)" is deemed to be replaced with "Article 14, paragraphs (12), (15), and (17), or Article 14-4, paragraphs (12), (15), and (18)", the terms "municipal waste collection and transport service contractor or municipal waste disposal service contractor" is deemed to be replaced with "industrial waste collection and transport service contractor or industrial waste disposal service contractor, or specially controlled industrial waste collection and transport service contractor or specially controlled industrial waste disposal service contractor"; in paragraph (6) of the Article, the term "paragraph (2), item (i)" is deemed to be replaced with "Article 15-4-4, paragraph (2), item (i)"; in the main clause of Article 15, paragraph (3), the term "the preceding paragraph" is deemed to be replaced with "Article 15-4-4, paragraph (2)"; in paragraph (4) of the Article, the phrase "for an industrial waste management facility (limited to those specified by Cabinet Order), the prefectural governor" is deemed to be replaced with "the Minister of the Environment may", "paragraph (2), item (i)" is deemed to be replaced with "Article 15-4-4, paragraph (2), item (i)", the phrase "documents set forth in the preceding paragraph (in the case prescribed in the

proviso to the paragraph, the written application set forth in paragraph (2))" is deemed to be replaced with "documents"; in paragraph (5) of the Article, the term "prefectural governors" is deemed to be replaced with "Minister of the Environment", the term "mayors of municipalities" is deemed to be replaced with "prefectural governors and mayors of municipalities"; in paragraph (6) of the Article, the term "the prefectural governors" is deemed to be replaced with "the Minister of the Environment", and Cabinet Order provides for the necessary technical replacement of terms in those provisions.

Section 7 Import and Export of Industrial Waste

(Permission to Import)

- Article 15-4-5 (1) A person who intends to import waste (excluding navigational waste and accompanied waste; the same applies in paragraph (3)) must obtain permission from the Minister of the Environment.
- (2) The provisions of the preceding paragraph do not apply to the national government or other persons specified by Order of the Ministry of the Environment.
- (3) Unless the Minister of the Environment recognizes that the application for the permission set forth in paragraph (1) conforms to the following items, they must not grant the permission set forth in the paragraph:
- (i) the waste to be imported (hereinafter referred to as "foreign waste") is found to be managed properly in Japan in light of the facilities and technology for management of foreign waste in Japan;
 - (ii) the applicant is deemed to be capable of properly managing foreign waste either by themselves or by entrusting it to another person; and
 - (iii) if an applicant intends to entrust the disposal of the foreign waste to another person, it is recognized that there are reasonable grounds for disposing of the foreign waste in Japan.
- (4) Conditions necessary for the maintenance of the living environment may be attached to the permission referred to in paragraph (1).

(Special Provisions for Persons Who Have Imported Foreign Waste)

Article 15-4-6 With regard to the application of the provisions of Article 11, paragraph (1), Article 12, paragraphs (1) through (7), Article 12-2, paragraphs (1) through (7), and Article 19-6, paragraph (1) (including penal provisions related to these provisions), a person who has imported foreign waste (excluding companies) is deemed to be a contractor.

(Application Mutatis Mutandis)

Article 15-4-7 (1) The provisions of Article 10 apply mutatis mutandis to a

person who intends to export industrial waste. In this case, the term "municipality" in paragraph (1), item (iv) of the Article is deemed to be replaced with "contractor (limited to those who export the industrial waste on their own)", and Cabinet Order provides for the necessary technical replacement of terms in connection with the provisions of that Article.

- (2) The provisions of Article 12-3, paragraph (1) and Article 12-5, paragraphs (1) and (2) apply mutatis mutandis to a person who has imported foreign waste (excluding companies that generate industrial waste in the course of their business activities).

Chapter III-2 Waste Management Center

(Designation)

Article 15-5 (1) The Minister of the Environment may, upon application, designate as a waste management center (hereinafter referred to as "center") a corporation (limited to those specified by Cabinet Order) that has been established for the purpose of helping to ensure the appropriate and cross-regional management of waste and that is invested or contributed by the national government or a local public entity, or any other corporation specified by Cabinet Order as being equivalent thereto, or an appointed contractor prescribed in Article 2, paragraph (5) of the Act on Promotion of Private Finance Initiative (Act No. 117 of 1999), which is recognized to be capable of properly and reliably performing the functions prescribed in the following Article.

- (2) When the Minister of the Environment has designated a center pursuant to the provisions of the preceding paragraph, the Minister must give public notice of the name, address, and location of the office of the center.
- (3) When the center intends to change its name, address, or the location of its office, it must notify the Minister of the Environment to that effect in advance.
- (4) The Minister of the Environment must give public notice of the matters related to the notification upon receiving a notification pursuant to the provisions of the preceding paragraph.

(Operations)

Article 15-6 The center is to conduct all or part of the following operations pursuant to the provisions of Order of the Ministry of the Environment:

- (i) manage specially controlled municipal waste, as well as construct, improve, and maintain facilities and conduct other management for conducting the management as commissioned by municipalities;
- (ii) manage the municipal waste pursuant to the provisions of Article 6-3, paragraph (1) as well as construct, improve, and maintain facilities and

- conduct other management as commissioned by municipalities;
- (iii) manage municipal waste as well as construct, improve, and maintain facilities and conduct other management for conducting the management as commissioned by municipalities (excluding the operations listed in the preceding two items);
- (iv) manage specially controlled industrial waste as well as construct, improve, and maintain facilities and conduct other management for conducting the management;
- (v) manage industrial waste as well as construct, improve, and maintain facilities and conduct other management for conducting the management (excluding the operations listed in the preceding item);
- (vi) perform services incidental to those listed in the preceding items.

(Funds)

- Article 15-7 (1) The center is to establish a fund for the operations listed in items (ii), (iv), and (v) of the preceding Article, and allocate the total amount of money contributed by the contractors, etc. on the condition that it is allocated to the expenses required for all or part of these services.
- (2) With regard to the contributions to the fund prescribed in the preceding paragraph, the Minister of the Environment is to endeavor to request necessary cooperation from the contractors, etc. prescribed in the paragraph through the minister having jurisdiction over the contractors, etc.

(Operation Plans)

- Article 15-8 (1) Pursuant to the provisions of Order of the Ministry of the Environment a center must prepare a business plan and an income and expenditure budget for each fiscal year and submit them to the Minister of the Environment. The same applies when the center intends to revise the operational rules.
- (2) Pursuant to Order of the Ministry of the Environment the center must prepare a business report and an income and expenditure settlement document and submit them to the Minister of the Environment after the end of each fiscal year.

(Separate Accounting)

- Article 15-9 With regard to the following operations, the center must separate the accounting for each operation and prepare and keep accounts for each operation:
- (i) operations listed in Article 15-6, items (i) and (iii), and operations incidental to them;
 - (ii) operations listed in Article 15-6, item (ii), and operations incidental to

them; and
(iii) operations listed in Article 15-6, items (iv) and (v), and operations incidental to them.

(Fees)

Article 15-10 The center is to collect fees in an amount not less than the reasonable costs under efficient management regarding the establishment of the industrial waste management facilities and management of industrial waste.

Article 15-11 Deleted

(Disposition of Assets)

Article 15-12 (1) Methods of management and disposition of property related to a final disposal site for industrial waste to be constructed by the center under entrustment from municipalities pursuant to the provisions of Article 15-6 (limited to those for water surface reclamation with municipal waste) and other matters necessary for the management and disposal of the property are specified by Cabinet Order.

(2) When the property set forth in the preceding paragraph has been disposed of within the period specified by Cabinet Order, if there remains any residual after deducting the amount of expenses specified by Cabinet Order from the disposal value, pursuant to the provisions of Cabinet Order, the remaining surplus is distributed to the persons who have personally borne the expenses required for the construction or improvement work at the final disposal site and the persons who have provided subsidies. The same applies when the property is managed beyond the period and there remains any residual after deducting the amount of expenses specified by Cabinet Order from the appraised value of the property as of the expiration of the period.

(Reports and Inspections)

Article 15-13 (1) The Minister of the Environment may, to the extent necessary for ensuring the proper operation of the services listed in the items of Article 15-6, have the center make necessary reports on the status of the operations or assets, or have officials of the Ministry of Economy, Trade and Industry enter the office of the center and inspect the status of the operations or books and documents or other articles.

(2) An official who enters and inspects pursuant to the provisions of the preceding paragraph must carry a certificate of identification and present it to the persons concerned.

(3) The authority to conduct on-site inspections pursuant to the provisions of

paragraph (1) must not be construed as having been granted for the purposes of criminal investigation.

(Supervision Order)

Article 15-14 To the extent necessary for the enforcement of the provisions of this Chapter, the Minister of the Environment may issue to the center orders necessary for the supervision of the operations listed in the items of Article 15-6.

(Rescission of the Designation)

Article 15-15 (1) If the center falls under any of the following items, the Minister of the Environment may rescind the designation pursuant to Article 15-5, paragraph (1) (hereinafter referred to as "designation" in this Article):

- (i) when it is found to be unable to perform the operations listed in the items of Article 15-6 in a proper and reliable manner;
- (ii) when there has been a wrongful act with regard to the designation; or
- (iii) when it violates the provisions of this Chapter or an order or disposition based on those provisions.

(2) When the Minister of the Environment has rescinded a designation pursuant to the provisions of the preceding paragraph, the Minister must give public notice to that effect.

(Affairs Performed by Prefectural Governors)

Article 15-16 Part of the affairs under the authority of the Minister of the Environment prescribed in this Chapter may be undertaken by prefectural governors, pursuant to the provisions of Cabinet Order.

Chapter III-3 Changes to the Form or Nature of Land Where Waste Is Underground

(Designation of Designated Areas)

Article 15-17 (1) A prefectural governor is to designate, as a designated area, an area of land where waste is located underground and which is specified by Cabinet Order as being likely to hinder the maintenance of the living environment arising from the waste due to the excavation of the land or any other change in the form or nature of the land.

(2) When a prefectural governor makes the designation set forth in the preceding paragraph, the governor must give public notice to that effect pursuant to the provisions of Order of the Ministry of the Environment.

(3) The designation set forth in paragraph (1) becomes effective upon the public notice referred to in the preceding paragraph.

- (4) When a prefectural governor finds that the grounds for the designation set forth in paragraph (1) for all or part of the designated area have ceased to exist as a result of the removal, etc. of underground waste, the governor is to cancel the designation set forth in the paragraph for all or part of the designated area.
- (5) The provisions of paragraphs (2) and (3) apply mutatis mutandis to the cancellation set forth in the preceding paragraph.

(Designated Area Registry)

Article 15-18 (1) A prefectural governor must prepare and store a registry of designated areas (hereinafter referred to as "designated area registry" in this Article).

- (2) Matters to be stated in the designated area registry and other necessary matters concerning the preparation and storage thereof are specified by Order of the Ministry of the Environment.
- (3) When a prefectural governor receives a request to inspect the designated area registry, the governor may not refuse the request without justifiable grounds.

(Notifications of Changes to the Form or Nature of Land and Orders to Change Plans)

Article 15-19 (1) Pursuant to the provisions of Order of the Ministry of the Environment a person who intends to make changes to the form or nature of land in a designated area must notify the prefectural governor of the types of changes to the form or nature of the land, the location, the implementation method, the scheduled start date, and other matters specified by Order of the Ministry of the Environment no later than 30 days prior to the day on which the changes to the form or nature of land are to be commenced; provided, however, that this does not apply to the acts listed in the following items:

- (i) an act conducted as measures including removing hindrance prescribed in Article 19-4, paragraph (1) based on an order pursuant to Article 19-11, paragraph (1);
- (ii) ordinary administrative activities, minor activities, and other activities specified by Order of the Ministry of the Environment;
- (iii) an act that had already commenced at the time when the designated area was designated; or
- (iv) an act carried out as emergency measure necessitated by an extraordinary disaster.
- (2) A person who had already started making changes to the form or nature of land in a designated area at the time when the designated area was designated must notify the prefectural governor to that effect within 14 days from the date of designation, pursuant to the provisions of Order of the Ministry of the Environment.

- (3) A person who has made a change to the form or nature of land in a designated area as a necessary emergency measure in response to an extraordinary disaster must notify the prefectural governor to that effect within 14 days from the date of the change to the form or nature of land, as provided for by Order of the Ministry of the Environment.
- (4) Upon receipt of a notification made pursuant to paragraph (1), when a prefectural governor finds that the method of implementing the change to the form or nature of land to which the notification pertains fails to conform to the standards specified by Order of the Ministry of the Environment, the governor may order the person who has made the notification to change the plan concerning the method of implementing the change to the form or nature of land to which the notification pertains within 30 days from the date of receipt of the notification.

Chapter IV Miscellaneous Provisions

(Prohibition of Dumping)

Article 16 It is prohibited for any person to dump waste without due cause.

(Prohibition of Incineration)

Article 16-2 It is prohibited for any person to incinerate waste, except in the following cases:

- (i) incineration of waste carried out in accordance with the municipal waste management standards, the specially controlled municipal waste management standards, the industrial waste management standards or the specially controlled industrial waste management standards;
- (ii) incineration of waste carried out pursuant to other laws and regulations or dispositions based on them; or
- (iii) incineration of waste that is unavoidable in the public interest or in light of social custom, or incineration specified by Cabinet Order as incineration of waste that has only a minor impact on the living environment of the surrounding area.

(Prohibition of Management of Designated Hazardous Waste)

Article 16-3 It is prohibited for any person to store, collect, transport, or dispose of waste specified by Cabinet Order as having properties that are likely to cause serious damage to human health or the living environment (hereinafter referred to as "designated hazardous waste"), except by the following methods:

- (i) store, collect, transport, or dispose of designated hazardous waste in accordance with the standards for storage, collection, transport, and disposal of designated hazardous waste specified by Cabinet Order; or

- (ii) store, collect, transport, or dispose (including recycling) of designated hazardous waste pursuant to other laws and regulations or dispositions based on them.

(Restrictions on the Use of Excreta)

Article 17 Excreta must not be used as a fertilizer unless the method conforms to the standards specified by Order of the Ministry of the Environment.

(Storage of Hazardous End-of-Life Equipment)

Article 17-2 (1) A person who intends to conduct the storage or disposal of equipment (excluding waste) that has been retired and collected, and is specified by Cabinet Order as having a considerable value as raw material and as being likely to cause damage to human health or the living environment if improperly stored or disposed of (hereinafter referred to as "hazardous end-of-life equipment" in this Article and Article 30, item (vi)) (excluding persons specified by Order of the Ministry of the Environment as being capable of properly storing hazardous end-of-life equipment; referred to as "hazardous end-of-life equipment storage business operator" in the following paragraph) as a business, must notify the prefectural governor who has jurisdiction over the area where the person intends to conduct the business to that effect in advance, pursuant to the provisions of Order of the Ministry of the Environment. The same applies when the person intends to change the notified matters.

- (2) A hazardous end-of-life equipment storage business operator must store or dispose of the hazardous end-of-life equipment in accordance with the standards for the storage and disposal of hazardous end-of-life equipment specified by Cabinet Order.
- (3) The provisions of paragraph (1) of the following Article, paragraphs (1), (3) and (4) of Article 19, Article 19-3 (excluding items (i) and (iii)), and paragraph (1) (excluding items (ii) through (iv)) and paragraph (2) of Article 19-5 apply mutatis mutandis to persons engaged in the storage or disposal of hazardous end-of-life equipment as a business.
- (4) When the minister intends to establish or amend an Order of the Ministry of the Environment that specifies the persons who are authorized to properly store the hazardous end-of-life equipment set forth in paragraph (1), the Minister of the Environment must consult in advance with the minister having jurisdiction over the equipment before it becomes hazardous end-of-life equipment.
- (5) The minister who has jurisdiction over the equipment before it becomes hazardous end-of-life equipment may, when the minister finds it necessary, request the Minister of the Environment to establish or amend an Order of the Ministry of the Environment that specifies a person who is authorized to

- properly store hazardous end-of-life equipment set forth in paragraph (1).
- (6) Beyond what is provided for in the preceding paragraphs, necessary matters concerning the storage or disposal of the hazardous end-of-life equipment are prescribed by Cabinet Order.

(Collection of Reports)

Article 18 (1) A prefectural governor or a mayor of municipality may, to the extent necessary for the enforcement of this Act, request a contractor, a person commercially engaged in the collection, transport, or disposal of municipal waste, industrial waste, or objects suspected to be municipal waste or industrial waste, an establisher of a municipal waste management facility (including the manager in the case of a municipal waste management facility established for the purpose of disposing of municipal waste pursuant to the provisions of Article 6-2, paragraph (1)), an establisher of an industrial waste management facility, an information processing center, the owner or possessor of the land specified by Cabinet Order set forth in Article 15-17, paragraph (1), or a person who has made changes to the form or nature of the land in a designated area or any other concerned person with the person who has made the changes, to make necessary reports concerning the storage, collection, transport, or disposal of waste or objects suspected to be waste, the structure or maintenance and management of the municipal waste management facility or industrial waste management facility, the conditions of the land specified by Cabinet Order set forth in the paragraph, or changes to the form or nature of the land in a designated area.

- (2) To the extent necessary for the enforcement of this Act the Minister of the Environment may request a person who has received the certification set forth in Article 9-8, paragraph (1) or Article 15-4-2, paragraph (1) (referred to as "certified recycling and utilizing business operator" in paragraph (2) of the following Article), a person who has received the certification set forth in Article 9-9, paragraph (1) or Article 15-4-3, paragraph (1) (referred to as "certified cross-regional management business operator" in paragraph (2) of the following Article), a person who has received the certification set forth in Article 9-10, paragraph (1) or Article 15-4-4, paragraph (1) (referred to as "certified detoxification business operator" in paragraph (2) of the following Article and Article 19-3), a person who intends to import or has imported foreign waste or materials suspected to be foreign waste, or a person who intends to export or has exported waste or materials suspected to be waste, to submit necessary reports concerning the collection, transport, or disposal related to the certification, the structure or maintenance of the facilities related to the certification, the import of foreign waste or material suspected to be foreign waste, or the export of waste or material suspected to be waste.

(On-Site Inspections)

Article 19 (1) To the extent necessary for the enforcement of this Act a prefectural governor or a mayor of municipality may have their officials enter the offices, workplaces, vehicles, vessels, or other locations of a contractor, a person commercially engaged in the collection, transport, or disposal of municipal waste, industrial waste, or materials suspected to be waste, and other persons concerned, as well as the land or buildings where municipal waste management facilities or industrial waste management facilities are located, or the land specified by Cabinet Order set forth in Article 15-17, paragraph (1), and inspect books and documents and other objects with regard to the storage, collection, transport, or disposal of waste or materials suspected to be waste, the structure or maintenance and management of the municipal waste management facility or industrial waste management facility, the conditions of the land specified by Cabinet Order set forth in the paragraph, or changes to the form or nature of the land in a designated area, or remove waste or materials suspected to be waste without compensation to the extent necessary for use in testing.

(2) The Minister of the Environment may, to the extent necessary for enforcing this Act, have the officials enter the offices, workplaces, vehicles, vessels, or any other locations of a certified recycling and utilizing business operator, certified cross-regional management business operator or a certified detoxification business operator, or land or buildings where a facility related to the certification set forth in Article 9-8, paragraph (1), Article 15-4-2, paragraph (1), Article 9-9, paragraph (1), Article 15-4-3, paragraph (1), Article 9-10, paragraph (1) or Article 15-4-4, paragraph (1) is located, or the offices, workplaces, or any other locations of a person who intends to import or has imported foreign waste or materials suspected to be foreign waste, or a person who intends to export or has exported waste or materials suspected to be waste, inspect books and documents and other materials with regard to the collection, transport, or disposal related to the certification, the structure or maintenance and management of facilities related to the certification, the import of foreign waste or materials suspected to be foreign waste or the export of waste or materials suspected to be waste outside Japan, or remove waste or materials suspected to be waste without compensation to the extent necessary for use in testing purposes.

(3) The official who enters and inspects pursuant to the provisions of the preceding two paragraphs must carry a certificate of identification and present it to the persons concerned.

(4) The authority to conduct on-site inspection pursuant to the provisions of paragraphs (1) and (2) must not be construed as having been granted for the

purpose of criminal investigation.

(Measures Related to Products)

Article 19-2 In order to ensure the proper management of waste, the Minister of the Environment may request the ministers who have jurisdiction over businesses that manufacture, process, sell products, etc. to have persons engaged in businesses under their jurisdiction display the materials of products, containers, etc. manufactured, processed, sold, etc. or their treatment methods, and to take other necessary measures.

(Orders for Improvement)

Article 19-3 In the cases set forth in the following items, , in order to ensure the implementation of appropriate management of municipal waste or industrial waste, the persons prescribed respectively in those items may order the person who has carried out the storage, collection, transport, or disposal (limited to contractors, municipal waste collection and transport service contractor, municipal waste disposal service contractor, industrial waste collection and transport service contractor, industrial waste disposal service contractor, specially controlled industrial waste collection and transport service contractor, specially controlled industrial waste disposal service contractor, certified detoxification business operators (hereinafter referred to as "contractor, etc." in this Article), and persons who have imported foreign waste (excluding the contractor, etc.)) to change the method of storage, collection, transport or disposal of the waste or take other necessary measures by a set deadline:

- (i) when a person to whom the municipal waste management standards (in the case of specially controlled municipal waste, the specially controlled municipal waste management standards) apply, has collected, transported, or disposed of municipal waste that does not conform to the standards (excluding the case set forth in item (iii)): the mayor of the municipality;
- (ii) when a person to whom the industrial waste management standards or the industrial waste storage standards (in the case of specially controlled industrial waste, the specially controlled industrial waste management standards or the specially controlled industrial waste storage standards) apply, has stored, collected, transported, or disposed of industrial waste that does not conform to the standards (excluding the case set forth in the following item): the prefectural governor; and
- (iii) when the collection, transport or disposal related to the certification of municipal waste or industrial waste that does not conform to the municipal waste management standards (in the case of specially controlled municipal waste, the specially controlled municipal waste management standards) or the industrial waste management standards (in the case of specially

controlled industrial waste, the specially controlled industrial waste management standards) have been carried out by a certified detoxification business operator: the Minister of the Environment.

(Order for Measures)

- Article 19-4 (1) If the collection, transport, or disposal of municipal waste that does not conform to the municipal waste management standards (in the case of specially controlled municipal waste, the specially controlled municipal waste management standards) has been conducted, and it is found that there is or is likely to be hindrance to the maintenance of the living environment, the mayor of the municipality (in the case set forth in item (iii) of the preceding Article, the Minister of the Environment; the same applies in Article 19-7), to the extent necessary, may order the person who has conducted the collection, transport, or disposal (excluding municipalities that have carried out the collection, transport, or disposal pursuant to the provisions of Article 6-2, paragraph (1), and including, when the collection, transport, or disposal has been carried out by entrustment in violation of the provisions of paragraph (6) or paragraph (7) of the Article or Article 7, paragraph (14), the person who made the entrustment; referred to as "disposer, etc." in paragraph (1) of the following Article and Article 19-7) to take necessary measures to eliminate hindrance or prevent it from occurring (hereinafter referred to as "measures including removing hindrance ") by a set deadline.
- (2) When issuing the order pursuant to the provisions of the preceding paragraph, a written order stating the matters specified by Order of the Ministry of the Environment must be delivered.

Article 19-4-2 (1) In the case prescribed in paragraph (1) of the preceding Article (limited to cases where the collection, transport, or disposal of municipal waste related to the certification set forth in Article 9-9, paragraph (1) has been conducted), if it is found that there is or is likely to be hindrance to the maintenance of the living environment and that it falls under all of the following items, the mayor of the municipality may order the person who has received the certification (excluding disposers, etc.; hereinafter referred to as "certified business operators") to take measures including removing hindrance by a set deadline. In this case, the measures including removing hindrance must be carried out within a reasonable scope in consideration of the properties and quantity of the municipal waste, the methods used for its collection, transport, or disposal, and other circumstances.

- (i) when it is difficult or not sufficient for the disposer, etc. alone to take measures including removing hindrance in consideration of the financial resources of the disposer, etc. and other circumstances; and

- (ii) when the certified business operator does not pay appropriate consideration for the management of the municipal waste related to the certification, when the certified business operator knew or could have known that the collection, transport or disposal would be carried out, or when it is appropriate to have the certified business operator take measures including removing hindrance in light of the purpose of the provisions of Article 9-9, paragraph (9).
- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to an order pursuant to the provisions of the preceding paragraph.

Article 19-5 (1) If industrial waste management standards or industry waste storage standards that do not conform to the industrial waste management standards or the industrial waste storage standards (in the case of specially-controlled industrial waste, the specially-controlled industrial waste management standards or the specially-controlled industrial waste storage standards) has been stored, collected, transported, or disposed of, and it is found that there is or is likely to be hindrance to the maintenance of the living environment, the prefectural governor (the Minister of the Environment or prefectural governor in the case set forth in Article 19-3, item (iii) and in cases where the person who has carried out the storage, collection, transport, or disposal is a person who has imported the industrial waste (including a person who has carried out the collection, transport, or disposal under entrustment from the person); the same applies in the following Article and Article 19-8), to the extent necessary, may order the following persons (referred to as "disposer, etc." in the following Article and Article 19-8) to take measure that includes removing the hindrance by a set deadline:

- (i) a person who has carried out the storage, collection, transport, or disposal (excluding municipalities or prefectures which have carried out the storage, collection, transport, or disposal as an administrative affair pursuant to the provisions of Article 11, paragraph (2) or paragraph (3));
- (ii) a person who has made an entrustment when the collection, transport, or disposal has been carried out based on the entrustment in violation of the provisions of Article 12, paragraph (5) or (6), Article 12-2, paragraph (5) or (6), Article 14, paragraph (16), or Article 14-4, paragraph (16);
- (iii) a person who falls under any of the following with regard to the obligations related to the control sheet (when an electronic data processing system is used, this includes obligations related to the use of them) related to the series of management processes from generation of the industrial waste to its disposal:
 - (a) a person who has failed to deliver the control sheet, failed to state the matters prescribed in Article 12-3, paragraph (1), or made a false entry in the control sheet in violation of the provisions of Article 12-3, paragraph

- (1) (including cases where applied mutatis mutandis pursuant to Article 15-4-7, paragraph (2); hereinafter the same applies in this (a));
- (b) a person who has failed to send a copy of the control sheet, sent a copy of the control sheet without entering the matters prescribed in the first sentence of the paragraph, or made a false entry in it in violation of the provisions of the first sentence of Article 12-3, paragraph (3);
- (c) a person who has failed to hand over the control sheet in violation of the provisions of the second sentence of Article 12-3, paragraph (3);
- (d) a person who has sent a copy of the control sheet without entering the matters prescribed in these provisions, or made a false entry in it in violation of the provisions of Article 12-3, paragraph (4) or (5) or Article 12-5, paragraph (6), failed to send a copy of the control sheet;
- (e) a person who has failed to retain the control sheet or a copy of it in violation of the provisions of Article 12-3, paragraph (2), (6), (9), or (10);
- (f) a person who has failed to take appropriate measures in violation of the provisions of Article 12-3, paragraph (8);
- (g) a person who has received the delivery of industrial waste in violation of the provisions of Article 12-4, paragraph (2);
- (h) a person who has sent or made a report in violation of the provisions of Article 12-4, paragraph (3) or (4);
- (i) a person who has made a false registration when making a registration pursuant to Article 12-5, paragraph (1) or (2) (including cases where these provisions are applied mutatis mutandis pursuant to Article 15-4-7, paragraph (2));
- (j) a person who has failed to make a report or made a false report in violation of Article 12-5, paragraph (3) or (4); or
- (k) a person who has failed to take appropriate measures in violation of the provisions of Article 12-5, paragraph (11).
- (iv) the general contractor (excluding a person who has entrusted the transport or disposal to another person) (excluding a person who has entrusted the transport or disposal to another person in violation of the provisions of Article 12, paragraph (5) or (6), Article 12-2, paragraph (5) or (6), Article 14, paragraph (16), or Article 14-4, paragraph (16)) prescribed in Article 21-3, paragraph (1) when the persons listed in the preceding three items are subcontractors prescribed in paragraph (2) of the Article;
- (v) a person who has demanded, requested, or incited the person who has carried out the storage, collection, transport, or disposal, or the persons listed in the preceding three items, to carry out the storage, collection, transport, or disposal or an act in violation of the provisions prescribed in the preceding three items (hereinafter referred to as "the disposal, etc."), or who has assisted the person in carrying out the disposal, etc.

(2) The provisions of Article 19-4, paragraph (2) apply mutatis mutandis to an order pursuant to the provisions of the preceding paragraph.

Article 19-6 (1) In the case prescribed in paragraph (1) of the preceding Article, when hindrance is caused or is likely to be caused to the maintenance of the living environment and the case is found to fall under all of the following items, the prefectural governor may order the contractor (if the industrial waste is intermediately treated industrial waste, the contractor and the intermediate management business operator for the series of management processes from generation of the industrial waste related to the industrial waste to its disposal, and if the collection, transport or disposal is collection, transport or disposal related to entrustment to a person who has obtained the certification set forth in Article 15-4-3, paragraph (1), the contractor related to the industrial waste and the person who has obtained the certification; excluding the disposer, etc.; hereinafter referred to as "generator, etc.") that has produced the industrial waste in the course of its business activities to take measures including removing hindrance by a set deadline. In this case, the measures including removing hindrance must be within a reasonable scope in consideration of the properties and quantity of the industrial waste, the methods used for its collection, transport, or disposal, and other circumstances.

(i) when it is difficult or not sufficient for the disposer, etc. alone to take measures including removing hindrance in consideration of the financial resources of the disposer, etc. and other circumstances; and

(ii) when generators, etc. do not pay appropriate consideration for the management of the industrial waste, when the generators, etc. know or could have known that the collection, transport, or disposal would be carried out, or when it is appropriate to have the generators, etc. take measures including removing hindrance in light of the purpose of the provisions of Article 9-9, paragraph (9) as applied mutatis mutandis pursuant to Article 12, paragraph (7), Article 12-2, paragraph (7), and Article 15-4-3, paragraph (3).

(2) The provisions of Article 19-4, paragraph (2) apply mutatis mutandis to an order pursuant to the provisions of the preceding paragraph.

(Measures Including Removing Hindrance to the Maintenance of the Living Environment)

Article 19-7 (1) In the case prescribed in Article 19-4, paragraph (1), when hindrance to the maintenance of the living environment has occurred or is likely to occur and the case is found to fall under any of the following items, the mayor of the municipality may implement all or some of the measures including removing hindrance. In this case, when it is found to fall under item (ii), a public notice must be given in advance to the effect that the measures

including removing hindrance should be taken within a reasonable period of time, and that if the measures including removing hindrance are not implemented during that period of time, the mayor of the municipality must personally implement the measures including removing hindrance and collect the expenses required for the measures.

- (i) when the disposer, etc. who has been ordered to take measures including removing hindrance, etc. pursuant to the provisions of Article 19-4, paragraph (1) does not take the measures related to the order within the period of time related to the order, when the measures are not sufficient, or when there is no prospect of the measures being taken;
 - (ii) when, in the case of issuing an order to take the measures including removing hindrance pursuant to the provision of Article 19-4 paragraph (1), it is not possible to identify the disposer to whom the order to remove hindrance, etc. to be taken;
 - (iii) when the certified business operator who has been ordered to take measures including removing hindrance pursuant to the provisions of Article 19-4, paragraph (1) does not take the measures related to the order within the period of time related to the order, when the measures are not sufficient, or when there is no prospect of the measures being taken; or
 - (iv) when there is no time to order that the measures including removing hindrance should be taken pursuant to the provisions of Article 19-4, paragraph (1) or Article 19-4-2, paragraph (1) in cases where it is urgently necessary to take measures including removing hindrance.
- (2) When the mayor of a municipality has taken all or some of the measures including removing hindrance set forth in the preceding paragraph (excluding the part related to item (iii)) pursuant to the provisions of the paragraph, the mayor may, pursuant to the provisions of Order of the Ministry of the Environment, have the disposer, etc. bear the expenses required for the measures including removing hindrance.
- (3) when the mayor of a municipality has taken all or some of the measures including removing hindrance set forth in paragraph (1) (limited to the part related to item (iii)) pursuant to the provisions of the paragraph, the mayor may, pursuant to the provisions of Order of the Ministry of the Environment, have the certified business operator bear the expenses required for the measures including removing hindrance.
- (4) If the mayor of a municipality has taken all or some of the measures including removing hindrance set forth in paragraph (1) (limited to the part related to item (iv)) pursuant to the provisions of the paragraph and the measure is found to fall under all of the items of Article 19-4-2, paragraph (1), pursuant to the provisions of Order of the Ministry of the Environment, the mayor may have the certified business operator bear all or part of the expenses required for the

measures including removing hindrance. In this case, the amount of expenses to be borne by the certified business operator must be within a reasonable scope in consideration of the properties and quantity of the municipal waste, the methods used for its collection, transport, or disposal, and other circumstances.

- (5) The provisions of Articles 5 and 6 of the Act on Substitute Execution by Administration (Act No. 43 of 1948) apply *mutatis mutandis* to the collection of the expenses to be borne pursuant to the provisions of the preceding three paragraphs.
- (6) When all or some of the measures including removing hindrance set forth in paragraph (1) have been taken pursuant to the provisions of the paragraph, when the measures including removing hindrance are related to the maintenance and management of the final disposal site for specified municipal waste, the municipal mayor may, upon giving advance notice to the person prescribed in Article 8-5, paragraph (6) (hereinafter referred to as "establisher, etc." in this paragraph) and the agency related to the final disposal site for specified municipal waste, recover the reserve fund for maintenance and management related to the final disposal site for specified municipal waste on behalf of the establisher, etc. to the extent of the amount of the expenses required for the measures including removing hindrance.

Article 19-8 (1) In the case prescribed in Article 19-5, paragraph (1), when hindrance to the maintenance of the living environment has occurred or is likely to occur and the case is found to fall under any of the following items, the prefectural governor may take all or some of the measures including removing hindrance, etc. In this case, when it is found to fall under item (ii), a public notice must be given in advance to the effect that the measures including removing hindrance should be taken within a reasonable period of time, and that if the measures including removing hindrance, etc. are not implemented during that period of time, the prefectural governor will personally implement the measures including removing hindrance, etc. and collect the expenses required for the measures

- (i) when the disposer, etc. who has been ordered to take the measures including removing hindrance pursuant to the provisions of Article 19-5, paragraph (1) does not take the measures related to the order within the period of time related to the order, when the measures are not sufficient, or when there is no prospect of the measures being taken;
- (ii) when there is no negligence and it is impossible to ascertain to whom the order for the measures including removing hindrances should be given in the case of issuing an order to take the measures including removing hindrance pursuant to the provision of Article 19-5 paragraph (1);

- (iii) when the generator, etc. that has been ordered to take measures including removing hindrance pursuant to the provisions of Article 19-5, paragraph (1) does not take the measures related to the order within the period of time related to the order, when the measures are not sufficient, or when there is no prospect of the measures being taken;
 - (iv) when there is no time to order that the measures including removing hindrance, should be taken pursuant to the provisions of Article 19-5, paragraph (1) or Article 19-6, paragraph (1) if it is urgently necessary to take the measures including removing hindrance;
- (2) When a prefectural governor has taken all or some of the measures including removing hindrance set forth in the preceding paragraph (excluding the part related to item (iii)) pursuant to the provisions of the paragraph, the governor may have the disposer, etc. bear the expenses required for the measures including removing hindrance pursuant to the provisions of Order of the Ministry of the Environment.
- (3) When a prefectural governor has taken all or some of the measures including removing hindrance set forth in paragraph (1) (limited to the part related to item (iii)) pursuant to the provisions of the paragraph, pursuant to the provisions of Order of the Ministry of the Environment the governor may have the generators, etc. bear the expenses required for the measures including removing hindrance.
- (4) If a prefectural governor has taken all or some of the measures including removing hindrance set forth in paragraph (1) (limited to the part related to item (iv)) pursuant to the provisions of the paragraph and the measure is found to fall under all of the items of Article 19-6, paragraph (1), pursuant to the provisions of Order of the Ministry of the Environment the governor may have the generators, etc. bear all or part of the expenses required for the measures including removing hindrance. In this case, the amount of expenses to be borne by the generators, etc. must be within a reasonable scope in consideration of the properties and quantity of the municipal waste, the methods used for its collection, transport, or disposal, and other circumstances.
- (5) The provisions of Articles 5 and 6 of the Act on Substitute Execution by Administration apply *mutatis mutandis* to the collection of the expenses to be borne pursuant to the provisions of the preceding three paragraphs.
- (6) If all or some of the measures including removing hindrance set forth in paragraph (1) have been taken pursuant to the provisions of the paragraph, when the measures including removing hindrance are related to the maintenance and management of the final disposal site for specified industrial waste, the prefectural governor may, upon giving advance notice to the person prescribed in Article 8-5, paragraph (6) as applied *mutatis mutandis* pursuant to Article 15-2-4 following the deemed replacement of terms related to the final

disposal site for specified industrial waste (hereinafter referred to as "establisher, etc." in this paragraph) and the agency related to the final disposal site for specified municipal waste, recover the maintenance and management reserve fund related to the final disposal site for specified industrial waste on behalf of the establisher, etc. to the extent of the amount of the expenses required for the measures including removing hindrance.

(Cooperation from Proper Management Promotion Center)

Article 19-9 When a prefectural governor intends to take measures including removing hindrance to the maintenance of the living environment pursuant to the provisions of paragraph (1) of the preceding Article, the governor may request the proper management promotion center to cooperate with the implementation of the measures including removing hindrance pursuant to the provisions of Order of the Ministry of the Environment.

(Application Mutatis Mutandis of Provisions Concerning Orders for Measures for Discontinuation of Business)

Article 19-10 (1) The provisions of Article 19-4 apply mutatis mutandis to cases where a person listed in the following items is found to store municipal waste that does not conform to the municipal waste management standards (in the case of specially controlled municipal waste, the specially controlled municipal waste management standards) (limited to the waste related to the matters prescribed in the respective items). In this case, in paragraph (1) of the Article, the phrase "in the case set forth in item (iii) of the preceding Article, the Minister of the Environment; the same applies in Article 19-7" is deemed to be replaced with "for a person who has obtained the certification set forth in Article 9-10, paragraph (1), the Minister of the Environment", and the phrase "necessary measures including removing hindrance or prevent its occurrence (hereinafter referred to as "measures including removing hindrance") by a set deadline" is deemed to be replaced with "storage of the municipal waste in accordance with the municipal waste management standards (in the case of specially controlled municipal waste, the specially controlled municipal waste management standards) and other necessary measures".

- (i) a person who has not obtained the renewal set forth in Article 7, paragraph (2) or paragraph (7): the permission for which the relevant renewal has not been obtained;
- (ii) a person who has made a notification pursuant to the provisions of Article 7-2, paragraph (3): the relevant notification;
- (iii) a person whose permission under Article 7, paragraph (1) or (6) has been rescinded pursuant to the provisions of Article 7-4: the relevant permission that has been rescinded;

- (iv) a person who has abolished all or part of the business related to the certification set forth in Article 9-8, paragraph (1), Article 9-9, paragraph (1), or Article 9-10, paragraph (1): the relevant certification;
 - (v) a person whose certification under Article 9-8, paragraph (1), Article 9-9, paragraph (1), or Article 9-10, paragraph (1) has been rescinded pursuant to the provisions of Article 9-8, paragraph (9), Article 9-9, paragraph (10), or Article 9-10, paragraph (7): the relevant certification that has been rescinded; and
 - (vi) a person who has conducted the collection, transport or disposal of municipal waste as a business without obtaining the permission set forth in Article 7, paragraph (1) or paragraph (6) (excluding a person who falls under the proviso of paragraph (1) or the proviso of paragraph (6) of the Article): the collection, transport, or disposal conducted as a business without obtaining the relevant permission.
- (2) The provisions of Article 19-5 apply mutatis mutandis to cases where a person listed in the following items is found to store industrial waste that does not conform to the industrial waste management standards (in the case of specially controlled industrial waste, the specially controlled industrial waste management standards) (limited to waste related to the matters prescribed in the respective items). In this case, in paragraph (1) of the Article, the phrase "the the Minister of the Environment or prefectural governors in the case set forth in Article 19-3, item (iii) and if the person who has carried out the storage, collection, transport, or disposal is a person who has imported the industrial waste (including a person who has carried out the collection, transport, or disposal under entrustment from such person); the same applies in the following Article and Article 19-8" is deemed to be replaced with "a person who has obtained the certification set forth in Article 15-4-4, paragraph (1), the Minister of the Environment", and the phrase "the measures including removing hindrance by a set deadline" is deemed to be replaced with "storage of the industrial waste in accordance with the industrial waste management standards (in the case of specially controlled industrial waste, the special controlled industrial waste management standards) and other necessary measures".
- (i) a person who has failed to obtain the renewal set forth in Article 14, paragraph (2) or (7), or Article 14-4, paragraph (2) or (7): the permission for which the relevant renewal has not been obtained;
 - (ii) a person who has made a notification pursuant to Article 7-2, paragraph (3) as applied mutatis mutandis pursuant to Article 14-2, paragraph (3) and Article 14-5, paragraph (3) following the deemed replacement of terms: the relevant notification;
 - (iii) a person whose permission pursuant to Article 14, paragraph (1) or (6) or

- Article 14-4, paragraph (1) or (6) has been rescinded pursuant to the provisions of Article 14-3-2, paragraph (1) (including as applied mutatis mutandis pursuant to Article 14-6 following the deemed replacement of terms) or paragraph (2) (including as applied mutatis mutandis pursuant to Article 14-6): the relevant permission that has been rescinded;
- (iv) a person who has abolished all or part of the business related to the certification set forth in Article 15-4-2, paragraph (1), Article 15-4-3, paragraph (1), or Article 15-4-4, paragraph (1): the relevant certification;
- (v) a person whose certification pursuant to Article 15-4-2, paragraph (1), Article 15-4-3, paragraph (1), or Article 15-4-4, paragraph (1) has been rescinded pursuant to the provisions of Article 9-8, paragraph (9) as applied mutatis mutandis pursuant to Article 15-4-2, paragraph (3), Article 9-9, paragraph (10) as applied mutatis mutandis pursuant to Article 15-4-3, paragraph (3), or Article 9-10, paragraph (7) as applied mutatis mutandis pursuant to Article 15-4-4, paragraph (3): the relevant certification that has been rescinded; and
- (vi) a person who has conducted collection, transport, or disposal of industrial waste as a business without obtaining the permission set forth in Article 14, paragraph (1) or paragraph (6) or Article 14-4, paragraph (1) or paragraph (6) (excluding a person who falls under the proviso to Article 14, paragraph (1) or the proviso to paragraph (6), or the proviso to Article 14-4, paragraph (1) or the proviso to paragraph (6)): the collection, transport, or disposal conducted as a business without obtaining the relevant permission.

(Order for Measures Concerning Changes to the Form or Nature of Land)

- Article 19-11 (1) If a change to the form or nature of land that does not conform to the standards specified by Order of the Ministry of the Environment prescribed in Article 15-19, paragraph (4) has been made in a designated area and it is found that there is or is likely to be hindrance to the maintenance of the living environment, the prefectural governor may, to the extent necessary, order the person who has made the change to the form or nature of the land to take measures for eliminating, etc. the hindrance by a set deadline.
- (2) The provisions of Article 19-4, paragraph (2) apply mutatis mutandis to an order pursuant to the provisions of the preceding paragraph.

(Preparation of Notification Ledger)

- Article 19-12 (1) A prefectural governor who has received a notification pursuant to Article 9, paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 9-3, paragraph (11) and Article 15-2-6, paragraph (3)) must prepare and keep a ledger of the final disposal site related to the notification.
- (2) Matters to be included in the ledger referred to in the preceding paragraph

and other matters necessary for the preparation and storage of them are specified by Order of the Ministry of the Environment.

- (3) When requested by any relevant person, a prefectural governor must allow the person to inspect the ledger referred to in paragraph (1) or a copy thereof.

(Environmental Health Instructor)

Article 20 A prefectural governor is to appoint an environmental health instructor from among officials who have qualifications specified by Order of the Ministry of the Environment, in order to have them perform the duties of conducting on-site instructions pursuant to the provisions of Article 19, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 17-2, paragraph (3)) and Article 53, paragraph (2) of the Purification Tank Act, and providing guidance on waste management.

(Waste Recycling Business Operator)

Article 20-2 (1) A person who engages in the recycling of waste as a business may, obtain registration for the business site from the prefectural governor who has jurisdiction over the location of the business site, as provided for by Order of the Ministry of the Environment if the facilities used for the business and the capabilities of the applicant conform to the standards specified by Order of the Ministry of the Environment as sufficient for conducting the business properly and continuously.

- (2) Matters necessary for the registration referred to in the preceding paragraph are prescribed by Cabinet Order.

(3) No person other than one who has obtained the registration set forth in paragraph (1) may use the name "registered waste recycling business operator".

(4) A municipality may request the person registered pursuant to paragraph (1) to provide necessary cooperation with the recycling of municipal waste in the municipality.

(Technical Manager)

Article 21 (1) An establisher of a municipal waste management facility (excluding human waste management facilities and final disposal sites for municipal waste prescribed by Cabinet Order) (the administrator in the case of a municipal waste management facility established by a municipality for the purpose of disposing of municipal waste pursuant to the provisions of Article 6-2 Paragraph (1)) or an establisher of an industrial waste management facility (excluding a final disposal site for industrial waste prescribed by Cabinet Order) must appoint a technical manager in order to take charge of technical work related to the maintenance and management of the municipal waste management facility or industrial waste management facility; provided,

however, that this does not apply to municipal waste management facilities or industrial waste management facilities which they manage themselves as technical managers.

- (2) A technical manager must supervise other employees who are engaged in the affairs of maintaining and managing the municipal waste management facilities or industrial waste management facilities under their management so that there will be no violation of the technical standards prescribed in Article 8-3, paragraph (1) or Article 15-2-3, paragraph (1) with regard to the municipal waste management facilities or industrial waste management facilities.
- (3) The technical manager referred to in paragraph (1) must be a person who has the qualifications specified by Order of the Ministry of the Environment (in the case of a technical manager assigned to a municipal waste management facility established by a municipality for the purpose of disposing of municipal waste pursuant to the provisions of Article 6-2, paragraph (1), the qualifications specified by Municipal Ordinance in consideration of the standards specified by Order of the Ministry of the Environment).

(Measures in Case of Accidents)

- Article 21-2 (1) The establisher of a municipal waste management facility or an industrial waste management facility specified by Cabinet Order (hereinafter referred to as "specified management facility" in this paragraph) must immediately take emergency measures to eliminate or prevent the hindrance, and promptly notify the prefectural governor with an accident situation and an overview of the measures taken when any damage or other accident has occurred at a specified management facility and municipal waste or industrial waste to be managed at the specified management facility or polluted water or gas generated in the course of the management, which will cause or is likely to cause hindrance to the maintenance of the living environment, has been scattered, discharged, permeated underground, or dispersed.
- (2) When a prefectural governor finds that the person prescribed in the preceding paragraph has not taken the emergency measures prescribed in the relevant paragraph, the governor may order the person to take the relevant emergency measures.

(Exceptions Related to Management of Waste Arising from Construction Work)

- Article 21-3 (1) With regard to the application of the provisions of this Act (excluding Article 3, paragraphs (2) and (3), Article 4, paragraph (4), Article 6-3, paragraphs (2) and (3), Article 13-12, Article 13-13, Article 13-15, and Article 15-7) to the management of waste generated by construction work when construction work for civil engineering and construction (including construction work to demolish a building or other structure in whole or in part;

hereinafter referred to as "construction work") is carried out through multiple contracts, the contractor is deemed to be the person who manages the construction business (meaning the business of contracting for construction work (including businesses operated by having another person contract for the contracted construction work); the same applies hereinafter) (hereinafter referred to as "general contractor") for which the construction work has been contracted directly from the party ordering the relevant construction work (excluding construction work contracted from another party).

- (2) The provisions of Article 12, paragraph (2), Article 12-2, paragraph (2), and Article 19-3 (including penal provisions related to the provisions of the Article) apply to the storage of industrial waste generated in the course of construction work by a person performing the construction work that has contracted for the whole or a part of the construction work from a person operating a construction work that has undertaken the relevant construction work from another party (hereinafter referred to as "subcontractor"), by deeming the subcontractor to be the contractor as well.
- (3) With regard to the application of the provisions of Article 7, paragraph (1), Article 12, paragraph (1), Article 12-2, paragraph (1), Article 14, paragraph (1), Article 14-4, paragraph (1), and Article 19-3 (including penal provisions related to the provisions of the Article), when a subcontractor transports waste by themselves (limited to waste specified by Order of the Ministry of the Environment) generated in the course of the construction work pursuant to a written contract for the relevant construction work, the relevant subcontractor is deemed to be the contractor and the relevant waste presumably belongs to the relevant subcontractor, notwithstanding the provisions of paragraph (1).
- (4) If a subcontractor entrusts the transport or disposal of waste generated in the course of construction work to another person (if the waste is industrial waste and the subcontractor is an industrial waste collection and transport service contractor or industrial waste disposal service contractor, or a specially controlled industrial waste collection and transport service contractor or specially controlled industrial waste disposal service contractor, excluding cases where the transport or disposal of the waste entrusted by the general contractor is entrusted to another person), with regard to the application of the provisions of Article 6-2, paragraphs (6) and (7), Article 12, paragraphs (5) through (7), Article 12-2, paragraphs (5) through (7), Article 12-3 and Article 12-5 (including penal provisions related to these provisions), the relevant subcontractor is deemed to be the contractor, and the relevant waste is deemed to be the waste of the relevant subcontractor, notwithstanding the provisions of paragraph (1).

(Instructions from the Minister of the Environment)

Article 21-4 The Minister of the Environment may give necessary instructions to prefectural governors concerning the following affairs when the Minister finds it urgently necessary in order to prevent the occurrence of hindrance to the maintenance of the living environment due to the improper management of industrial waste:

- (i) affairs related to the order pursuant to the provisions of Article 19-5, paragraph (1) and Article 19-6, paragraph (1); and
- (ii) affairs related to measures including removing hindrance pursuant to the provisions of Article 19-8, paragraph (1).

(Government Subsidies)

Article 22 Pursuant to the provisions of Cabinet Order the national government may provide municipalities with subsidies for part of the expenses required for the management of waste that has become particularly necessary as a result of a disaster or for other reasons.

(Special Subsidies)

Article 23 In order to maintain the living environment and enhance public health, the national government is to endeavor to finance or arrange for the necessary funds for the establishment of municipal waste management facilities, industrial waste management facilities, and other waste management facilities.

(Promotion of Information Exchange)

Article 23-2 In order to ensure the smooth implementation of the relevant affairs conducted by the prefectural governors pursuant to the provisions of this Act the national government is to endeavor to promote the exchange of information between the national government and the prefectures and among the prefectures themselves, dispatch officials, and take other necessary measures according to the status of the implementation of the affairs concerning industrial waste management.

(Hearing of Opinions Regarding Permission)

Article 23-3 (1) When a prefectural governor intends to grant the permission referred to in Article 14, paragraph (1) or paragraph (6); Article 14-4, paragraph (1) or paragraph (6); Article 15, paragraph (1); or Article 9-5, paragraph (1) as applied mutatis mutandis pursuant to Article 15-4 following the deemed replacement of terms; or the approval referred to in Article 9-6, paragraph (1) as applied mutatis mutandis pursuant to Article 15-4 following the deemed replacement of terms, the governor is to hear the opinions of the Superintendent General of the Metropolitan Police Department or the Chief of

the Prefectural Police Headquarters with regard to the existence or non-existence of any of the grounds falling under Article 14, paragraph (5), item (ii), (b) through (f) (in the case of grounds falling under (c) through (e) of the item, limited to those related to (b) of the item. The same applies in the following paragraph and the following Article).

- (2) When a prefectural governor intends to make a disposition pursuant to the provisions of Article 14-3-2, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 14-6) or Article 15-3, paragraph (1), the governor may hear the opinion of the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters with regard to the existence or non-existence of any of the grounds falling under Article 14-5, item (ii), (b) through (f).

(Opinions to Prefectural Governors)

Article 23-4 When the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters finds that there are reasonable grounds to suspect that an industrial waste collection and transport service contractor, an industrial waste disposal service contractor, a specially controlled industrial waste collection and transport service contractor, a specially controlled industrial waste disposal service contractor, or an establisher of an industrial waste management facility (hereinafter referred to as "industrial waste collection and transport service contractor, etc." in this Article) falls under Article 14, paragraph (5), item (ii), (b) through (f), and it is therefore necessary for the prefectural governor to take appropriate measures against the industrial waste collection and transport service contractor, etc., the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters may state an opinion to that effect to the prefectural governor.

(Inquiries to Relevant Administrative Organs)

Article 23-5 Beyond what is provided for in Article 23-3, a prefectural governor may make inquiries to or request cooperation from relevant administrative organs or relevant local governments with regard to the affairs based on the provisions of this Act.

(Fees)

Article 24 A person who intends to obtain the confirmation set forth in Article 10, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 15-4-7, paragraph (1)) or the permission set forth in Article 15-4-5, paragraph (1) must pay a fee specified by Cabinet Order in consideration of the actual costs.

(Handling of Affairs by the Mayor of a City Specified by Cabinet Order)

Article 24-2 (1) Part of the affairs that are under the authority of a prefectural governor pursuant to the provisions of this Act may be undertaken by the mayor of a city specified by Cabinet Order, pursuant to the provisions of Cabinet Order.

(2) A person who is dissatisfied with the determination with respect to an application for the examination of a disposition made by the mayor of a city specified by Cabinet Order (limited to the statutory entrusted duties under item (i) as prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (hereinafter referred to as "statutory entrusted duties under item (i)")) set forth in the preceding paragraph pursuant to the provisions of the paragraph may file a request for re-examination with the Minister of the Environment.

(3) If the mayor of a city specified by Cabinet Order set forth in paragraph (1) has delegated, to an employee who is the mayor's subsidiary organ or the head of an administrative organ under the management of the mayor, the authority to make dispositions related to the statutory entrusted duties under item (i) from among the functions to be performed by the mayor pursuant to the provisions of the paragraph, when a determination with respect to a request for re-examination set forth in Article 255, paragraph (2) of the Local Autonomy Act has been made with regard to a disposition made by the employee to whom authority was delegated or the head of the administrative organ based on the delegation, a person who is dissatisfied with the determination may make a request for further examination to the Minister of the Environment pursuant to the provisions of Article 252-17-4, paragraphs (5) through (7) of the Act.

(Execution of Affairs by the Minister of the Environment in Cases of Emergency)

Article 24-3 (1) The affairs under the authority of prefectural governors pursuant to the provisions of Article 18, paragraph (1) or Article 19, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 17-2, paragraph (3)) are to be administered by the Minister of the Environment or the prefectural governors when the Minister of the Environment finds it particularly necessary for the maintenance of the living environment. In this case, the provisions of this Act that relate to prefectural governors (limited to the portions related to the relevant affairs) apply to the Minister of the Environment as provisions related to the Minister of the Environment.

(2) In the case referred to in the preceding paragraph, when the Minister of the Environment or prefectural governors carry out the relevant affairs, they are to do so in close mutual coordination.

(Classification of Affairs)

Article 24-4 The affairs to be performed by prefectures pursuant to Article 12, paragraphs (3) and (4), Article 12-2, paragraphs (3) and (4), Article 12-3, paragraph (7), Article 12-5, paragraph (9), Article 12-6, Article 12-7, paragraphs (1), (2), (3) (including as applied mutatis mutandis pursuant to paragraph (8) of the Article), (7), (9), and (10), Article 14, paragraph (1), paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 14-2, paragraph (2)), paragraph (6), and paragraph (10) (including cases where applied mutatis mutandis pursuant to Article 14-2, paragraph (2)), Article 14-2, paragraph (1), Article 7-2, paragraph (3) and paragraph (4) as applied mutatis mutandis pursuant to paragraph (3) of the Article following the deemed replacement of terms, Article 14-3 (including cases where applied mutatis mutandis pursuant to Article 14-6 following the deemed replacement of terms), Article 14-3-2, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 14-6 following the deemed replacement of terms), Article 14-3-2, paragraph (2) (including cases where applied mutatis mutandis pursuant to Article 14-6), Article 14-4, paragraph (1), paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 14-5, paragraph (2)), paragraph (6), and paragraph (10) (including cases where applied mutatis mutandis pursuant to Article 14-5, paragraph (2)), Article 14-5, paragraph (1), Article 7-2, paragraphs (3) and (4) as applied mutatis mutandis pursuant to paragraph (3) of the Article following the deemed replacement of terms, Article 15, paragraph (1), paragraphs (4) through (6) of the Article (including cases where applied mutatis mutandis pursuant to Article 15-2-6, paragraph (2)), Article 15-2, paragraphs (1) through (3) (including cases where applied mutatis mutandis pursuant to Article 15-2-6, paragraph (2)) and paragraph (5), Article 15-2-2, paragraph (1), Article 8-5, paragraph (4) as applied mutatis mutandis pursuant to Article 15-2-4 following the deemed replacement of terms, Article 15-2-6, paragraph (1), Article 9, paragraphs (3) through (6) as applied mutatis mutandis pursuant to Article 15-2-6, paragraph (3) following the deemed replacement of terms, Article 15-2-7, Article 15-3, Article 15-3-2, paragraph (2), Article 15-3-3, paragraphs (1) and (5), Article 9-5, paragraphs (1) and (2) as applied mutatis mutandis pursuant to Article 15-4 following the deemed replacement of terms, Article 9-6, Article 9-7, paragraph (2) as applied mutatis mutandis pursuant to Article 15-4, Article 17-2, paragraph (1), Article 18, paragraph (1) as applied mutatis mutandis pursuant to paragraph (3) of the Article, Article 19, paragraph (1), Article 19-3 (excluding items (i) and (iii)), Article 19-5, paragraph (1) (excluding items (ii) through (iv)), Article 18, paragraph (1) (limited to the part related to industrial waste or industrial waste management facilities), Article 19, paragraph (1) (limited to the part

related to industrial waste or industrial waste management facilities), Article 19-3 (limited to the part related to item (ii)), Article 19-5, paragraph (1), Article 19-4, paragraph (2) as applied mutatis mutandis pursuant to paragraph (2) of the Article, Article 19-6, paragraph (1), Article 19-4, paragraph (2) as applied mutatis mutandis pursuant to paragraph (2) of the Article, Article 19-5, paragraph (1) as applied mutatis mutandis pursuant to Article 19-10, paragraph (2) following the deemed replacement of terms, Article 21-2 (limited to the part related to industrial waste management facilities), Article 23-3, and Article 23-4 are to be the statutory entrusted functions under item (i).

(Delegation of Authority)

Article 24-5 The authority of the Minister of the Environment prescribed in this Act may be delegated to the Director of the Regional Environmental Office pursuant to the provisions of Order of the Ministry of the Environment.

(Transitional Measures)

Article 24-6 When an order is enacted, changed, or repealed based on the provisions of this Act, transitional measures (including transitional measures concerning penal provisions) within the scope determined to be reasonably necessary in conjunction with its enactment, change or repeal may be established by the order.

Chapter V Penal Provisions

Article 25 (1) A person who falls under any of the following items is to be punished by imprisonment with work for not more than five years or a fine of not more than ten million yen, or both:

- (i) a person who has conducted the collection, transport, or disposal of municipal waste or industrial waste as a business in violation of the provisions of Article 7, paragraph (1) or (6), Article 14, paragraph (1) or (6), or Article 14-4, paragraph (1) or (6);
- (ii) a person who has obtained the permission set forth in Article 7, paragraph (1) or paragraph (6), Article 14, paragraph (1) or paragraph (6), or Article 14-4, paragraph (1) or paragraph (6) (including the renewal of the permission set forth in Article 7, paragraph (2) or paragraph (7), Article 14, paragraph (2) or paragraph (7), or Article 14-4, paragraph (2) or paragraph (7)) by wrongful means;
- (iii) a person who has carried out the business of collection, transport, or disposal of municipal waste or industrial waste in violation of the provisions of Article 7-2, paragraph (1), Article 14-2, paragraph (1), or Article 14-5, paragraph (1);

- (iv) a person who has obtained the permission for a change pursuant to Article 7-2, paragraph (1), Article 14-2, paragraph (1), or Article 14-5, paragraph (1) by wrongful means;
 - (v) a person who violates an order issued pursuant to Article 7-3; Article 14-3 (including as applied mutatis mutandis pursuant to Article 14-6 following the deemed replacement of terms); Article 19-4, paragraph (1); Article 19-4-2, paragraph (1); Article 19-5, paragraph (1) (including as applied mutatis mutandis pursuant to Article 17-2, paragraph (3)); or Article 19-6, paragraph (1);
 - (vi) a person who has entrusted the management of municipal waste or industrial waste to another person in violation of the provisions of Article 6-2, paragraph (6), Article 12, paragraph (5), or Article 12-2, paragraph (5);
 - (vii) a person who has caused another person to conduct the collection, transport or disposal of municipal waste or industrial waste as a business in violation of the provisions of Article 7-5, Article 14-3-3 or Article 14-7;
 - (viii) a person who has established a municipal waste management facility or an industrial waste management facility in violation of the provisions of Article 8, paragraph (1) or Article 15, paragraph (1);
 - (ix) a person who has obtained the permission set forth in Article 8, paragraph (1) or Article 15, paragraph (1) by wrongful means;
 - (x) a person who has changed any of the matters set forth in Article 8, paragraph (2), items (iv) to (vii) or any of the matters listed in Article 15, paragraph (2), items (iv) through (vii) in violation of the provisions of Article 9, paragraph (1) or Article 15-2-6, paragraph (1);
 - (xi) a person who has obtained the permission for a change pursuant to Article 9, paragraph (1) or Article 15-2-6, paragraph (1) by wrongful means;
 - (xii) a person who has exported municipal waste or industrial waste in violation of the provisions of Article 10, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 15-4-7, paragraph (1) after deemed replacement of terms);
 - (xiii) a person who has been entrusted with the management of industrial waste in violation of the provisions of Article 14, paragraph (15) or Article 14-4, paragraph (15);
 - (xiv) a person who has dumped waste in violation of the provisions of Article 16;
 - (xv) a person who has incinerated waste in violation of the provisions of Article 16-2; or
 - (xvi) a person who has stored, collected, transported, or disposed of designated hazardous waste in violation of the provisions of Article 16-3.
- (2) Any attempt to commit the crimes set forth in items (xii), (xiv), and (xv) of the preceding paragraph is punished.

Article 26 A person who falls under any of the following items is punished by imprisonment for not more than three years or a fine of not more than three million yen, or both:

- (i) a person who has entrusted the management of municipal waste or industrial waste to another person in violation of the provisions of Article 6-2, paragraph (7), Article 7, paragraph (14), Article 12, paragraph (6), Article 12-2, paragraph (6), Article 14, paragraph (16) or Article 14-4, paragraph (16);
- (ii) a person who has violated an order issued pursuant to Article 9-2, Article 15-2-7, Article 19-3 (including cases where applied mutatis mutandis pursuant to Article 17-2, paragraph (3)), Article 19-4, paragraph (1) as applied mutatis mutandis pursuant to Article 19-10, paragraph (1) following the deemed replacement of terms, or Article 19-5, paragraph (1) as applied mutatis mutandis pursuant to Article 19-10, paragraph (2) following the deemed replacement of terms;
- (iii) a person who has accepted assignment of or leased a municipal waste management facility or an industrial waste management facility in violation of the provisions of Article 9-5, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 15-4 following the deemed replacement of terms);
- (iv) a person who has imported foreign waste in violation of Article 15-4-5, paragraph (1);
- (v) a person who has violated the conditions attached to the permission pursuant to the provisions of Article 15-4-5, paragraph (4); or
- (vi) a person who has collected or transported waste for the purpose of committing the crimes set forth in paragraph (1), item (xiv) or (xv) of the preceding Article.

Article 27 A person who has made preparations for the purpose of committing the crime set forth in Article 25, paragraph (1), item (xii) is punished by imprisonment for not more than two years or a fine of not more than 2 million yen, or both.

Article 27-2 A person who falls under any of the following items is punished by imprisonment for not more than 1 year or a fine of not more than 1 million yen:

- (i) a person who has failed to deliver a control sheet, or delivered the control sheet that failed to state the matters prescribed in Article 12-3, paragraph (1), or included a false entry in violation of the provisions of Article 12-3, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 15-4-7, paragraph (2); hereinafter the same applies in this item);
- (ii) a person who has failed to send a copy of the control sheet, or delivered a

- copy of the control sheet that failed to state the matters prescribed in these provisions, or included a false entry in violation of the provisions of the first sentence of Article 12-3, paragraph (3);
- (iii) a person who has failed to hand over a control sheet in violation of the provisions of the second sentence of Article 12-3, paragraph (3);
 - (iv) a person who has failed to send a copy of the control sheet, or delivered a copy of the control sheet that failed to state the matters prescribed in these provisions, or included a false entry in violation of the provisions of Article 12-3, paragraph (4) or (5) or Article 12-5, paragraph (6);
 - (v) a person who has failed to retain a control sheet or a copy of one in violation of the provisions of Article 12-3, paragraph (2), (6), (9), or (10);
 - (vi) a person who has delivered a control sheet which included a false entry in violation of the provisions of Article 12-4, paragraph (1);
 - (vii) a person who has received the delivery of industrial waste in violation of the provisions of Article 12-4, paragraph (2);
 - (viii) a person who has sent or made a report in violation of the provisions of Article 12-4, paragraph (3) or (4);
 - (ix) a person who has made a false registration when making a registration pursuant to Article 12-5, paragraph (1) or (2) (including cases where these provisions are applied mutatis mutandis pursuant to Article 15-4-7, paragraph (2));
 - (x) a person who has failed to make a report or has made a false report in violation of Article 12-5, paragraph (3) or (4); or
 - (xi) a person who has violated an order pursuant to the provisions of Article 12-6, paragraph (3).

Article 28 A person who falls under any of the following items is to be punished by imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen:

- (i) a person who has violated the provisions of Article 13-7; or
- (ii) a person who has violated an order pursuant to the provisions of Article 15-19, paragraph (4) or Article 19-11, paragraph (1).

Article 29 A person who falls under any of the following items is to be punished by imprisonment with work for not more than 6 months or a fine of not more than 500,000 yen:

- (i) a person who has failed to make a notification or made a false notification in violation of Article 7-2, paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 14-2, paragraph (3) and Article 14-5, paragraph (3)), Article 9, paragraph (6) (including cases where applied mutatis mutandis pursuant to Article 15-2-6, paragraph (3) following the deemed

- replacement of terms), Article 9-3-3, paragraph (1), Article 9-3, paragraph (8) as applied mutatis mutandis pursuant to paragraph (3) of the Article following the deemed replacement of terms, Article 12, paragraph (3) or Article 12-2, paragraph (3);
- (ii) a person who has used a municipal waste management facility or an industrial waste management facility in violation of the provisions of Article 8-2, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 9 paragraph (2)) or Article 15-2 paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 15-2-6 paragraph (2));
 - (iii) a person who has violated an order issued pursuant to Article 9-3, paragraph (3) as applied mutatis mutandis pursuant to Article 9-3-3, paragraph (3) following the deemed replacement of terms (including cases where applied mutatis mutandis pursuant to Article 9-3, paragraph (9) as applied mutatis mutandis pursuant to Article 9-3-3, paragraph (3) following the deemed replacement of terms) or under Article 9-3, paragraph (10) as applied mutatis mutandis pursuant to Article 9-3-3, paragraph (3);
 - (iv) a person who has failed to give a notice, or given a false notice in violation of Article 14, paragraph (13), Article 14-2, paragraph (4), Article 14-3-2, paragraph (3) (including cases where applied mutatis mutandis pursuant to Article 14-6), Article 14-4, paragraph (13), or Article 14-5, paragraph (4);
 - (v) a person who has failed to retain a copy of the notice in violation of Article 14, paragraph (14), Article 14-2, paragraph (5) (including cases where applied mutatis mutandis pursuant to Article 14-3-2, paragraph (4) (including cases where applied mutatis mutandis pursuant to Article 14-6) and Article 14-5, paragraph (5)) or Article 14-4, paragraph (14);
 - (vi) a person who has failed to make a notification as prescribed by Article 15-19, paragraph (1) or submitted a false notification; or
 - (vii) a person who has violated an order pursuant to the provisions of Article 21-2, paragraph (2).

Article 30 A person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) a person who has failed to keep books, failed to make entries in the books in violation of Article 7, paragraph (15) (including cases where applied mutatis mutandis pursuant to Article 12, paragraph (13), Article 12-2, paragraph (14), Article 14, paragraph (17), and Article 14-4, paragraph (18) following the deemed replacement of terms), or made false entries, or who has failed to retain the books in violation of Article 7, paragraph (16) (including cases where applied mutatis mutandis pursuant to Article 12, paragraph (13), Article 12-2, paragraph (14), Article 14, paragraph (17), and Article 14-4,

- paragraph (18));
- (ii) a person who has failed to make a notification pursuant to Article 7-2, paragraph (3) (including as applied mutatis mutandis pursuant to Article 14-2, paragraph (3) and Article 14-5, paragraph (3) following the deemed replacement of terms); Article 9, paragraph (3) or (4) (including as applied mutatis mutandis pursuant to Article 15-2-6, paragraph (3)); or Article 9-7, paragraph (2) (including as applied mutatis mutandis pursuant to Article 15-4); or who has filed a false notification;
 - (iii) a person who has refused, obstructed, or evaded an inspection conducted pursuant to Article 8-2-2, paragraph (1) or Article 15-2-2, paragraph (1);
 - (iv) a person who has failed to make records or made false records, or failed to keep records in violation of Article 8-4 (including cases where applied mutatis mutandis pursuant to Article 9-10, paragraph (8) and cases where applied mutatis mutandis pursuant to Article 15-2-4 and Article 15-4-4, paragraph (3) following the deemed replacement of terms);
 - (v) a person who has failed to assign an industrial waste management supervisor or a specially controlled industrial waste control supervisor in violation of the provisions of Article 12, paragraph (8) or Article 12-2, paragraph (8);
 - (vi) a person who has conducted storage or disposal of hazardous end-of-life equipment as a business without making a notification pursuant to the provisions of Article 17-2, paragraph (1) or has made a false notification;
 - (vii) a person who has failed to make a report (excluding those related to an information processing center; hereinafter the same applies in this item) pursuant to Article 18, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 17-2, paragraph (3)) or paragraph (2), or has made a false report;
 - (viii) a person who has refused, obstructed, or evaded an inspection or removal pursuant to Article 19, paragraph (1) (including cases where applied mutatis mutandis pursuant to Article 17-2, paragraph (3)) or paragraph (2); or
 - (ix) a person who has failed to assign a technical manager in violation of the provisions of Article 21, paragraph (1).

Article 31 An officer or employee of the information processing center or a waste management center who falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) when the person has discontinued all information processing operations without obtaining the permission set forth in Article 13-6;
- (ii) when the person has , failed to keep books, failed to make entries in books, or made false entries in violation of the provisions of Article 13-8, or when the person has failed to retain books in violation of the provisions of Article

13-8;

- (iii) when the person has failed to make a report pursuant to Article 13-9, paragraph (1), Article 15-13, paragraph (1), or Article 18, or has made a false report; or
- (iv) when the person has refused, obstructed, or evaded an inspection conducted pursuant to Article 13-9, paragraph (1) or Article 15-13, paragraph (1).

Article 32 (1) When a representative of a corporation or an agent, employee, or other worker of a corporation or individual has violated the provisions set forth in one of the following items in connection with the business of the corporation or individual, beyond the offender being subject to punishment, the corporation is subject to the fine prescribed in the relevant item and the individual is subject to the fine prescribed in the relevant Article:

- (i) Article 25, paragraph (1), items (i) through (iv), item (xii), item (xiv) or item (xv), or paragraph (2): a fine of not more than 300 million yen; or
 - (ii) Article 25, paragraph (1) (excluding the case referred to in the preceding item); Article 26; Article 27; Article 27-2; Article 28, item (ii); Article 29; or Article 30: a fine prescribed in the relevant Article.
- (2) The period of prescription for a fine imposed on a corporation or individual pursuant to the provisions of the preceding paragraph for a violation pursuant to Article 25 is the same as that for the offense referred to in that Article.

Article 33 A person who falls under any of the following items is subject to punishment by a civil fine not exceeding 200,000 yen:

- (i) a person who has failed to make a notification, or made a false notification in violation of Article 12, paragraph (4), Article 12-2, paragraph (4), or Article 15-19, paragraph (2) or paragraph (3);
- (ii) a person who has failed to submit a plan or submitted a plan containing false statements in violation of the provisions of Article 12, paragraph (9) or Article 12-2, paragraph (10); or
- (iii) a person who has failed to make a report or made a false report in violation of the provisions of Article 12, paragraph (10) or Article 12-2, paragraph (11).

Article 34 A person using the characters "registered waste recycling business operator" in its name in violation of the provisions of Article 20-2, paragraph (3) is subject to a civil fine of not more than 100,000 yen.