

# Hot Springs Act (Tentative translation)

(Act No. 125 of July 10, 1948)

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## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to conserve hot springs, prevent disasters caused by combustible natural gas resulting from the extraction, etc. of hot springs, and ensure proper use of hot springs, thereby contributing to the enhancement of public welfare.

### (Definitions)

- Article 2 (1) The term "hot spring" as used in this Act means hot water, mineral water, water vapor, and other gases welling up from underground (excluding natural gas whose primary component is hydrogen carbide) that have temperatures or substances listed in the appended table.
- (2) The term "hot spring source" as used in this Act means a hot spring that has not yet been extracted.

## Chapter II Conservation of Hot Springs

### (Permission to Excavate Land)

- Article 3 (1) A person who intends to excavate land for the purpose of welling up a hot spring must file an application with and obtain the permission from the prefectural governor as specified by Order of the Ministry of the Environment.
- (2) A person who intends to obtain the permission referred to in the preceding paragraph must be a person entitled to use the land necessary for excavation for the purpose of excavation.

(Criteria for Permission)

Article 4 (1) When an application for the permission referred to in paragraph (1) of the preceding Article has been filed, a prefectural governor must grant the permission referred to in the same paragraph, unless the relevant application falls under any of the following items:

- (i) when it is found that the excavation related to the relevant application affects the amount of hot spring water, temperature or components of the hot spring;
  - (ii) when the location, structure, and equipment of the facilities for excavation are related to the relevant application and the method of the excavation are found not to conform to the technical standards specified by Order of the Ministry of the Environment concerning the prevention of disasters resulting from combustible natural gas caused by excavation;
  - (iii) beyond what is stated in the preceding two items, when it is found that the excavation related to the relevant application is likely to harm the public interest;
  - (iv) the applicant has been sentenced to a fine or a heavier punishment pursuant to the provisions of this Act, and two years have not passed since the day on which the applicant finished serving that sentence or ceased to be subject to its enforcement;
  - (v) the applicant has had the permission referred to in paragraph (1) of the preceding Article revoked pursuant to the provisions of Article 9, paragraph (1) (limited to the part that involves items (iii) and (iv)), and two years have not yet passed since the date of the revocation;
  - (vi) if the applicant is a corporation and any of its officers falls under any of the preceding two items.
- (2) When the prefectural governor does not grant the permission referred to in paragraph (1) of the preceding Article, the prefectural governor must notify the applicant to that effect with the reason therefor in writing without delay.
- (3) Conditions necessary for the conservation of hot springs, prevention of disasters resulting from combustible natural gas and other public interest may be attached to the permission referred to in paragraph (1) of the preceding Article, and such conditions may be changed.

(Validity Period of Permission)

- Article 5 (1) The validity period of permission referred to in Article 3, paragraph (1) is two years from the date of the permission.
- (2) When the excavation work related to the permission referred to in Article 3, paragraph (1) is not expected to be completed within the validity period of the permission due to disasters or other unavoidable reasons, the prefectural governor may renew the validity period once for up to two years, upon an

application from the person who obtained the permission as specified by Order of the Ministry of the Environment.

(Merger and Split of Corporations That Have Obtained the Permission to Excavate Land)

Article 6 (1) In the case of a merger of corporations that have obtained the permission referred to in Article 3, paragraph (1) (excluding the case of a merger between a corporation that has obtained the permission referred to in the same paragraph and a corporation that has not obtained the permission referred to in the same paragraph, where the corporation that has obtained the permission referred to in the same paragraph continues to exist) or in the case of a split of corporations that have obtained the permission (limited to the case of having another person succeed to the whole of the excavating business pertaining to the permission), when the approval of the prefectural governor has been obtained for the merger or split, the corporation that continues to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the whole of the business by the split succeeds to the status of the person that has obtained the permission referred to in the same paragraph.

(2) The provisions of Article 4, paragraph (1) (limited to the part pertaining to items (iv) through (vi)) and paragraph (2) apply *mutatis mutandis* to the approval referred to in the preceding paragraph.

In this case, the term "the applicant" in paragraph (1) of the same Article is deemed to be replaced with "the corporation surviving after the merger or the corporation established by the merger, or the corporation succeeding to the whole of the excavating business pertaining to the permission through a split".

(Inheritance of a Person Who Obtained the Permission to Excavate Land)

Article 7 (1) In the case where a person who obtained the permission referred to in Article 3, paragraph (1) dies, when the heir (in the case where there are two or more heirs and an heir who is to succeed to the excavating business related to the permission has been selected by the consent of all the heirs, that person; the same applies below in this Article) intends to continue the excavating business related to the permission, the heir must file an application with and obtain approval from the prefectural governor within sixty days after the death of the decedent.

(2) If an heir applies for the approval referred to in the preceding paragraph, the permission referred to in Article 3, paragraph (1) which has been granted to the decedent is deemed to have been granted to the heir from the day of the death of the decedent until the day on which the heir obtains the approval or receives notice of non-approval.

- (3) The provisions of Article 4, paragraph (1) (limited to the part pertaining to items (iv) and (v)) and paragraph (2) apply mutatis mutandis to the approval referred to in paragraph (1).
- (4) An heir who has obtained the approval referred to in paragraph (1) succeeds to the status of the person who has obtained the permission referred to in Article 3, paragraph (1) in relation to the decedent.

(Change of Facilities for Excavation)

Article 7-2 (1) When a person who has obtained the permission referred to in Article 3, paragraph (1) intends to make any significant change in the location, configuration, or equipment of the facilities for excavation or the method of excavation, as specified by Order of the Ministry of the Environment, in order to prevent disasters resulting from combustible natural gas, the person must apply to the prefectural governor and obtain the permission as specified by Order of the Ministry of the Environment.

- (2) The provisions of Article 4, paragraph (1) (limited to the part related to item (ii)), paragraph (2), and paragraph (3) apply mutatis mutandis to the permission referred to in the preceding paragraph.

In this case, the term "for the conservation of hot springs, the prevention of disasters resulting from combustible natural gas, and other public interests" in paragraph (3) of the same Article is deemed to be replaced with "for the prevention of disasters resulting from combustible natural gas".

(Notification of Completion or Discontinuation of Construction)

Article 8 (1) When a person who has obtained the permission referred to in Article 3, paragraph (1) has completed or discontinued the excavating work related to the permission, the person must notify the prefectural governor to that effect without delay as specified by Order of the Ministry of the Environment.

- (2) When a notification under the provisions of the preceding paragraph has been filed, the permission referred to in Article 3, paragraph (1) ceases to be effective.
- (3) When a person who has obtained the permission referred to in Article 3, paragraph (1) has completed or discontinued the excavating work related to the permission, or has revoked the permission referred to in the same paragraph, the prefectural governor may order the person who has completed or discontinued the excavation or whose permission has been revoked to take necessary measures for preventing disasters resulting from the combustible natural gas caused by the excavation for two years from the date of the completion, discontinuance, or revocation.

(Revocation of Permission)

Article 9 (1) The prefectural governor may revoke the permission referred to in Article 3, paragraph (1) in the following cases:

- (i) when the excavation related to the permission referred to in Article 3, paragraph (1) has come to fall under any of Article 4, paragraph (1), items (i) through (iii);
  - (ii) if a person who has obtained the permission referred to in Article 3, paragraph (1) has come to fall under either Article 4, paragraph (1), item (iv) or item (vi);
  - (iii) when a person who has obtained the permission referred to in Article 3, paragraph (1) has violated the provisions of this Act, or an order or disposition based on the provisions of this Act;
  - (iv) when a person who has obtained the permission referred to in Article 3, paragraph (1) has violated any of the conditions attached to the permission pursuant to the provisions of Article 4, paragraph (3) (including as applied mutatis mutandis pursuant to Article 7-2, paragraph (2)).
- (2) In the cases stated in item (i), (iii) or (iv) of the preceding paragraph, the prefectural governor may order a person who has obtained the permission referred to in Article 3, paragraph (1) to take measures necessary for the public interest, such as protecting hot springs and preventing disasters resulting from combustible natural gas.

(Order for Emergency Measures)

Article 9-2 When the prefectural governor finds it urgently necessary for preventing disasters resulting from combustible natural gas generated by the excavation of land for the purpose of welling up a hot spring, the governor may order the person who carries out the excavation to take necessary measures for preventing disasters resulting from combustible natural gas or to suspend the excavation.

(Order for Restoration)

Article 10 (1) In cases where excavation related to the permission referred to in Article 3, paragraph (1) has been carried out, when the prefectural governor revokes the permission or a hot spring does not well up from the place where the excavation has been carried out, the prefectural governor may order the person who obtained the permission to restore the original conditions.

The same applies to a person who has excavated land for the purpose of welling up a hot spring without obtaining the permission referred to in the same paragraph.

(Permission for Additional Excavation or Installation a Power-Driven

Equipment)

Article 11 (1) A person who intends to expand a channel for hot spring water or install a power-driven equipment to increase the amount of hot spring water must apply to and obtain the permission from the prefectural governor as specified by Order of the Ministry of the Environment.

(2) The provisions of Article 4, Article 5, Article 9, and the preceding Article apply *mutatis mutandis* to the permission for additional excavation referred to in the preceding paragraph; the provisions of Article 6 through Article 8 apply *mutatis mutandis* to a person who has obtained the permission for additional excavation referred to in the same paragraph; and the provisions of Article 9-2 apply *mutatis mutandis* to the additional excavation of a channel for hot spring water.

In this case, the term "excavation" in Article 4, paragraph (1), items (i) through (iii), Article 5, paragraph (2), Article 6, Article 7, paragraph (1), Article 7-2, paragraph (1), Article 8, paragraphs (1) and (3), and Article 9, paragraph (1), item (i) is deemed to be replaced with "additional excavation"; the term "excavation" in Article 9-2 is deemed to be replaced with "additional excavation"; the phrases "if excavation is carried out", "the relevant excavation", and "a person who has excavated land for the purpose of welling up a hot spring" in the preceding Article are deemed to be replaced with "if additional excavation is carried out", "the relevant additional excavation", and "a person who has expanded a channel for hot spring water", respectively.

(3) The provisions of Article 4 (excluding the part related to paragraph (1), item (ii)), Article 5, Article 9, and the preceding Article apply *mutatis mutandis* to the permission for installation a power-driven equipment referred to in paragraph (1), and the provisions of Article 6, Article 7, and Article 8, paragraphs (1) and (2) apply *mutatis mutandis* to a person who has obtained the permission for installation a power-driven equipment referred to in in paragraph (1).

In this case, the term "excavate" in Article 4, paragraph (1), items (i) and (iii), Article 5, paragraph (2), Article 6, Article 7, paragraph (1), Article 8, paragraph (1), and Article 9, paragraph (1), item (i) is deemed to be replaced with "installation a power-driven equipment ," the term "through item (iii)" in the same item is deemed to be replaced with "or item (iii)," the terms "when excavation is carried out," "the relevant excavation," and "a person who excavates land for the purpose of welling up hot springs" in the preceding Article are deemed to be replaced with "when installation a power-driven equipment is carried out," "the relevant installation a power-driven equipment," and "a person who install a power-driven equipment to increase the amount of hot spring water," respectively.

(Order on Restrictions on Extraction of Hot Springs)

Article 12 When a prefectural governor finds it necessary for the conservation of a hot spring source, the governor may order a person who extracts hot spring water from the hot spring source to restrict the extraction of hot spring water.

(Consultation with the Minister of the Environment)

Article 13 (1) If a prefectural governor makes a disposition under the provisions of Article 3, paragraph (1) or Article 11, paragraph (1), and there is a risk of affecting the amount of hot spring water, temperature or composition of a hot spring in an adjacent prefecture, the prefectural governor must consult with the Minister of the Environment in advance.

(2) If a consultation is held under the provisions of the preceding paragraph, the Minister of the Environment must hear the opinions of the stakeholders of the relevant prefectures.

(Order to Take Measures against a Person Who Has Excavated Land for Other Purposes)

Article 14 (1) If the amount of hot spring water, temperature or components of a hot spring is significantly affected by the excavation of land for a purpose other than welling up a hot spring and the prefectural governor finds it necessary for the public interest, the prefectural governor may order the person who has excavated the land to take necessary measures to prevent that effect.

(2) When a prefectural governor intends to order a person who has excavated land with the permission or approval of another administrative agency based on the provisions of laws and regulations to take measures prescribed in the preceding paragraph, the prefectural governor must consult with the administrative agency in advance.

### **Chapter III Prevention of Disasters Resulting from the Extraction of Hot Springs**

(Permission for the Extraction of Hot Springs)

Article 14-2 (1) A person who intends to engage in the extraction of hot spring water from a hot spring source in the course of trade must apply to and obtain the permission from the prefectural governor for each place of hot spring extraction as specified by Order of the Ministry of the Environment.

However, that this does not apply if a person who has obtained the confirmation referred to in Article 14-5, paragraph (1) extracts hot spring water at the place of hot spring extraction related to the relevant confirmation.

(2) When an application has been filed for the permission referred to in the preceding paragraph, the prefectural governor must grant the permission

referred to in that paragraph, unless the application falls under any of the following items:

- (i) if the location, structure, and equipment of the facilities for the extraction of hot spring water to which the relevant application pertains and the method of the extraction are found not to conform to the technical standards as specified by Order of the Ministry of the Environment concerning the prevention of disasters resulting from the extraction;
  - (ii) the applicant has been sentenced to a fine or a heavier punishment pursuant to the provisions of this Act, and two years have not passed since the day on which the applicant finished serving that sentence or ceased to be subject to its enforcement;
  - (iii) when the applicant is a person, whose permission referred to in the preceding paragraph has been revoked pursuant to the provisions of Article 14-9, paragraph (1) (limited to the part related to items (iii) and (iv)), and two years have not elapsed from the date of the revocation;
  - (iv) if the applicant is a corporation and any of its officers falls under any of the preceding two items.
- (3) The provisions of Article 4, paragraphs (2) and (3) apply mutatis mutandis to the permission prescribed in paragraph (1).

In this case, the term "for the conservation of hot springs, the prevention of disasters resulting from combustible natural gas, and other public interests" in paragraph (3) of the same Article is deemed to be replaced with "for the prevention of disasters resulting from combustible natural gas".

(Merger and Split of a Corporation That Has Obtained the Permission to Extract a Hot Spring)

- Article 14-3 (1) In the case of a merger of corporations that have obtained the permission under paragraph (1) of the preceding Article (excluding the case where a corporation that has obtained the permission under the same paragraph continues to exist after a merger between a corporation that has obtained the permission referred to in the same paragraph and a corporation that has not obtained the permission referred to in the same paragraph) or in the case of a split of corporations that have obtained the permission referred to in the same paragraph (limited to the case where the whole of the business of extracting hot springs related to the permission is succeeded to), if the merger or split has been approved by the prefectural governor, the corporation that continues to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the whole of the business through the split succeeds to the status of the person that has obtained the permission referred to in the same paragraph.
- (2) The provisions of Article 4, paragraph (2) and paragraph (2) of the preceding

Article (limited to the part related to items (ii) through (iv)) apply mutatis mutandis to the approval referred to in the preceding paragraph.

In this case, the term "the applicant" in paragraph (2) of the same Article is deemed to be replaced with "the corporation surviving after the merger, the corporation established by the merger, or the corporation succeeding to the whole of the business of extracting hot springs related to the relevant permission through a split".

(Inheritance of a Person Who Obtained the Permission to Extract Hot Springs)

- Article 14-4 (1) If a person who has obtained the permission referred to in Article 14-2, paragraph (1) dies, and the heir (if there are two or more heirs and the heir who is to succeed to the business of extracting hot springs related to the permission has been selected with the consent of all heirs, that person; the same applies below in this Article) intends to continue to conduct the extraction of hot springs related to the permission in the course of trade, the heir must file an application with the prefectural governor within sixty days after the death of the decedent and obtain the approval of the prefectural governor.
- (2) If an heir applies for the approval referred to in the preceding paragraph, the permission referred to in Article 14-2, paragraph (1) which has been granted to the decedent is deemed to have been granted to the heir from the date of the death of the decedent until the date on which the heir obtains the approval or receives notice of non-approval.
- (3) The provisions of Article 4, paragraph (2) and Article 14-2, paragraph (2) (limited to the part pertaining to items (ii) and (iii)) apply mutatis mutandis to the approval referred to in paragraph (1).
- (4) An heir who has obtained the approval referred to in paragraph (1) succeeds to the status of the person who has obtained the permission referred to in Article 14-2, paragraph (1) in relation to the decedent.

(Confirmation of Concentration of Combustible Natural Gas)

- Article 14-5 (1) A person who intends to conduct the extraction of hot spring water from a hot spring source in the course of trade may obtain confirmation from the prefectural governor as specified by Order of the Ministry of the Environment that the concentration of combustible natural gas at the place of the extraction of hot spring water does not exceed the standards specified by Order of the Ministry of the Environment as not requiring measures to prevent disasters resulting from combustible natural gas.
- (2) The provisions of Article 4, paragraph (2) apply mutatis mutandis to the confirmation referred to in the preceding paragraph.
- (3) The prefectural governor must rescind the confirmation referred to in

paragraph (1) in the following cases:

- (i) when the person who has received the confirmation referred to in paragraph (1) has received the confirmation by wrongful means;
- (ii) if it is found that the concentration of the combustible natural gas at the place of extraction of hot spring related to the confirmation referred to in paragraph (1) has come to exceed the standards specified by Order of the Ministry of the Environment referred to in the same paragraph.

(Succession to the Status of a Person Who Has Obtained the Confirmation)

- Article 14-6 (1) If a person that has obtained the confirmation referred to in paragraph (1) of the preceding Article transfers the whole of the hot spring extraction business related to the relevant confirmation, or if a person that has obtained the confirmation referred to in the same paragraph becomes subject to inheritance, a merger (excluding a merger between a corporation that has obtained the confirmation referred to in the same paragraph and a corporation that has not obtained the confirmation referred to in the same paragraph, in which the corporation that has obtained the confirmation referred to in the same paragraph survives), or a split (limited to a split in which the whole of the hot spring extraction business related to the relevant confirmation is succeeded to), a person that has acquired the whole of the relevant business, an heir (if there are two or more heirs and an heir who is to succeed to the hot spring extraction business related to the relevant confirmation is selected by the consent of all the heirs, the selected heir), a corporation surviving a merger, a corporation established by a merger, or a corporation succeeding to the whole of the relevant business by a split succeeds to the status of the person that has obtained the confirmation referred to in the same paragraph.
- (2) A person who has succeeded to the status of the person who has received the confirmation referred to in paragraph (1) of the preceding Article pursuant to the provisions of the preceding paragraph must notify the prefectural governor to that effect without delay, with a document proving that fact.

(Change of Facilities for Extracting Hot Springs)

- Article 14-7 (1) If a person who has obtained the permission referred to in Article 14-2, paragraph (1) intends to make a significant change in the location, structure, or equipment of the facilities for extracting hot spring water or the method of extracting hot spring water specified by Order of the Ministry of the Environment in order to prevent disasters resulting from combustible natural gas, the person must apply to the prefectural governor and obtain the permission as specified by Order of the Ministry of the Environment.
- (2) The provisions of Article 14-2, paragraph (2) (limited to the part pertaining to item (i)) and Article 4, paragraphs (2) and (3) as applied mutatis mutandis

pursuant to Article 14-2, paragraph (3) apply mutatis mutandis to the permission referred to in the preceding paragraph.

(Notification of Discontinuance of the Business of Extracting Hot Springs)

- Article 14-8 (1) If a person who has obtained the permission referred to in Article 14-2, paragraph (1) or the confirmation referred to in Article 14-5, paragraph (1) discontinues the hot spring water extraction activity pertaining to the relevant permission or confirmation, the person must notify the prefectural governor to that effect without delay as specified by Order of the Ministry of the Environment.
- (2) When a notification under the provisions of the preceding paragraph has been filed, the permission referred to in Article 14-2, paragraph (1) or the confirmation referred to in Article 14-5, paragraph (1) ceases to be effective.
- (3) If a person who has obtained the permission referred to in Article 14-2, paragraph (1) or the confirmation referred to in Article 14-5, paragraph (1) discontinues the business of extracting hot springs related to the relevant permission or confirmation, or if the prefectural governor revoked the permission referred to in Article 14-2, paragraph (1), the prefectural governor may order the relevant person who discontinued or whose permission has been revoked to take necessary measures for preventing disasters resulting from the combustible natural gas generated by the person's extraction of hot springs for two years from the date of the relevant discontinuation or revocation.

(Revocation of Permission)

- Article 14-9 (1) The prefectural governor may rescind the permission referred to in Article 14-2, paragraph (1) in the following cases:
- (i) if the extraction of hot springs pertaining to the permission referred to in Article 14-2, paragraph (1) has come to fall under paragraph (2), item (i) of the same Article;
- (ii) when a person who has obtained the permission referred to in Article 14-2, paragraph (1) has come to fall under either item (ii) or item (iv) of paragraph (2) of the same Article;
- (iii) when a person who has obtained permission referred to in Article 14-2, paragraph (1) has violated the provisions of this Act, or an order or disposition based on the provisions of this Act;
- (iv) a person that has obtained the permission referred to in Article 14-2, paragraph (1) violates a condition attached to the permission pursuant to the provisions of Article 4, paragraph (3) (including as applied mutatis mutandis pursuant to Article 14-7, paragraph (2)) as applied mutatis mutandis pursuant to Article 14-2, paragraph (3).
- (2) In the cases stated in item (i), (iii) or (iv) of the preceding paragraph, the

prefectural governor may order the person who has obtained the permission referred to in Article 14-2, paragraph (1) to take necessary measures for preventing disasters resulting from combustible natural gas.

(Order for Emergency Measures)

Article 14-10 When the prefectural governor finds it urgently necessary for preventing disasters resulting from combustible natural gas generated by the extraction of hot spring water, the governor may order the person who conducts the extraction to take necessary measures for preventing disasters resulting from combustible natural gas or to suspend the extraction of hot spring water.

## **Chapter IV Use of Hot Springs**

(Permission to Use a Hot Spring)

- Article 15 (1) A person who intends to use a hot spring for public bathing or drinking must apply to and obtain the permission from the prefectural governor as specified by Order of the Ministry of the Environment.
- (2) A person who falls under any of the following items may not obtain the permission referred to in the preceding paragraph:
- (i) a person that has been sentenced to a fine or heavier punishment pursuant to the provisions of this Act, if two years have not yet passed since the day on which the person finished serving that sentence or ceased to be subject to its enforcement;
  - (ii) a person whose permission referred to in the preceding paragraph has been revoked pursuant to the provisions of Article 31, paragraph (1) (limited to the part pertaining to items (iii) and (iv)), and for whom two years have not elapsed from the date of the revocation;
  - (iii) a corporation any of whose officers fall under any of the preceding two items.
- (3) If the prefectural governor finds that the components of a hot spring are harmful to health, the governor may choose not to grant the permission referred to in paragraph (1).
- (4) The provisions of Article 4, paragraphs (2) and (3) apply mutatis mutandis to the permission referred to in paragraph (1).

In this case, the term "for the conservation of hot springs, the prevention of disasters caused by combustible natural gas, and other public interests" in paragraph (3) of the same Article is deemed to be replaced with "for public health".

(Merger and Split of a Corporation That Has Obtained the Permission to Use Hot Springs)

Article 16 (1) In the case of a merger of corporations that have obtained the permission under paragraph (1) of the preceding Article (excluding the case of a merger between a corporation that has obtained the permission referred to in the same paragraph and a corporation that has not obtained the permission referred to in the same paragraph, where the corporation that has obtained the permission referred to in the same paragraph continues to exist) or in the case of a split (limited to the case where the whole of the business to provide hot springs related to the permission for public bathing or drinking is succeeded), if the approval of the prefectural governor has been obtained for the merger or split, the corporation that continues to exist after the merger, the corporation that has been established by the merger, or the corporation that has succeeded to the whole of the business by the split succeeds to the status of the person who has obtained the permission under the same paragraph.

(2) The provisions of Article 4, paragraph (2) and paragraph (2) of the preceding Article apply *mutatis mutandis* to the approval referred to in the preceding paragraph.

In this case, the phrase "a person who falls under any of the following items" in paragraph (2) of the same Article is deemed to be replaced with "if the corporation surviving a merger, the corporation established by a merger, or the corporation succeeding to the whole of the business of providing hot springs for public bathing or drinking through a split falls under any of the following items".

#### (Inheritance of Persons Who Have Obtained the Permission to Use Hot Springs)

Article 17 (1) If a person who obtained the permission referred to in Article 15, paragraph (1) dies and the heir (if there are two or more heirs and the heir who is to succeed to the business of providing the hot spring related to the permission for public bathing or drinking is selected by the consent of all the heirs, that person; the same applies below in this Article) intends to continue the business of providing the hot spring related to the permission for public bathing or drinking, the heir must apply to the prefectural governor within sixty days after the death of the decedent and obtain the approval of the prefectural governor.

(2) If an heir applies for the approval referred to in the preceding paragraph, the permission referred to in Article 15, paragraph (1) which has been granted to the decedent is deemed to have been granted to the heir from the date of the death of the decedent until the date on which the heir obtains the approval or receives notice of non-approval.

(3) The provisions of Article 4, paragraph (2) and Article 15, paragraph (2) (excluding the part pertaining to item (iii)) apply *mutatis mutandis* to the

approval referred to in paragraph (1).

- (4) An heir who has obtained the approval referred to in paragraph (1) succeeds to the status of the person who has obtained the permission referred to in Article 15, paragraph (1) in relation to the decedent.

(Posting the Components of Hot Springs, etc.)

Article 18 (1) A person who provides a hot spring for public bathing or drinking must post the following matters at a readily visible place in the facility as specified by Order of the Ministry of the Environment:

- (i) components of hot springs;
  - (ii) contraindication;
  - (iii) precautions concerning bathing or drinking;
  - (iv) beyond what is stated in the preceding three items, information specified by the Order of the Ministry of the Environment as necessary for bathing or drinking.
- (2) The posting under the provisions of the preceding paragraph must be made based on the results of a hot spring component analysis (meaning an analysis and inspection of the components of the hot springs conducted for that posting; the same applies below) conducted by a person who has obtained the registration under paragraph (1) of the following Article (below referred to as a "registered analytical laboratory").
- (3) A person who provides a hot spring for public bathing or drinking must undergo a hot spring component analysis referred to in the preceding paragraph for each period specified by Cabinet Order and must change the content of the notice under the provisions of paragraph (1) based on the results within 30 days from the day on which the person received notification of the results.
- (4) If a person that provides a hot spring for public bathing or drinking intends to make a posting under the provisions of paragraph (1) or to change the content thereof, the person must notify the prefectural governor of the content thereof in advance as specified by Order of the Ministry of the Environment.
- (5) On finding it to be necessary to do so in order to protect the health of persons who bathe in a facility as referred to in paragraph (1) or persons who consume a hot spring as a beverage as referred to in that paragraph, the prefectural governor may order the person to change the content of the notice that has been filed under the provisions of the preceding paragraph.

(Registration of a Person Who Conducts a Hot Spring Component Analysis)

Article 19 (1) A person who intends to conduct a hot spring component analysis must have the facility where the hot spring component analysis is conducted (below referred to as the "analytical facility") registered by the governor of the

prefecture to which the location of the analytical facility belongs.

(2) A person seeking the registration referred to in the preceding paragraph must submit a written application stating the following matters to the prefectural governor:

- (i) the name and address of the applicant, as well as the name of the representative if the applicant is a corporation;
- (ii) the name and location of the analytical laboratory;
- (iii) the name and performance of appliances, machines, or equipment used for hot spring component analysis;
- (iv) other information specified by the Order of the Ministry of the Environment.

(3) When the prefectural governor finds that the application for the registration under paragraph (1) conforms to all of the following items, the governor must register the matters stated in items (i) and (ii) of the preceding paragraph, the date of registration, and the registration number in the registry of registered analytical laboratories:

- (i) the matters stated in item (iii) of the preceding paragraph conform to the standards specified by Order of the Ministry of the Environment as being sufficient to properly conduct a hot spring component analysis;
- (ii) the applicant has a sufficient financial basis to properly and reliably conduct a hot spring component analysis.

(4) A person falling under one of the following items may not be registered as referred to in paragraph (1).

- (i) a person that has been sentenced to a fine or heavier punishment pursuant to the provisions of this Act, if two years have not yet passed since the day on which the person finished serving that sentence or ceased to be subject to its enforcement;
- (ii) a person whose registration has been revoked pursuant to the provisions of Article 25 (excluding the part pertaining to item (iii)), if a period of two years has not yet elapsed from the date of revocation.
- (iii) a corporation any of whose officers fall under any of the preceding two items.

(5) When the prefectural governor has made a registration as referred to in paragraph (1), the prefectural governor must notify the applicant to that effect in writing without delay, and when the prefectural governor has refused the registration, the prefectural governor must notify the applicant to that effect with the reasons therefor in writing without delay.

(Notification of Changes)

Article 20 A registered analytical laboratory must notify the prefectural governor of any change in the matters prescribed in the items of paragraph (2)

of the preceding Article (excluding minor changes specified by Order of the Ministry of the Environment) without delay.

(Notification of Abolition)

Article 21 (1) If a registered analytical laboratory discontinues the operations of hot spring component analysis, it must notify the prefectural governor to that effect without delay.

(2) When a notification under the provisions of preceding paragraph has been filed, the registration of the relevant registered analytical laboratory ceases to be effective.

(Deletion of the Registration)

Article 22 If a registration ceases to be effective pursuant to the provisions of paragraph (2) of the preceding Article or if a registration is revoked pursuant to the provisions of Article 25, the prefectural governor must delete the registration of the relevant registered analytical laboratory.

(Inspection of the Register of Registered Analytical Laboratories)

Article 23 The prefectural governor must make the register of registered analytical laboratories available for public inspection.

(Signs of Registered Analytical Laboratories)

Article 24 A registered analytical laboratory must, as specified by Order of the Ministry of the Environment, post a sign in the format specified by Order of the Ministry of the Environment in a place that is accessible to the public at each of its offices and analytical laboratories.

(Revocation of Registration)

Article 25 When a registered analytical laboratory falls under any of the following items, the prefectural governor may revoke its registration:

- (i) when the Registered Training Agency has violated the provisions of Article 19, paragraphs (1) and (2), Article 20, Article 21, paragraph (1), the preceding Article, the following Article, and Article 27, and the provisions of an order based on these provisions;
- (ii) it no longer conforms to the requirements prescribed in the items of Article 19, paragraph (3);
- (iii) when the Registered Training Agency has come to fall under either Article 19, paragraph (4), item (i) or item (iii);
- (iv) it has been registered as referred to in Article 19, paragraph (1) by wrongful means.

(Delegation to Order of the Ministry of the Environment)

Article 26 Beyond what is provided for in Article 19 to the preceding Article, the procedures for registration, the form of the registry of registered analytical laboratories, and other necessary matters concerning the registration of registered analytical laboratories are specified by Order of the Ministry of the Environment.

(Obligation to Comply with Requests for Hot Spring Component Analysis)

Article 27 A registered analytical laboratory must not refuse a request for a hot spring component analysis without justifiable grounds.

(Collection of Reports and On-site Inspections)

Article 28 (1) A prefectural governor may, to the extent necessary for ensuring the proper implementation of a hot spring component analysis, request a person who conducts a hot spring component analysis to make necessary reports concerning the hot spring component analysis, or have the prefecture's officials enter the office or analysis facility of the person, inspect instruments, machines or equipment, books, documents and any other objects used for the hot spring component analysis, or ask questions to the relevant persons.

(2) An official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the relevant persons.

(3) The authority to conduct an on-site inspection under the provisions of paragraph (1) must not be construed as being granted for the purpose of a criminal investigation.

(Designation of Areas)

Article 29 The Minister of the Environment may designate areas necessary for the development of hot spring usage facilities (meaning facilities where hot springs are used for public bathing or drinking, facilities where hot springs are used for industrial purposes, and other facilities where hot springs are used; the same applies below) and for the improvement of the environment, to promote public use of hot springs.

(Instructions for Improvement)

Article 30 If the Minister of the Environment or a prefectural governor finds it particularly necessary for promoting the public use of a hot spring within the area designated pursuant to the provisions of the preceding Article, they may give necessary instructions to the managers of hot spring usage facilities regarding the improvement of the hot spring usage facilities or the management methods thereof as specified by Order of the Ministry of the

Environment.

(Revocation of Permission)

Article 31 (1) The prefectural governor may rescind the permission referred to in Article 15, paragraph (1) in the following cases:

- (i) when the minister finds it necessary for public health;
  - (ii) if a person who has obtained the permission referred to in Article 15, paragraph (1) has come to fall under either item (i) or item (iii) of paragraph (2) of the same Article;
  - (iii) when a person who has obtained the permission referred to in Article 15, paragraph (1) has violated the provisions of this Act, or an order or disposition based on the provisions of this Act;
  - (iv) a person that has obtained the permission referred to in Article 15, paragraph (1) violates a condition attached to the permission pursuant to the provisions of Article 4, paragraph (3) as applied mutatis mutandis pursuant to Article 15, paragraph (4).
- (2) In the cases stated in item (i), (iii), or (iv) of the preceding paragraph, the prefectural governor may order a person who extracts a hot spring from a hot spring source or an administrator of a hot spring usage facility to restrict the use of the hot spring or take measures to prevent harm.

## **Chapter V Consultation and Hearing**

(Consultation with Councils and Other Council Organizations)

Article 32 When the prefectural governor intends to make a disposition under the provisions of Article 3, paragraph (1), Article 4, paragraph (1) (including as applied mutatis mutandis pursuant to Article 11, paragraph (2) or paragraph (3)), Article 9 (including as applied mutatis mutandis pursuant to Article 11, paragraph (2) or paragraph (3)), Article 11, paragraph (1) or Article 12, the prefectural governor must hear the opinions of the council or other body with a council system established pursuant to the provisions of Article 51 of the Nature Conservation Act (Act No. 85 of 1972).

(Special Provisions on Hearings)

Article 33 (1) Irrespective of the category of proceeding for hearing statements of opinion under the provision of Article 13, paragraph (1) of the Administrative Procedure Act (Act No. 88 of 1993), before seeking to issue an order under the provision of Article 9, paragraph (2) (including as applied mutatis mutandis pursuant to Article 11, paragraph (2) or paragraph (3)); Article 12; Article 14-9, paragraph (2); or Article 31, paragraph (2), the prefectural governor must conduct a hearing.

- (2) Proceedings on the date of a hearing with respect to a disposition under the provisions of Article 9 (including as applied *mutatis mutandis* pursuant to Article 11, paragraph (2) or (3)), Article 12, Article 14-9 or Article 31 must be open to the public.

## **Chapter VI Miscellaneous Provisions**

### **(Collection of Reports)**

Article 34 A prefectural governor may, to the extent necessary for the enforcement of this Act, request a person who excavates land for the purpose of welling up a hot spring to report on the implementation status of the excavation of the land, the status of the generation of combustible natural gas and other necessary matters, or request a person who extracts a hot spring from a hot spring source or the manager of a hot spring usage facility to report on the implementation status of the extraction of a hot spring, the amount of hot spring water, temperature, composition or usage status of a hot spring, the status of the generation of combustible natural gas and other necessary matters.

### **(On-site Inspections)**

- Article 35 (1) A prefectural governor may, to the extent necessary for the enforcement of this Act, have their officials enter the site of excavation work on land to be carried out for the purpose of welling up a hot spring, the site of hot spring extraction or hot spring usage facilities, inspect the implementation status of excavation or hot spring extraction, the amount of hot spring water, temperature, ingredients or usage status of the hot spring, the status of the generation of combustible natural gas or books, documents or other items, or ask questions to the relevant persons.
- (2) The provisions of Article 28, paragraphs (2) and (3) apply *mutatis mutandis* to the on-site inspection under the provisions of the preceding paragraph.

### **(Relationship with the Mine Safety Act)**

Article 35-2 (1) With regard to the application of the provisions of Article 4, paragraph (1), item (ii) and Article 11, paragraph (2) to the excavation of land or the additional excavation of a channel for hot spring water to be carried out for the purpose of creating a hot spring in mines prescribed in Article 2, paragraph (2) of the Mining Safety Act (Act No. 70 of 1949) (limited to those where combustible natural gas is mined; referred to as "natural gas mines" in the following paragraph), the phrase "the location, structure, and equipment of the facilities for the excavation pertaining to the relevant application and the method of the excavation do not conform to the technical standards specified by

the Order of the Ministry of the Environment concerning the prevention of disasters resulting from excavation caused by combustible natural gas" in the same item is deemed to be replaced with "the measures necessary to prevent harm to people in mines pursuant to the provisions of Article 5 of the Mining Safety Act (Act No. 70 of 1949) have not been taken," the phrase "Article 4," "through Article 8," "the same paragraph," "the provisions of Article 9-2 apply mutatis mutandis to the additional excavation of a channel for a hot spring," "Article 4, paragraph (1), items (i) through (iii)" and "Article 7-2, paragraph (1), Article 8, paragraphs (1) and (3)" in the same paragraph are deemed to be replaced with "Article 4, paragraph (1), items (i) and (iii)," "Article 8, paragraph (1)," and "the phrase 'excavation' in Article 9-2 is deemed to be replaced with 'extension of a channel for hot spring water,' and the phrase 'the preceding Article' in the same paragraph is deemed to be replaced with 'the preceding Article.'".

- (2) In natural gas mines, the provisions of Article 7-2, paragraph (3) of Article 8, Article 9-2 and Chapter III do not apply.

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

Article 36 (1) Part of the affairs under the authority of the prefectural governor pursuant to the provisions of Chapter IV, Article 33, paragraph (1) (limited to the part pertaining to the disposition under the provisions of Article 31, paragraph (2)), Article 34 (excluding the part pertaining to the collection of a report from a person who excavates land for the purpose of welling up a hot spring), or Article 35, paragraph (1) (excluding the part pertaining to an on-site inspection of a construction site for excavating land for the purpose of welling up a hot spring) may be conducted by the mayor of a city specified by Cabinet Order as referred to in Article 5, paragraph (1) of the Community Health Act (Act No. 101 of 1947) (referred to as a "city with a public health center" in the following paragraph) or a special ward, as specified by Cabinet Order.

- (2) The mayor of a city with a public health center or the mayor of a special ward of Tokyo must notify the prefectural governor of the matters concerning the affairs prescribed in the preceding paragraph that are specified by the Order of the Ministry of the Environment.

(transitional measure)

Article 37 When enacting, revising or abolishing a Cabinet Order based on the provisions of this Act, necessary transitional measure (including transitional measure concerning penal provisions) may be specified by the Cabinet Order to the extent considered reasonably necessary for the enactment, revision or abolition.

## Chapter VII Penal Provisions

Article 38 (1) A person who falls under any of the following items is punished by imprisonment for not more than one year or a fine of not more than one million yen:

- (i) a person who, in violation of the provisions of Article 3, paragraph (1), has excavated land without obtaining the permission;
  - (ii) a person that violates an order under the provisions of Article 9-2 (including as applied *mutatis mutandis* pursuant to Article 11, paragraph (2)) or Article 14-10;
  - (iii) a person who, in violation of the provisions of Article 11, paragraph (1), has expanded a channel for hot spring water or installed a power-driven equipment without the permission;
  - (iv) a person who, in violation of the provisions of Article 14-2, paragraph (1), engages in the extraction of hot springs in the course of trade without obtaining the permission;
- (2) Imprisonment and a fine may be cumulatively imposed on a person who has committed any of the crimes referred to in the preceding paragraph, in accordance with the circumstances.

Article 39 A person who falls under any of the following items is punished by imprisonment for not more than six months or a fine of not more than 500000 yen:

- (i) a person who has, in violation of the provisions of Article 7-2, paragraph (1) (including the cases where it is applied *mutatis mutandis* pursuant to Article 11, paragraph (2)), made material changes to the position, structure or equipment of facilities for excavation or expansion or the method of excavation or expansion without the permission;
- (ii) a person that violates an order under Article 8, paragraph (3) (including as applied *mutatis mutandis* pursuant to Article 11, paragraph (2)); Article 9, paragraph (2); or Article 10 (including as applied *mutatis mutandis* pursuant to Article 11, paragraph (2) or paragraph (3)); Article 12, paragraph (1); Article 14-8, paragraph (3); Article 14-9, paragraph (2); or Article 31, paragraph (2);
- (iii) a person who has obtained the confirmation referred to in Article 14-5, paragraph (1) by wrongful means;
- (iv) a person who, in violation of the provisions of Article 14-7, paragraph (1), has made an important change to the location, structure, or equipment of facilities for extracting hot spring water or the method of extraction without obtaining the permission;

- (v) a person who has, in violation of the provisions of Article 15, paragraph (1), used a hot spring for public bathing or drinking without the permission;
- (vi) a person who has conducted a hot spring component analysis without obtaining the registration, in violation of the provisions of Article 19, paragraph (1);
- (vii) a person that has been registered as referred to in Article 19, paragraph (1) by wrongful means.

Article 40 A person who has violated an order under the provisions of Article 18, paragraph (5) is punished by a fine of not more than 500000 yen.

Article 41 A person who falls under any of the following items is punished by a fine of not more than 300000 yen:

- (i) a person that fails to give notification under the provision of Article 8, paragraph (1) (including as applied mutatis mutandis pursuant to Article 11, paragraph (2) or (3)); Article 14-8, paragraph (1); Article 18, paragraph (4); or Article 20, or has given a false notification;
- (ii) a person who has failed to make a posting under the provisions of Article 18, paragraph (1) or has made a false posting;
- (iii) a person who has violated the provisions of Article 18, paragraph (2) (excluding a person who falls under the provisions of the preceding item);
- (iv) a person who has failed to undergo a hot spring component analysis or has failed to change the content of the posting, in violation of the provisions of Article 18, paragraph (3);
- (v) a person who has violated the provisions of Article 27;
- (vi) a person that fails to make a report under the provisions of Article 28, paragraph (1) or Article 34, or that makes a false report;
- (vii) a person who has refused, obstructed or evaded an on-site inspection under the provisions of Article 28, paragraph (1) or Article 35, paragraph (1), or has not given a statement or has given a false statement in response to a question.

Article 42 If the representative of a corporation or the agent, employee, or other worker of a corporation or individual commits a violation referred to in Article 38 through the preceding Article in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the relevant Article.

Article 43 A person who falls under any of the following items is punished by a civil fine of not more than 100,000 yen:

- (i) a person who has failed to give notification under the provisions of Article 14-6, paragraph (2) or Article 21, paragraph (1), or has given a false notification;
- (ii) a person who has violated the provisions of Article 24.
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| (i) temperature (the temperature at the time of sampling from a hot spring source)                 | 25 degrees centigrade or more          |
| (ii) substances (any one of those listed below)  | Content (in 1 kg)                      |
| Substance name   |  |
| Dissolved substances (excluding those of a gaseous nature)   | Total amount 1,000 milligrams or more  |
| Free carbonic acid (CO <sub>2</sub> )  | 250 milligrams or more                 |
| Lithium ion (Li <sup>+</sup> )   | 1 mg or more                           |
| Strontium ion (Sr <sup>++</sup> )  | 10 milligrams or more                  |
| Barium ion (Ba <sup>++</sup> )   | 5 mg or more                           |
| Ferrous or ferric ion (Fe <sup>++</sup> ., Fe <sup>+++</sup> .)                                    | 10 milligrams or more                  |
| Manganese ion (Mn <sup>++</sup> )  | 10 milligrams or more                  |
| Hydrogen ion (H <sup>+</sup> )   | 1 mg or more                           |
| Bromine ion (Br <sup>'</sup> )   | 5 milligrams or more                   |
| Iodine ion (I <sup>'</sup> )   | 1 mg or more                           |
| Fluorine ion (F <sup>'</sup> )   | 2 milligrams or more                   |
| Hydroarsenate ion (HASO <sub>4</sub> ")  | 1.3 milligrams or more                 |
| Meta-Arsenic (HASO <sub>2</sub> )  | 1 mg or more                           |
| Total sulfur (S) [Sulfur corresponding to HS' + S <sub>2</sub> O <sub>3</sub> "+ H <sub>2</sub> S] | 1 mg or more                           |
| Metaboric acid (HBO <sub>2</sub> )   | 5 mg or more                           |
| Metasilicic acid (H <sub>2</sub> SiO <sub>3</sub> )  | 50 milligrams or more                  |
| Sodium bicarbonate (NaHCO <sub>3</sub> )   | 340 milligrams or more                 |
| Radon (Rn)   | 20 (Ci Unit of 1 / 10 billion) or more |
| Radium salt (as Ra)  | 1 / 100 million mg or more             |