

# Outline of the Soil Contamination Countermeasures Act

- **On the occasions of specifying the provisions of the law, investigations will be conducted** concerning the status of the soil contamination of the land, and **when contamination is found, designation of the regions** will be conducted (2 types: Areas that Require Measures and Areas that Require Notification for Any Intended Change in Characteristics )
- In **areas that require measures, measures for contamination removal, etc.** will be implemented. In areas that require notification for any intended change in characteristics, **advance notification** will be conducted when there is a change in the characteristics of the land. Also, **if contaminated soil is carried out** of the relevant areas, **regulations** will apply.

## Investigation

### (1) When Use of a Facility that Used a Hazardous Substance Has Been Discontinued (Article 3)

- If use of the facility has been continued, it is also possible to obtain a temporary exemption from the investigation
- Regarding land for which a temporary exemption from investigation has been obtained, if a change in the land characteristics has been conducted for an area of 900m<sup>2</sup> or more, the owner of the land is to make a notification, and the facility will be subject to an order by the prefectural governor to conduct an investigation of the status of the soil contamination of the land

### (2) When Changes in the Characteristics Have Been Made for Land Exceeding a Certain Scope, and the Prefectural Governor Finds that There is a Risk that Soil Contamination has Occurred (Article 4)

- A notification must be made when there is a change in the land characteristics for an area of land of 3000m<sup>2</sup> or more, or when there has been a change in the land characteristics for an area of land of 900 m<sup>2</sup> or more for land on which a facility that used a hazardous substance has been established
- After obtaining the approval of all the owners, etc. of the land, an investigation is conducted before conducting the notification referred to above, and the results of the investigation may be submitted together with the notification

### (3) When the Prefectural Governor Finds That There is a Risk of Causing Harm to Human Health Due to Soil Contamination (Article 5)

- **If the owners, etc. of the land find the existence of soil contamination through their own investigation, they may apply to the prefectural governor to have the area designated (Article 14)**

In (1)–(3), the owners, etc. of the land must have a designated investigation organization conduct an investigation and report the results to the prefectural governor

## When the Status of the Soil Contamination Exceeds the Designated Standard

## Area Designation, etc.

### ○ Areas that Require Measures (Article 6)

As there is a path to ingest contaminated matter, because **there is** a risk of harm to human health, these are areas for which it is necessary to take measures to remove the contamination

- The owners, etc. of land are to make a plan for contamination removal, etc. that is related to the designation by the prefectural governor, take measures to remove the contamination, etc. and make a report (Article 7)
- Prohibition Against Changing the Characteristics of Land (Article 9)

### ○ Areas that Require Notification for Any Intended Change in Characteristics (Article 11)

As there is no path to ingest contaminated matter, there is **no** risk of harm to human health, so these are areas for which it is not necessary to take measures to remove the contamination, etc. (this includes areas for which blockage of the path to ingest the contamination has been conducted)

- A person who intend to make changes in the characteristics of the land must notify the prefectural governor (Article 12)

## When the Contamination has been Removed, the Designation of the Area is Cancelled

## Regulations Concerning Carrying Out Contaminated Soil

- Regulations concerning carrying out contaminated soil from areas that require measures and areas that require notification for any intended change in characteristics (Article 16, Article 17) (advance notification, order to change plan, compliance with the standards for carrying out contaminated soil)
- Obligation to issue and retain a control manifest for contaminated soil (Article 20)
- Licensing system for contaminated soil processing businesses (Article 22)

## Other Matters

- Improvement in the reliability of designated investigation organizations (Renewal of designation, appointment of a technical manager, etc.) (Article 32, Article 33)
- Subsidies from the fund for soil contamination countermeasures (When the persons responsible for the soil contamination or their whereabouts are unknown, these subsidies are granted for measures to remove the contamination, etc. when the ability to bear the expenses for it is low) (Article 45)

# 土壤汚染対策法の概要

- ・法に定める契機が発生したときに土地の土壤汚染の状態を調査し、汚染がある場合は区域指定される（要措置区域と形質変更時要届出区域の2種類）。
- ・要措置区域では汚染の除去等の措置を実施する。形質変更時要届出区域では土地の形質の変更に当たって事前の届出を行う。また、それぞれの区域から汚染土壤を搬出する場合には規制がかかる。

## 調査

### ①有害物質使用特定施設の使用を廃止したとき（第3条）

- 操業を続ける場合には、一時的に調査の免除を受けることも可能
- 一時的に調査の免除を受けた土地で、900m<sup>2</sup>以上の土地の形質の変更を行う際には届出を行い、都道府県知事の命令を受けて土壤汚染状況調査を行う

### ②一定規模以上の土地の形質の変更の届出の際に、土壤汚染のおそれがあると都道府県知事が認めるとき（第4条）

- 3,000m<sup>2</sup>以上の土地の形質の変更又は現に有害物質使用特定施設が設置されている土地では900m<sup>2</sup>以上の土地の形質の変更を行う場合に届出を行う
- 土地の所有者等の全員の同意を得て、上記の届出の前に調査を行い、届出の際に併せて調査結果を提出可能

### ③土壤汚染により健康被害が生ずるおそれがあると都道府県知事が認めるとき（第5条）

- 自主調査において土壤汚染が判明した場合に土地の所有者等が都道府県知事に区域の指定を申請できる（第14条）

①～③においては、土地の所有者等が指定調査機関に調査を行わせ、結果を都道府県知事に報告

## 土壤の汚染状態が指定基準を超過した場合

## 区域の指定等

### ○要措置区域（第6条）

汚染の摂取経路があり、健康被害が生ずるおそれがあるため、汚染の除去等の措置が必要な区域

- 土地の所有者等は、都道府県知事の指示に係る汚染除去等計画を作成し、汚染の除去等の措置を実施し、報告を行う（第7条）
- 土地の形質の変更の原則禁止（第9条）

### ○形質変更時要届出区域（第11条）

汚染の摂取経路がなく、健康被害が生ずるおそれがないため、汚染の除去等の措置が不要な区域（摂取経路の遮断が行われた区域を含む）

- 土地の形質の変更をしようとする者は、都道府県知事に届出を行う（第12条）

汚染の除去が行われた場合には、区域の指定を解除

## 汚染土壤の搬出等に関する規制

- 要措置区域及び形質変更時要届出区域内の土壤の搬出の規制（第16条、第17条）（事前届出、計画の変更命令、運搬基準の遵守）
- 汚染土壤に係る管理票の交付及び保存の義務（第20条）
- 汚染土壤の処理業の許可制度（第22条）

## その他

- 指定調査機関の信頼性の向上（指定の更新、技術管理者の設置等）（第32条、第33条）
- 土壤汚染対策基金による助成（汚染原因者が不明・不存在で、費用負担能力が低い場合の汚染の除去等の措置への助成）（第45条）