

## WATER POLLUTION CONTROL LAW

Law No. 138 of 1970,  
Amended by Law No. 88 of 1971 and No. 84  
of 1972 and No. 47 of 1976  
and No. 68 of 1978 and No. 41 of 1980  
and No. 58 of 1983 (No. 69 of 1986)  
and No. 61 of 1984 and No. 90 of 1985

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## **CHAPTER I GENERAL PROVISIONS**

### **(Purpose)**

#### **Article 1**

The purposes of this Law are to prevent the pollution of water (including forms of deterioration of the condition of water other than the deterioration of water quality: the same hereinafter) in the Public Water Areas by regulating effluent discharged by factories or establishments into the Public Water Areas, thereby to protect the people's health and to preserve the living environment, and to protect sufferers by setting forth stipulations regarding the responsibilities of the proprietors of factories or establishments to indemnify the damage in cases where human health is damaged by polluted water and waste liquid discharged from factories and establishments.

### **(Definitions)**

#### **Article 2**

1. The term "Public Water Areas" in this Law shall mean the water areas of public use such as rivers, lakes, ports and harbors, coastal seas, etc., including such waterways connected thereto as public waterways, irrigation waterways and other waterways subject to public use (excluding public sewers and river-basin sewers as provided for by Article 2, Sub-paragraphs 3 and 4 of the Sewerage Law (No. 79 of 1958), for which a terminal-treatment plant as provided for by Sub-paragraph 6 of the same Article is established (including the public sewers connected to such river-basin sewers).

2. The term "Specified Facilities" in this Law shall mean those facilities which discharge polluted water or waste liquid coming under either of the following conditions, and which are to be specified by Cabinet Order:

(1) Containing cadmium and other substances to be specified by Cabinet Order as substances which may cause harmful damage on human health;

(2) Pollution being of a degree, that may cause damage to the living environment, as to the items, including chemical oxygen demand, to be specified by Cabinet Order as showing the extent of water pollution (including pollution by heat, but excluding pollution by the substances as referred to by the preceding Sub-paragraph).

3. The term "Effluent" in this Law shall mean the water discharged into the Public Water Areas by factories or establishments which have specified facilities (hereinafter to be referred to as "Specified Factories").

## **CHAPTER II REGULATION OF DISCHARGE OF EFFLUENT, ETC.**

### **(Effluent Standards)**

#### **Article 3**

1. The effluent standards regarding the extent of pollution (including pollution by heat; the same hereinafter) shall be established by Ordinance of the Prime Minister's Office.
2. The effluent standards referred to in the preceding Paragraph shall be established in terms of the maximum permissible amount of each harmful substance in case of pollution caused by those substances stipulated in Sub-paragraph 1. Paragraph 2 of the preceding Article (hereinafter to be referred to as "Harmful Substances") and, in case of other kinds of pollution, shall be established in terms of the maximum permissible level of each item provided for in Sub-paragraph 2 of the same Paragraph.
3. When there is any Public Water Area under prefectural jurisdiction, for which the effluent standards as established under Paragraph 1 are recognized to be insufficient for protecting the human health or for preserving the living environment, the prefecture may establish more stringent standards than the maximum permissible levels stipulated in the effluent standards as provided for under the same Paragraph, by enacting prefectural ordinances in accordance with the criteria to be stipulated by Cabinet Order.
4. In the prefectural ordinances referred to in the preceding Paragraph, the scope of the area concerned shall be also identified.
5. In case where the prefecture establishes effluent standards under the provisions of Paragraph 3, the governor of the prefecture shall in advance notify the Director General of the Environment Agency and the governors of any other prefectures concerned.

### **(Advice Concerning Effluent Standards)**

#### **Article 4**

The Director General of the Environment Agency may, whenever he deems it necessary for the prevention of water pollution in Public Water Areas, advise the prefectures to establish their own effluent standards in accordance with the provisions of Paragraph 3 of the preceding Article or to revise the effluent standards already established in accordance with the same Paragraph.

### **(Fundamental Policy for Reduction of Total Pollution Amount)**

#### **Article 4-2**

1. As regards wide public water areas (only seas almost entirely surrounded by land) into which large quantities of water discharged in conjunction with life and business activities have come to flow as a result of population and industrial concentration, etc., and for which it is recognized to be difficult to attain the standards

with respect to the environmental conditions relating to water pollution under the provisions of Article 9 paragraph 1 of the Basic Law for Environmental Pollution Control (Law No. 132 of 1967) (to be referred to as "Environmental Water Quality Standards" in the following Paragraph) only by means of the effluent standards as referred to in Article 3, Paragraph 1 or Paragraph 3 of this Law, the Prime Minister shall, in respect of those of such water areas to be specified by Cabinet Order (hereinafter to be referred to as "Specified Water Areas") separately for chemical oxygen demand and each of other items to be specified by Cabinet Order from the items prescribed in Article 2, Paragraph 2, Sub-paragraph 2 (hereinafter to be referred to as "Specified Items"), for the purpose of preventing water pollution in the Specified Water Areas by the Specified Items, establish a fundamental policy relative to the reduction of the total quantity of the pollution load expressed in terms of the Specified Items (hereinafter to be referred to simply as "Pollution Load"), (such fundamental policy shall be hereinafter to be referred to as "Fundamental Policy for Reduction of Total Pollution Load") in respect of each of the regions specified by Cabinet Order as being related to water pollution in the Specified Water Areas (such regions shall be hereinafter to be referred to as "Specified Regions").

2. In the Fundamental Policy for Reduction of Total Pollution Load, the reduction target, the target year and other fundamental matters relating to the reduction of the total quantity of the pollution load shall be set forth. In this case, as regards the reduction target, the target quantity of reduction under Sub-paragraph 3 shall, with the aim of attaining the Environmental Water Quality Standards relative to the Specified Items concerned in respect of the Specified Water Area concerned, be fixed so as to make the total quantity of the Pollution Load of Sub-paragraph 1 to become the total pollution quantity of Sub-paragraph 2 by the target year.

- (1) The total quantity of the Pollution Load of the water flowing into the Specified Water Area concerned;
- (2) The total amount of the Pollution Load in the case where, in connection with the total quantity of the Pollution Load of the preceding Sub-paragraph, the maximum possible reduction should be attempted with consideration being given, in accordance with what is prescribed by Cabinet Order, to population and industrial trends, the level of sewage and waste liquid treatment technology, prospects for construction of sewers, etc. in the Specified Region concerned;
- (3) The target quantity of reduction for each prefecture and each pollution source with respect to the Pollution Load of the water discharged into the Public Water Area in the Specified Region concerned (inclusive of a target quantity of reduction set as an

intermediate goal).

3. The Prime Minister shall, when he intends to establish, revise or abolish the Cabinet Order specifying the water areas referred to in Paragraph 1 or the Cabinet Order specifying the regions referred to in the same Paragraph, hear the opinion of the governors of the prefectures concerned.

4. The Prime Minister shall, when he intends to establish or change the Fundamental Policy for Reduction of Total Pollution Load, hear the opinion of the governors of the prefectures concerned and consult with the Conference on Environmental Pollution Control.

5. The Prime Minister shall, when he has established or changed the Fundamental Policy for Reduction of Total Pollution Load, notify the governors of the prefectures concerned of such fact.

#### **(Plan for Reduction of Total Pollution Load)**

##### **Article 4-3**

1. The governors of prefectures, any part of which is within a Specified Region, shall, on the basis of the Fundamental Policy for Reduction of Total Pollution Load, establish a plan for the realization of the target quantity of reduction referred to in Paragraph 2, Sub-paragraph 3 of the preceding Article (hereinafter to be referred to as "Plan for Reduction of Total Pollution Load").

2. The matters referred to in the following Sub-paragraphs shall be stipulated in the Plan for Reduction of Total Pollution Load:

- (1) The target amount of reduction in pollution load for each pollution source;
- (2) The means for achieving the target quantity of reduction referred to in the preceding Sub-paragraph;
- (3) Other necessary matters relative to the reduction in the total amount of the pollution load.

3. The governors of the prefectures shall, when they intend to establish a Plan for Reduction of Total Pollution Load, hear the opinion of the mayors of the cities, towns and villages concerned, and obtain the approval of the Prime Minister.

4. The Prime Minister shall, when he intends to give the approval referred to in the preceding Paragraph, consult with the Conference of Environmental Pollution Control.

5. The governors of the prefectures shall, when they have established a Plan for Reduction of Total Pollution Load, publicly announce the content thereof.

6. The provisions of the preceding three Paragraphs shall apply *mutatis mutandis* to a change in the Plan for Reduction of Total Pollution Load.

**(Promotion of the Implementation of the Plan for Reduction of Total Pollution Load)**

**Article 4-4**

The national and local governments shall endeavor to take measures required to implement the Plans for Reduction of Total Pollution Load.

**(Total Pollution Load Regulation Standards)**

**Article 4-5**

1. The governors of prefectures, any part of which is within a Specified Region, shall, in respect of the Pollution Load of Effluents discharged from Specified Factories within the Specified Region which are of a scale not smaller than that to be stipulated by Order of the Prime Minister's Office (hereinafter to be referred to as "Specified Factories within a Specified Region"), establish total pollution load regulation standards on the basis of the Plan for Reduction of Total Pollution Load in accordance with what is prescribed by Order of the Prime Minister's Office.

2. In respect of a Specified Factory within a Specified Region at which a Specified Facility has been newly installed (inclusive of one which has newly come to be a Specified Factory within a Specified Region as a result of the installation or change in structure etc. of a Specified Facility at a factory or establishment) and a Specified Factory within a Specified Region which has been newly set up, the governor of the prefecture may, on the basis of the Plan for Reduction of Total Pollution Load, establish, in accordance with what is prescribed by Order of the Prime Minister's Office, special total pollution load regulation standards to be applied in place of the respective total pollution load regulation standards mentioned in the preceding Paragraph.

3. The total pollution load regulation standards referred to in Paragraph 1 and the preceding Paragraph shall, in respect of the Specified Factories within a Specified Region, be the maximum permissible limits determined for the pollution load of the effluents discharged from the Specified Factories within the Region.

4. The governors of the prefectures shall publicly announce the total pollution load regulation standards established under Paragraph 1 or Paragraph 2. The same shall also apply when such total pollution load regulation standards are changed or abolished.

**(Report on the Installment of Specified Facility)**

**Article 5**

A person who discharges effluents from a factory or establishment into the public water area shall, when he intends to install a Specified Facility, submit a report on the following matters to the governor of the prefecture in accordance with what is prescribed by Order of the Prime Minister's Office:

(1) Name or appellation and address, and, in the case of a juridi-

- cal person, the name of the representative;
- (2) Name and address of the factory or establishment;
  - (3) Type of the Specified Facility;
  - (4) Structure of the Specified Facility;
  - (5) Way of using the Specified Facility;
  - (6) Method of treatment of polluted water or waste liquid (hereinafter to be referred to as "polluted water, etc.") to be discharged from the Specified Facility;
  - (7) The state of pollution and quantity of the Effluents (in the case of a factory or establishment within a Specified Region, the state of pollution and quantity of the Effluents for each drainage system).
  - (8) Other matters stipulated by Order of the Prime Minister's Office.

**(Transitional measures)**

**Article 6**

In case a facility becomes a Specified Facility, its owner (including a person having a facility under construction), who discharges Effluents shall submit a report to the governor of the prefecture within 30 days after it has become a Specified Facility in respect to the items provided for in the preceding Article, in accordance with what is stipulated by Order of the Prime Minister's Office.

2. A person who, at the time of enforcement of the Cabinet Order specifying regions referred to in Article 4-2, Paragraph 1, actually has a Specified Facility in the region concerned (including a person who has a Specified Facility under construction or has submitted a report under the provisions of the preceding Article but has not yet begun construction work) and discharges Effluents, shall, within sixty days from the enforcement of the Cabinet Order concerned, submit a report to the governor of the prefecture on the state of pollution and quantity of effluents for each drainage system in accordance with what is stipulated by Order of the Prime Minister's Office.

**(Report on Changes in the Structure of a Specified Facility, etc.)**

**Article 7**

Any person, who submitted a report in compliance with the provisions of Article 5 or of the preceding Article, and intends to change any of the matters specified in sub-paragraph 4 to 8 of Article 5, shall submit a report thereon to the governor of the prefecture in accordance with what is stipulated by Order of the Prime Minister's Office.

**(Order to Change Plan, etc.)**

**Article 8**

When a governor of the prefecture receives the report mentioned in Article 5 or in the preceding Article, and deems that the effluents

at the place of discharge do not satisfy the effluent standards which are established under the provisions of Paragraph 1 or Paragraph 3 of Article 3 (hereinafter to be referred to simply as the "Effluent Standards"), he may order, within sixty days after he receives the report, the person, who submitted the report, to change the structure or the way of use of the Specified Facility or the plan for the treatment of the polluted water, etc. under the report concerned (including the abandonment of the plan as reported in accordance with the provisions of the preceding Article), or to abandon the plan for establishing the Specified Facility as reported in accordance with the provisions of Article 5.

#### **Article 8-2**

In respect of a Specified Factory within a Specified Region at which there is to be installed a Specified Facility, in respect of which a report has been submitted in accordance with the provisions of Article 5 or Article 7 (inclusive of one which has newly come to be such a Factory within the Specified Region as a result of the installation or change at a factory or establishment), the governor of the prefecture, when he acknowledges that the Pollution Load of the Effluents to be discharged from the Specified Factory within the Specified Region concerned will not satisfy the total pollution load regulation standards, may, only within sixty days from the day on which he accepted such report, order the person establishing the Specified Factory within the Specified Region concerned to improve the method of treating the polluted water and waste liquid at the Specified Factory within the Region concerned and to take such other measures as are necessary.

#### **(Restrictions on Installation of Facilities)**

##### **Article 9**

1. A person who has submitted a report in accordance with the provisions of Article 5 or Article 7 shall not install the Specified Facility mentioned in the report, or change the structure or way of use of the Specified Facility, or the treating method of the polluted water, etc. unless sixty days have passed after the report submitted was accepted.
2. The governor of the prefecture may, when he deems the contents of the report as submitted in accordance with the provisions of Article 5 or of Article 7 to be adequate, shorten the period mentioned in the preceding Paragraph.

#### **(Report on Change in Name of Person, etc.)**

##### **Article 10**

A person who has submitted a report in accordance with the provisions of Article 5 or Article 6, Paragraph 1 shall, in the case where a change takes place in respect of the items mentioned in the provision of Sub-paragraph 1 or Sub-paragraph 2 of Article 5 or where use of the Specified Facility has been abandoned, submit



a report to the prefectural governor within thirty days after such a change took place.

**(Inheritance)**

**Article 11**

1. A person who takes over or rents a Specified Facility from a person who has submitted the report in accordance with the provisions of Article 5 or Article 6, Paragraph 1, shall succeed the status of the person who submitted the report on the Specified Facility.
2. In cases where inheritance or merger takes place in respect of the person who submitted the report in compliance with the provisions of Article 5 or Article 6, Paragraph 1, the inheritor or the juridical person who continues to exist after the merger or the juridical person that is newly established by the merger shall succeed to the status of the person who submitted the report.
3. A person who, in accordance with the preceding two Paragraphs, succeeds the status of the person who submitted the report as provided for in Article 5 or Article 6, Paragraph 1, shall also submit a report to the prefectural governor within thirty days after the succession took place.
4. A person who takes over or rents a Specified Factory within a Specified Region or who acquires a Specified Factory within a Specified Region by inheritance or merger shall, in respect of the application of the provisions of Article 8-2, Article 13, Paragraph 3 and Article 14, Paragraph 3, succeed the status of the person who set up the Specified Factory within the Specified Region.

**(Restrictions on Discharge of Effluents)**

**Article 12**

1. A person who discharges effluent shall not discharge effluent which do not satisfy the Effluent Standards at the point of discharge of the Specified Factory.
2. The provisions of the preceding Paragraph shall not apply to the water discharged from a factory or an establishment which has a newly designated Specified Facility (including a facility under construction) for six months, (for one year for a facility specified by Cabinet Order) after its designation; however this grace period shall not be applied in the case where the factory or the establishment was already a Specified Factory at the time of the designation and in the case where the existing regulations of the local government concerned has a similar provision to that of the preceding Paragraph (excluding the case where there is no penal provisions for the infringement).

**(Obligation to Observe Total Pollution Load Regulation Standards)**

**Article 12-2**

A person who has set up a Specified Factory within a Specified Region shall observe the total pollution load regulation standards

for the Specified Factory within the Specified Region concerned.

(Order for Improvement, etc.)

**Article 13**

1. The governor of a prefecture may, when he acknowledges a danger of there being discharged Effluent which does not satisfy the Effluent Standards at the point of discharge of the Specified Facility concerned, order the person who discharges the Effluents to improve the structure or the method of use of the facility or the method of treatment of the polluted water setting a period for compliance, or to discontinue temporarily the use of the Specified Facility or the discharge of Effluents.

2. The provisions of Article 12, Paragraph 2 shall apply *mutatis mutandis* to the order referred to in the preceding Paragraph.

3. The governor of a prefecture may, when he acknowledges a danger of there being discharged effluents, the Pollution Load of which does not satisfy the total pollution load regulation standards, order the person who set up the Specified Factories within a Specified Region from which the Effluents concerned originate to improve the method of treatment of polluted water or waste liquid at the Specified Factory within the region concerned or to take such other measures as are necessary, setting a period for compliance.

4. The provisions of the preceding Paragraph shall not apply with respect to a factory or establishment which has newly come to be a Specified Factory within a Specified Region because of the revision of the Cabinet Order specifying facilities mentioned in Article 2, Paragraph 2, the Cabinet Order specifying regions mentioned in Article 4-2, Paragraph 1 or the Order of the Prime Minister's Office specifying scale mentioned in Article 4-5, Paragraph 1 for a period of six months after the day on which the factory or establishment concerned came to be a Specified Factory within a Specified Region.

(Guidance, etc.)

**Article 13-2**

As with respect to a person who does not discharge effluents from a Specified Factory within a Specified Region but who discharges polluted water, waste liquid or any other substance which causes an increase in the pollution load into the Public Water Areas of the Specified Region, the governor of the prefecture may, for the purpose of carrying out the Plan for Reduction of Total Pollution Load, give such person such guidance, recommendation or advice as may be required.

(Measurement of State of Pollution of Effluent, etc.)

**Article 14**

1. A person who discharges Effluents shall measure the pollution level of the effluents and keep records of the measured findings in accordance with what is stipulated by Order of the Prime Minister's Office.

2. A person who discharges effluents from a Specified Factory within a Specified Region to which total pollution load regulation standards apply shall, in accordance with what is prescribed by Order of the Prime Minister's Office, measure the pollution load of the effluents concerned and keep records of the measured findings.
3. The person who has set up a Specified Factory within a Specified Region mentioned in the preceding Paragraph shall, in advance, in accordance with what is prescribed by Order of the Prime Minister's Office, report his method of measuring the pollution load to the governor of the prefecture. The same shall apply when a method once reported is to be changed.
4. A person who discharges effluents shall take an appropriate method of discharging the effluents, taking into consideration the condition of the water quality in the Public Water Area concerned.
5. A person who discharges effluents shall take adequate measures to prevent the polluted water, etc. (including treated water) containing harmful substances from permeating into the ground.

### **CHAPTER III    MONITORING OF THE CONDITIONS OF POLLUTION, ETC.**

#### **(Regular Supervision)**

##### **Article 15**

The governor of a prefecture shall continuously supervise the state of water pollution in the Public Water Areas under his jurisdiction.

#### **(Measurement Program)**

##### **Article 16**

1. The governor of a prefecture shall after consulting with the chiefs of the local offices of national administrative organs, establish a program for the measurement of water quality in the Public Water Area which belongs to the prefecture (hereinafter to be referred as "Measurement Program").
2. The Measurement Program shall provide, with regard to the measurements conducted by the national or local government as to the water quality in the Public Water Area, for the matters to be measured, the station and method of measurement and other necessary items.
3. The Director General of the Environment Agency may, in order to grasp the total quantity of the Pollution Load of the water flowing into each Specified Water Area, indicate matters separately for each Specified Water Area with which the governors of the prefectures are to comply in the formulation of the Measurement Program.
4. The national or local government shall monitor the water quality in the Public Water Area in compliance with the Measurement

Program, and report the findings of the measurement to the governor of the prefecture.

**(Publication)**

**Article 17**

The governor of the prefecture shall publicly announce the state of water quality in the Public Water Areas within the prefecture.

**(Emergency Measures)**

**Article 18**

The governor of the prefecture may, in a case where the water pollution in the Public Water Area within the prefecture, caused by an extraordinary shortage of water or other similar situations as stipulated by Cabinet Order, becomes so serious as to pose a threat to human health or the living environment, make the public aware of it, and order, in compliance with what is stipulated by Order of the Prime Minister's Office, persons who discharge effluents into the Public Water Area concerned, in which the above mentioned conditions has occurred, to reduce effluents for a specified period or to take other necessary measures.

## **CHAPTER IV COMPENSATION FOR DAMAGES**

**(Absolute Liability)**

**Article 19**

1. In cases where human life or health is damaged by the harmful substances in the polluted water or waste liquid discharged (including underground percolation, the same hereinafter in this Chapter) from factories or other establishments as a result of industrial activities the enterpriser is liable for compensating the damage caused thereby.

2. In cases where any substance is newly designated as a harmful substance, the preceding Paragraph shall apply to the damage caused by the discharge of the substance on or after the day of its designation.

**Article 20**

In cases where the damage provided for in Paragraph 1 of the preceding Article is caused by more than two enterprisers' discharge of harmful substances in the polluted water or waste liquid and where Article 719 Paragraph 1 of Civil Law (Law No. 89 of 1896) is applicable to the liability for compensation for the damage, the Court may take the circumstances into consideration in deciding the sum of compensation to be paid by the enterpriser whose contribution to the damage is deemed markedly slight.

**Article 20-2**

When a natural disaster or any other force majeure is concurrently attributable to the occurrence of the damage provided for in

Article 19 Paragraph 1, the Court may take such circumstances into consideration in determining the extent of liability and the sum of compensation.

**(Extinctive Prescription)**

**Article 20-3**

The right to claim the compensation provided for in Article 19, Paragraph 1 shall lapse by prescription if the right is not exercised within three years after the time when the injured party or his legal representative came to know of the damage and the person liable for such damage. The same shall apply if twenty years have passed from the time when the damage occurred.

**(Application of Other Laws)**

**Article 20-4**

If Mining Law (Law No. 289 of 1950) or Coal Washing Law (Law No. 134 of 1958) is applicable to the liability for compensation for the damage provided for in Article 19 Paragraph 1, the said Law shall apply thereto.

**(Exemption)**

**Article 20-5**

The provisions in this Chapter shall not apply to causes of injury, disease or death of the employee of the enterpriser caused work of which he is in charge.

## **CHAPTER V MISCELLANEOUS PROVISIONS**

**(Investigation and deliberation, etc. by the Prefectural Council on Environmental Pollution Control)**

**Article 21**

1. The Prefectural Council on Environmental Pollution Control may, at the request of the prefectural governor, investigate and deliberate important matters concerning the prevention of water pollution in Public Water Areas belonging to the prefecture and state its opinion to the governor.
2. Relative to the preceding paragraph, special regulations shall be established concerning the organization and operation of the Prefectural Council on Environmental Pollution Control necessary to implement the duties defined in the preceding paragraph by the regional orders as specified in Article 29, Paragraph 2 of the Basic Law on Environmental Pollution Control and in accordance with the standards stipulated by the Cabinet Order.

**(Report and Inspection)**

**Article 22**

1. The governor of a prefecture may, in accordance with the Cabinet Order, call for a report from a person who discharges efflu-

ents concerning the condition of the Specified Facility, the method of treatment of polluted water, etc., and other necessary matters, provided that they are necessary for enforcing this Law; or may have his officials enter the Specified Factory and inspect the Specified Facility or other related matter.

2. The governor of a prefecture may, within the limits required for the implementation of this Law, demand of a person who discharges into Public Water Areas in connection with his business activities polluted water, waste liquid or any other substance which causes an increase in the Pollution Load and who is designated by Cabinet Order (exclusive of a person who discharges effluents) a report on the method of treatment of the polluted water, waste liquid etc. and any other required matters.

3. An official who performs an inspection in compliance with the provision of Paragraph 1 shall carry a certificate indentifying himself and shall present it to the persons concerned.

4. The authority to conduct an inspection as provided in the Paragraph 1 shall not be constructed as being that for criminal investigation.

**(Exemption from the Application of this Law, etc.)**

**Article 23**

1. The provisions of this Law shall not apply to water pollution caused by radioactive substances or to its prevention.

2. As for the persons who discharge effluents from mines mentioned in Article 2 Paragraph 2 of Mine Safety Law (Law No. 70 of 1949) which have Specified Facilities such as installations structures and other facilities stipulated in the provision of Article 8 Paragraph 1 of said Law, the mines shall be exempted from tne application of the provisions of Article 5 to Article 11 and of Article 13, Paragraph 1 and Paragraph 3, and Article 14, Paragraph 3 and the related articles of Mine Safety Law shall be applied thereto. The same shall apply to the persons who discharge Effluents from factories or establishments which have Specified Facilities such as the electrical structure stipulated in the provisions of Article 2, Paragraph 7 of Electrical Enterprise Law (Law No. 170 of 1964) or the waste oil treatment facility stipulated in Article 3 item 14 of Law Relating to The Prevention of Marine Pollution and Maritime Disaster (Law No. 136 of 1970).

3. The chief of the national administrative organs who has authority under Laws stated in the preceding Paragraph (hereinafter to be referred to as "Chief of Administrative Organs" in this Article) shall, whenever he receives an application for approval or report, as to the Specified Facilities which are mentioned in the preceding Paragraph in accordance with the provisions of the Mine Safety Law or the Electrical Enterprise Law that have provisions similar to

those of Article 5, Article 7, Article 10, Article 11, Paragraph 3 or Article 14, Paragraph 3 of this Law, notify the governor of the prefecture who has jurisdiction over the establishments with Specified Facilities about the matters which are related to the report to be made in accordance with the above-stated Articles of this Law.

4. The governor of a prefecture may, whenever he deems that the water pollution in the Public Water Areas has been caused by the Effluents from a Specified Facility mentioned in Paragraph 2 and that there is a fear of damage to human health or the living environment, request the Chief of the Administrative Organ concerned to take measures under the provisions of the Mine Safety Law or the Electrical Enterprise Law which correspond to the provisions of Article 8, Article 8-2 or Article 13, Paragraph 1 or Paragraph 3 of this Law (in cases of the Law Relating To the Prevention of Marine Pollution and Maritime Disaster, the provisions of said Law which correspond to the provisions of Article 8 or Article 8-2 of the Law).

5. The Chief of the Administrative Organ shall, upon receiving a request as stated in the preceding Paragraph, inform the governor of the prefecture of the measures which have been taken.

**(Request for Data, etc.)**

**Article 24**

1. The Director General of the Environment Agency may, when he deems it necessary for the implementation of this Law, request the Chief of the local government concerned to offer necessary data or explanation.

2. The governor of a prefecture may, when he deems it necessary for the implementation of this Law, request the Chief of the Administrative Organ concerned or the chief of the local government concerned to offer necessary data and other cooperative measures, or may state his opinion on the prevention of water pollution in the Public Water Area.

3. The chief of the River Management Office prescribed by Article 7 of River Law (Law No. 167 of 1964), the chief of the Port and Harbor Management Office prescribed by Paragraph 1 of Article 2 of Port and Harbor Law (Law No. 218 of 1950), and other persons prescribed by Cabinet Order that manage the Public Water Areas, may, when they deem it necessary for the management of the public waters state their opinions to the governors of the prefectures concerned in respect to the prevention of water pollution in the Public Water Areas.

**(State Assistance)**

**Article 25**

1. The State shall, with a view to facilitating the control of water pollution in the Public Water Areas, make efforts to render its aid in raising of the necessary funds, its technical advice, etc., it in

respect to the establishment or improvement of the treatment facilities of polluted water, etc., in Specified Factories.

2. In taking the measures as stated in the preceding Paragraph, special consideration shall be paid to medium and small enterprises.

**(Promotion of Research, etc.)**

**Article 26**

The national government shall make efforts to promote study on treatment technology of polluted water, etc., research on the effect of polluted water, etc., on human health or to the living environment and other studies for the prevention of water pollution in the Public Water Areas, and to disseminate these results.

**(Transitional Measure)**

**Article 27**

In a case where any Order is enacted, revised or abolished in compliance with the provisions of this Law, the necessary transitional measures (including those related to the penal provisions) may be included in the above mentioned Order as far as it is thought to be reasonably necessary for such an enactment, revision, or abolition of the Order.

**(Delegation of Work, etc.)**

**Article 28**

1. The work which come under the authority of the governors of the prefectures under this Law (excluding those provided for in Article 4-3, Paragraph 1, Article 4-5, Paragraph 1 and Paragraph 2 and Article 16 Paragraph 1) may be entrusted, in accordance with what is stipulated by Cabinet Order, to the city chiefs which are designated by the Cabinet Order.

2. The city chiefs designated by the Cabinet Order mentioned in the preceding Paragraph shall notify the governors of the prefectures of such matters required for the enforcement of this Law as are specified by Order of the Prime Minister's Office.

**(Relation with regulation)**

**Article 29**

The provisions of this Law shall not prevent the local governments from providing, by their ordinance, for the control of other pollutants (excluding Harmful Substances) than those stipulated in Article 2, Paragraph 2, Sub-paragraph 2, as well as for the control of pollution caused by Harmful Substances or by the pollutants stated in the same Sub-paragraph in respect of the water discharged into the Public Water Areas from other factories or establishments than the Specified Factories.



## CHAPTER VI PENAL PROVISIONS

### Article 30

Any person who violates the orders issued under the provisions of Article 8, Article 8-2 or Article 13 Paragraph 1 or Paragraph 3 shall be liable to penal servitude not exceeding one year or to a fine not exceeding 500,000 yen.

### Article 31

1. Any person who comes under any one of the following subparagraphs shall be liable to penal servitude not exceeding six months or to a fine not exceeding 300,000 yen.

(1) A person who violates the provisions of Article 12 Paragraph 1;

(2) A person who violates the order issued under the provision of Article 18.

2. Any person who commits the crime mentioned in Sub-paragraph 1 of the preceding Paragraph through negligence shall be liable to imprisonment not exceeding three months or to a fine not exceeding 200,000 yen.

### Article 32

Any person who fails to submit a report or makes a false under the provisions of Article 5 or Article 7 shall be liable to penal servitude not exceeding three months or to a fine not exceeding 200,000 yen.

### Article 33

Any person who comes under any one of the following subparagraphs shall be liable to a fine not exceeding 100,000 yen.

(1) Any person who fails to submit a report or makes a false report under the provisions of Article 6.

(2) Any person who violates the provision of Article 9, Paragraph 1.

(3) Any person who fails to keep records or keeps false records under the provisions of Article 14, Paragraph 2.

(4) Any person who fails to submit a report or makes a false report under the provision of Article 22, Paragraph 1, or Paragraph 2 or any person who refuses, prevents or evades inspection under the provisions of Paragraph 1 of the same Article.

### Article 34

When a representative of a juridical person or an agent or a worker or any other employee of a juridical person or of a natural person commits any of the violations mentioned in the four preceding Articles in connection with the business of such juridical person or natural person, the person who committed the act shall be punished and, in addition, the fine prescribed in each of the relevant Articles shall be imposed on such juridical person or natural person.

**Article 35**

Any person who fails to submit a report or makes a false report under the provisions of Article 10, Article 11, Paragraph 3 or Article 14, Paragraph 3 shall be liable to a fine not exceeding 100,000 yen.

## **SUPPLEMENTARY PROVISIONS**

(Excerpt from Law No. 68 of June 13, 1978)

**(Date of Enforcement)**

### **Article 1**

The date of enforcement of this Law shall be the day fixed by Cabinet Order within one year from the date of the promulgation of this Law. ....

### **Article 4**

The application of the penal provisions to acts performed before the enforcement of this Law and (passage omitted) acts performed after the enforcement of this Law relative to an order under the provisions of Article 8 or Article 13 Paragraph 1 of the old Water Pollution Control Law shall be as heretofore.