

公害防止事業費事業者負担法 概要



公害防止事業費事業者負担法（昭和45年12月25日法律第133号）は、公害防止事業に要する費用の事業者負担に関し、当該事業の範囲、対象となる費用の範囲、各事業者に負担させる額の算定、その他事業者の費用負担に関し必要な事項を定めるもの。（昭和46年5月10日施行）

公害防止事業の施行者（法第2条第4項）

国：国の行政機関又は地方公共団体の長
地方公共団体：地方公共団体の長

公害防止事業費負担審議会 環境審議会

費用負担計画（法第6条）

公害防止事業の種類
費用を負担させる事業者を定める基準
公害防止事業費の額
負担総額及びその算定基準

費用負担計画の検討



費用負担計画の策定

報告の徴収・帳簿書類の提出要求

費用の請求と徴収

- ①負担金の額・納付期限の通知
- ②督促・強制徴収

公害防止事業の実施

費用を負担する事業者の範囲（法第3条）

- ①公害防止事業を実施する必要がある地域で
- ②公害防止事業に係る公害の原因となる事業活動を行い、又は行うことが確実と認められている事業者

公害防止事業費（政令第2条）

実施計画調査費、本工事費、附帯工事費、用地費、補償費、操作費、維持修繕費、機械器具費、事務取扱費及び付属諸費（利息を含む。）

公害防止事業の範囲（法第2条第2項）

- ①工場・事業場周辺の緩衝緑地、公共空地の設置及び管理
- ②公共用水域における浚渫、覆土、耕うん及び導水事業
- ③農用地、農業用施設、ダイオキシン類土壤汚染対策地域（ダイオキシン類対策特別措置法第29条）において実施される客土事業、灌漑施設等の整備、地目変換、汚染土壤の除去等の事業
- ④公共下水道又は産業廃棄物処理施設の設置事業
- ⑤住宅・学校等の移転事業

事業者負担総額（法第4条第1項）

事業者負担金の額（法第5条）

公害防止事業の種類に応じて事業活動の規模、公害の原因となる施設の種類及び規模、事業活動に伴い排出される公害の原因となる物質の量及び質その他の事項を基準とし、各事業者の事業活動が原因と認められる程度に応じて配分

各事業者
の負担額

各事業者
の負担額

各事業者
の負担額

各事業者
の負担額

＜＜控除＞＞

- (1)事業者の事業活動が公害防止事業に係る公害の原因となると認められないもの
- (2)特別の事情による控除（法第4条第2項）
 - ・公害防止事業の公害防止以外の機能
 - ・公害防止事業に係る公害の程度
 - ・公害の原因となる物質が蓄積された期間

減額の算定が困難な場合以下の割合を負担総額とする。（法第7条）

- ①の公害防止事業：1/4～1/2
- ②の公害防止事業：公害の程度が著しい場合 3/4～10/10、それ以外の場合 1/2～3/4
- ③の公害防止事業：1/2～3/4
- ⑤の公害防止事業：政令で割合を定めることとされているが未制定

Outline of the Act to Require Business Operators to Bear the Cost of Public Pollution Control Works



The Act to Require Business Operators to Bear the Cost of Public Pollution Control Works (Act No. 133 of Dec. 25, 1970) specifies the necessary matters concerning costs that business operators are to bear that are required for the public pollution control works, the scope of the works, the scope of the relevant costs, the calculation of the costs to be borne by each business operator, and other matters related to the costs to be borne by each business operator (Effective date: May 10, 1971)

The Implementers of the Public Pollution Control Works (Article 2, paragraph (4))

The national government: administrative bodies of the national government or the heads of local governments
Local governments: the heads of local governments

Public Pollution Control Works Cost Allocation Council Environmental Council



Examination of the plan for cost-bearing

Formulation of the plan for cost-bearing

Implementation of Public Pollution Control Works

Collection of reports/Requests for submission of books and documents

Claims for Costs and Collection

- (1) Notification of the amount of cost to be borne/payment deadlines
- (2) Demand for payment/Compulsory Collection

Plan for Cost-Bearing (Article 6)

Types of Public Pollution Control Works
Standards for determining the business operators that will bear costs
Amount of costs for public pollution control works
The total amount to be borne and the standards for calculation

The Scope of the Business Operators That Will Bear Costs (Article 3)

- (1) Business operators that are located in areas for which it is necessary to implement public pollution control works; and
- (2) Business operators that are engaging in business activities with a cause of the public pollution related to the public pollution control works, or that are found to be certain to engage in such activities

Public Pollution Control Works Costs (Cabinet Order, Article 2)

Implementation plan survey costs, costs of main construction works, costs of appurtenant works, land costs, compensation costs, operating costs, maintenance and repair costs, machinery and equipment costs, administrative costs and associated miscellaneous costs (including interest)

The Scope of Public Pollution Control Works (Article 2, paragraph (2) of the Act)

- (1) Installation and management of green belts surrounding factories/worksites, and the land of public open spaces;
- (2) Dredging, soil covering, tilling and water conveyance works, in areas of public waters;
- (3) Soil improvement works, installation of irrigation facilities, etc., changes of land category, and works for the removal of contaminated soil, etc., in agricultural land, agricultural facilities, and zones (Act on Special Measures against Dioxins, Article 29) subject to control of contaminated soil caused by Dioxins;
- (4) Works for installation of public sewerage systems or industrial waste management facilities;
- (5) Business operations for the relocation of homes/schools, etc.

The Total Amount of Costs to Be Borne by the Business Operators (Article 4, paragraph (1) of the Act)

The Amount of Costs to Be Borne by the Business Operators (Article 5 of the Act)

The amount of costs to be borne by business operators will be based on standards developed by considering the scale of the business activities by category of public pollution control works, the type and scale of facilities that cause public pollution, the quantity and quality of the substances that are the cause of public pollution that are discharged through the business activities, and by considering other matters as well, and the amount of costs allocated to each individual business operator will be determined by the degree to which their business activities are found to be a cause of the public pollution

The Amount of Costs to Be Borne by Each Business Operator

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<<Deductions>>

- (1) Deductions based on which the business activities of business operators are not found to be a cause of the public pollution related to the public pollution control works
- (2) Deductions based on special circumstances (Article 4, paragraph (2) of the Act)
 - Functions of the public pollution control works other than public pollution control
 - Degree to the public pollution related to the public pollution control works
 - Length of the period over which the substances that are the causes of the public pollution accumulated

If it is difficult to calculate the amount of the reduction, the total amount of the costs to be borne by business operators will be based on the following ratios : (Article 7 of the Act)

Public pollution control works stated in (1): $1/4 - 1/2$

Public pollution control works stated in (2): if the degree of the public pollution is extremely high: $3/4 - 10/10$; or for other cases, $1/2 - 3/4$

Public pollution control works stated in (3): $1/2 - 3/4$

Public pollution control works stated in (5): the ratio is to be specified by Cabinet Order, but has not yet been determined