

# Soil Contamination Countermeasures Act

Act No. 53 of May 29, 2002

Last Version: Amendment of Act No. 45 of June 2, 2017

## Table of Contents

Chapter I General Provisions (Article 1 and 2)
Chapter II Soil Contamination Investigation (Article 3 to 5)
Chapter III Designation, etc. of Areas
Section 1 Area which Requires Measures (Article 6 to 10)
Section 2 Area for which Changes to Form or Nature Require Notification (Article 11 to 13)
Section 3 Miscellaneous Provisions (Article 14 and 15)
Chapter IV Regulations Concerning Carrying-Out of Contaminated Soil, etc.
Section 1 Measures in Case of Carrying-Out of Contaminated Soil (Articles 16 to 21)
Section 2 Contaminated Soil Processing Business (Articles 22 to 28)
Chapter V Designated Investigation Institution (Articles 29 to 43)
Chapter VI Designated Support Corporation (Articles 44 to 53)
Chapter VII Miscellaneous Provisions (Articles 54 to 64)
Chapter VIII Penal Provisions (Articles 65 to 69)
Supplementary Provisions

## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to facilitate the implementation of countermeasures against soil contamination by formulating measures to grasp the situation of soil contamination by specified hazardous substances and measures to prevent harm to human health resulting from that contamination, and thereby to protect the health of the citizens.

(Definitions)

Article 2 (1) The term "specified hazardous substance" as used in this Act means lead, arsenic, trichloroethylene, and other substances (excluding radioactive substances), designated by Cabinet Order as to cause harm to human health when present in soil.

(2) The term "soil contamination investigation" as used in this Act means an investigation of soil contamination by any specified hazardous substance which is conducted pursuant to Article 3, paragraph (1) and (8) of the following Article;

Article 4, paragraph (2) and the main clause of paragraph (3); and Article 5 of this Act.

## **Chapter II Soil Contamination Investigation**

(Investigation of Land Used as a Site for a Plant or Workplace of a Defunct Specified Facility Using Hazardous Substances)

Article 3 (1) Any person that is the owner, manager or occupier (hereinafter referred to as the “owner, etc.”) of land used as a site for a plant or workplace of a defunct specified facility using hazardous substances (meaning a specified facility as provided for in Article 2, paragraph (2) of the Water Pollution Prevention Act (Act No. 138 of 1970) (simply referred to as a “specified facility” in paragraph (3)) in which any of the substances provided by paragraph (2), item (i) of the Article (limited to specified hazardous substances) is manufactured, used or processed; the same applies hereinafter) and that has installed the specified facility using hazardous substances or has received notice from the prefectural governor pursuant to the provision of paragraph (3) shall, pursuant to Order of the Ministry of the Environment, have a person designated by the Minister of the Environment or the prefectural governor conduct an investigation into the situation of soil contamination of the land by specified hazardous substances in the manner provided by Order of the Ministry of the Environment, and shall report the results of the investigation to the prefectural governor; provided, however, that this does not apply to any person that has received confirmation from the prefectural governor, as provided by Order of the Ministry of the Environment, that there is no risk that soil contamination by specified hazardous substances will cause any harm to human health in light of the scheduled use of the land.

(2) The designation referred to in the preceding paragraph is to be made by the Minister of the Environment in the case of the designation of a person that intends to conduct the soil contamination investigation and the investigation under Article 16, paragraph (1) (hereinafter referred to as a “soil contamination investigation, etc.”) in any area extending across two or more prefectures, or to be made by the prefectural governor in the case of the designation of a person who intends to conduct a soil contamination investigation, etc. in any area located within a single prefecture.

(3) Any prefectural governor who receives notification of the termination of the use of a specified facility (limited to a specified facility using hazardous substances) under Article 10 of the Water Pollution Prevention Act, or who discovers that termination, is to notify any existing owner, etc. of the land, other than the person who has installed the relevant specified facility using hazardous substances, of the termination and any other information provided by Order of

the Ministry of the Environment, as provided by Order of the Ministry of the Environment.

- (4) Where the person provided in paragraph (1) fails to make the report as provided in the paragraph or makes a false report, the prefectural governor may order that person to make or correct the report pursuant to Cabinet Order.
- (5) Where a person who has received confirmation under the proviso to paragraph (1) intends to change the use of the land to which the confirmation relates, that person shall notify the prefectural governor to that effect in advance pursuant to Order of the Ministry of the Environment.
- (6) When the prefectural governor has received the notification required under the preceding paragraph and does not find that there is no risk that soil contamination by specified hazardous substances will cause any harm to human health in light of the altered use of the land, the prefectural governor is to rescind the confirmation.
- (7) When intending to excavate or make other changes to or cause any person to excavate or make other changes to the form or nature of the land (hereinafter referred to as “changes to the form or nature of land”), the owner, etc. of the land to which the confirmation under the proviso to paragraph (1) relates shall notify in advance the prefectural governor of the location where the changes to the form or nature of land will be made and the date on which the changes will commence, and other matters provided by Order of the Ministry of the Environment pursuant to Order of the Ministry of the Environment; provided, however, that this does not apply to the following acts:
  - (i) Minor acts and other acts provided by Order of the Ministry of the Environment; and
  - (ii) Acts performed as emergency measures necessitated by extraordinary disasters.
- (8) When receiving the notification under the provisions of the preceding paragraph, the prefectural governor is, pursuant to Order of the Ministry of the Environment, to order the owner, etc. of the land to cause a person designated by the Minister of the Environment or the prefectural governor as provided in paragraph (1) (hereinafter referred to as “designated investigation institution”) to conduct an investigation of the land regarding the situation of soil contamination by specified hazardous substances in the manner provided by Order of the Ministry of the Environment as referred to in the paragraph, and to report the results of the investigation to the prefectural governor.

(Investigation in the Case of Changes to the Form or Nature of Land that may Cause Soil Contamination)

Article 4 (1) Any person that intends to make changes to the form or nature of land whose area is a certain size or more provided by Order of the Ministry of

the Environment shall notify the prefectural governor of the location where the changes to the form or nature of land will be made, the date on which the changes will commence, and other matters provided by Order of the Ministry of the Environment, at least thirty days before the date when the person intends to commence relevant changes, pursuant to Order of the Ministry of the Environment; provided, however, that this does not apply to the following acts:

- (i) Changes to the form or nature of land to be made on the land to which the confirmation as provided in the proviso to paragraph (1) of the preceding Article relates;
  - (ii) Minor acts and other acts provided by Order of the Ministry of the Environment; or
  - (iii) Acts performed as emergency measures necessitated by extraordinary disasters.
- (2) The person as provided in the preceding paragraph may, pursuant to Order of the Ministry of the Environment and with the consent of all of the owners, etc. of the land, cause a designated investigation institution to conduct an investigation into the situation of soil contamination of the land by any specified hazardous substance in the manner provided by Order of the Ministry of the Environment as referred to in paragraph (1) of the preceding Article and submit the results thereof to the prefectural governor together with the notification of the changes to the form or nature of land under the preceding paragraph.
- (3) When the prefectural governor, having received notification of changes to the form or nature of land under the provisions of the paragraph (1), finds that land is threatened with being contaminated by a specified hazardous substance and falls under the standards provided by Order of the Ministry of the Environment, the prefectural governor may order the owner, etc. of land to conduct an investigation of the situation of soil contamination of that land by specified hazardous substances in the manner provided by Order of the Ministry of the Environment as referred to in the paragraph (1) of preceding Article, and to make a report on the results of that investigation; provided, however, this does not apply to the cases where the results of the soil contamination investigation of the land are submitted pursuant to the provision of the preceding paragraph.

(Investigation of Land Suspected of Posing a Health Hazard due to Soil Contamination)

Article 5 (1) In addition to the cases mentioned in the main clause of Article 3, paragraph (1); Article 3, paragraph (8); paragraph (2) of the preceding Article; and the main clause of paragraph (3) of the preceding Article, if the prefectural governor finds the existence of land falling under the standards provided by Cabinet Order for a land category where there is risk that soil contamination by specified hazardous substances will cause any harm to human health, the

prefectural governor may, pursuant to Cabinet Order, order the owner, etc. of the land to engage a designated investigation institution to conduct an investigation into the situation of soil contamination of the land by specified hazardous substances in the manner provided by Order of the Ministry of the Environment as mentioned in Article 3, paragraph (1), and to report the results.

- (2) If the prefectural governor cannot ascertain clearly, without negligence, to that the prefectural governor should give the order for conducting an investigation and submitting a report on the results thereof (hereinafter referred to as an "investigation, etc." in this paragraph) regarding the situation of soil contamination by a specified hazardous substance as described in paragraph (1) of this Article, and recognizes that it would be seriously incompatible with the public interest to leave that situation as it is, the prefectural governor may conduct the investigation himself/herself at the expense of the person that the order should be given to. In this case, the prefectural governor shall, upon providing a reasonable deadline, issue in advance public notice that the investigation, etc. shall be conducted and that if it is not conducted by the deadline, the prefectural governor himself/herself will conduct it.

### **Chapter III Designation, etc. of Areas**

#### **Section 1 Area which Requires Measures**

(Designation, etc. of Areas which Require Measures)

Article 6 (1) When finding that land falls under all of the following items, the prefectural governor is to designate an area covering the land as an area which is contaminated by a specified hazardous substance and for which measures to remove relevant contamination, prevent the dispersion of relevant contamination, or other measures (hereinafter referred to as an "measures for contamination removal, etc.") is necessary in order to prevent relevant contamination from causing harm to human health.

(i) A soil contamination investigation reveals that the contamination of the soil at the land by a specified hazardous substance does not conform to the standards provided by Order of the Ministry of the Environment; and

(ii) The land is classified as harmful to human health or posing a risk of that harm under the standards provided by Cabinet Order due to soil contamination by a specified hazardous substance.

(2) When making the designation under the preceding paragraph, the prefectural governor shall issue a public notice to that effect pursuant to Order of the Ministry of the Environment.

(3) Designation under paragraph (1) is legally effective as of the time of the public notice provided in the preceding paragraph.

(4) When finding that the reason for the designation under paragraph (1) has

ceased to exist with respect to all or a part of the area to which that paragraph pertains (hereinafter referred to as the “area which requires measures”) due to the measures for contamination removal, etc., the prefectural governor is to cancel the designation under that paragraph for all or a part of the area which requires measures.

- (5) The provisions of paragraphs (2) and (3) apply mutatis mutandis to the cancellation under the preceding paragraph.

(Submission, etc. of a Plan for Contamination Removal, etc.)

Article 7 (1) When having made a designation under paragraph (1) of the preceding Article, the prefectural governor is, pursuant to Order of the Ministry of the Environment and to the extent necessary to prevent harm to human health caused by the contamination, to indicate to the owner, etc. of the land located in the area which requires measures, any measure for contamination removal, etc. that should be taken in the area which requires measures, the reason therefor, the deadline for taking the relevant measures and other matters provided by Order of the Ministry of the Environment and to instruct the owner, etc. to prepare and submit to the prefectural governor a plan describing the following matters (hereinafter referred to as a “plan for contamination removal, etc.”); provided, however, that where it is clear that a person other than the owner, etc. of the site has caused the contamination of the land by any specified hazardous substance, and where it is appropriate to cause that person (hereinafter including the successor of that person by inheritance, merger, or split) to take measures for contamination removal, etc., and where the owner, etc. has no objection to that measures, the governor is, pursuant to Order of the Ministry of the Environment, to so instruct the person who caused the contamination:

- (i) Any measure for contamination removal, etc. indicated by the prefectural governor (referred to as the “instructed measures” in paragraph (1) of the following Article) and any measure for contamination removal, etc. that is provided by Order of the Ministry of the Environment as having at least the same level of effects as the instructed measures, which are planned to be taken by the owner, etc. of the land (or, in the case of the proviso to this paragraph, the person who has received an instruction from the prefectural governor pursuant to the provision of the proviso) (hereinafter referred to as the “measures to be implemented”);
  - (ii) When the measures to be implemented will be commenced and completed; and
  - (iii) Other matters provided by Order of the Ministry of the Environment.
- (2) When the person who has received an instruction from the prefectural governor pursuant to the provision of the preceding paragraph fails to submit a plan for contamination removal, etc., the prefectural governor may order the person to

submit a plan for contamination removal, etc.

- (3) If a person who has submitted a plan for contamination removal, etc. makes any changes to the matters set forth in any of the items of paragraph (1) (excluding minor changes provided in Order of the Ministry of the Environment), that person shall submit the plan for contamination removal, etc. reflecting that changes to the prefectural governor pursuant to Order of the Ministry of the Environment.
- (4) When a plan for contamination removal, etc. (a plan for contamination removal, etc. reflecting changes, if any; hereinafter the same applies in this paragraph through paragraph (9); Article 9, item (i); and Article 10) has been submitted, if the prefectural governor finds that the measures to be implemented described in the plan for contamination removal, etc. does not meet the technological standards provided in Order of the Ministry of the Environment (referred to as the “technological standards” in the following paragraph), only within 30 days from the date of the submission, the prefectural governor may order the person who submitted the plan to make changes.
- (5) When a plan for contamination removal, etc. has been submitted, if finding that the measures to be implemented described in the plan for contamination removal, etc. meets the technological standards, the prefectural governor may shorten the period provided in the preceding paragraph. In this case, the prefectural governor shall notify the submitter of the shortened period without delay.
- (6) Any person who has submitted a plan for contamination removal, etc. may take the measures to be implemented only after the expiration of the period provided in paragraph (4) (or, if notice under the preceding paragraph is given, the period so notified).
- (7) Any person who has submitted a plan for contamination removal, etc. shall take the measures to be implemented in accordance with the plan for contamination removal, etc.
- (8) If finding that any person who has submitted a plan for contamination removal, etc. has failed to take the measures to be implemented in accordance with the plan for contamination removal, etc., the prefectural governor may order the person to take the measures to be implemented.
- (9) When any person who had submitted a plan for contamination removal, etc. as taken the measures to be implemented described in the plan for contamination removal, etc., that person shall report to the prefectural governor to that effect pursuant to Order of the Ministry of the Environment.
- (10) If the prefectural governor is unable to ascertain to that an instruction pursuant to the provisions of paragraph (1) should be given without the possibility of error and recognizes that it would be seriously incompatible with the public interest to leave that situation as it is, the prefectural governor himself/herself may take any measure for contamination removal, etc. that

should be taken on the land located in the area which requires measures at the expense of the primarily responsible person. In this case, the prefectural governor shall, upon providing a reasonable deadline for performance, issue in advance public notice that a plan for contamination removal, etc. shall be prepared and submitted to the prefectural governor and the measures to be implemented shall be taken in accordance with the plan for contamination removal, etc. and that the prefectural governor himself/herself will take the measures for contamination removal, etc. if the measures to be implemented is not taken by the deadline.

(Claims for the Costs for Preparation, etc. of a Plan for Contamination Removal, etc.)

Article 8 (1) When an owner, etc., of land that receives an instruction pursuant to the provision of the main clause of paragraph (1) of the preceding Article by the prefectural governor, has taken the measures to be implemented. at the land, and the soil of the site has been or is being contaminated with a specified hazardous substance by any person other than the owner, etc. of the land, the owner, etc. may claim the cost of the preparation and revision of the plan for contamination removal, etc. concerning the measures to be implemented and the measures to be implemented. from the person that caused the contamination to the extent of the amount needed for the preparation and revision of the plan for contamination removal, etc. concerning the instructed measures and the instructed measures; provided, however, that this does not apply where the person that caused the contamination has already borne or has been deemed to bear the needed cost of the preparation and revision of the plan for contamination removal, etc. concerning the instructed measures or any measures for contamination removal, etc. related to the instructed measures that is provided in Order of the Ministry of the Environment as provided in paragraph (1), item (i) of the preceding Article (hereinafter referred to as the “instructed measures, etc.” in this paragraph) and the costs for the instructed measures, etc.

- (2) The right to make a claim as provided in the preceding paragraph lapse extinguished by prescription if:
- (i) The right is not exercised within 3 years from the time when the owner, etc. takes the measures to be implemented and comes to know of the person that caused the contamination; or
  - (ii) Twenty years have elapsed since the measures to be implemented was taken.

(Prohibition of Changes to the Form or Nature of Land in Areas which Require Measures)

Article 9 It is prohibited for any person to make changes to the form or nature of

land in an area which requires measures; provided, however, that this does not apply to the following acts:

- (i) Acts implemented as the measures to be implemented based on the plan for contamination removal, etc. by the person that has received an instruction from the prefectural governor pursuant to the provision of Article 7, paragraph (1);
- (ii) Routine administrative acts, minor acts, and other acts provided by Order of the Ministry of the Environment; or
- (iii) Acts performed as emergency measures necessitated by extraordinary disasters.

(Exclusion from Application)

Article 10 The provisions of Article 3, paragraph (7) and Article 4, paragraph (1) do not apply to acts implemented as the measures to be implemented based on the plan for contamination removal, etc. by a person engages in under an instruction from the prefectural governor pursuant to the provision of Article 7, paragraph (1).

## **Section 2 Area for which Changes to Form or Nature Require Notification**

(Designation of Area for which Changes to Form or Nature Require Notification, etc.)

Article 11 (1) When finding that land falls under Article 6, paragraph (1), item (i), but not under item (ii) of the paragraph, the prefectural governor is to designate the area of that land as an area whose land is contaminated by a specified hazardous substance and for which a notification must be submitted when a person intends to change the form or nature of that land.

(2) When finding that the reason for the designation under the preceding paragraph has ceases to exist with respect to all or part of the area to which the designation under the preceding paragraph pertains (hereinafter referred to as the "area for which changes in form or nature require notification") due to the removal of soil contamination by a specified hazardous substance, the prefectural governor is to cancel the designation under that paragraph of all or part of the area for which changes to form or nature require notification.

(3) The provisions of Article 6, paragraphs (2) and (3) apply mutatis mutandis to designations under paragraph (1) and cancellations under the preceding paragraph.

(4) Where a designation has been made under the provisions of Article 6, paragraph (1) with respect to all or part of an area for which changes to form or nature require notification, the designation under paragraph (1) with respect to all or part of that area for which changes to form or nature require notification

shall be deemed to have been cancelled. In this case, if having issued a public notice under paragraph (2) of the said Article, the prefectural governor shall be deemed to have issued public notice of cancellation under the provisions of paragraph (2) of the Article, as applied mutatis mutandis pursuant to the preceding paragraph.

(Notification of Changes to the Form or Nature of Land in an Area for which Changes to Form or Nature Require Notification and Order to Revise Plan)

Article 12 (1) Any person that intends to make changes to the form or nature of land in an area for which changes to form or nature require notification shall notify the prefectural governor of the types, the location, the method to be used, and the date of the commencement of the changes to the form or nature of the land and other matters provided by Order of the Ministry of the Environment, at least 14 days before the scheduled date of the commencement of the changes, pursuant to Order of the Ministry of the Environment; provided, however, that this does not apply to the following acts:

(i) Changes to the form or nature of land that are based on a policy on the implementation and management of the changes to the form or nature of land (limited to those confirmed by the prefectural governor as meeting the standards provided by Order of the Ministry of the Environment pursuant to Order of the Ministry of the Environment) and that fall under all of the following:

(a) Changes to the form or nature of land in any site that falls under the requirements provided by Order of the Ministry of the Environment regarding the categories of land where soil contamination by any specified hazardous substance resulted solely from nature or solely from the sand and earth used for reclamation of a water area to create land; and

(b) Changes to the form or nature of land that satisfy the requirements provided by Order of the Ministry of the Environment regarding the changes that will not cause any risk that will cause any harm to human health.

(ii) Routine administrative acts, minor acts, and other acts provided by Order of the Ministry of the Environment;

(iii) Acts that had already commenced at the time when the area for which changes to form or nature require notification was designated; or

(iv) Acts performed as emergency measures necessitated by extraordinary disasters.

(2) Any person that had already commenced changes to the form or nature of land in an area for which changes to form or nature require notification at the time when the area was designated as that shall notify the prefectural governor to that effect within 14 days from the date of designation pursuant to Order of the Ministry of the Environment.

- (3) Any person that has engaged in emergency measures necessitated by extraordinary disasters that result in changes to the form or nature of land in an area for which changes to form or nature require notification shall notify the prefectural governor to that effect within 14 days from the date of the changes to the form or nature of land pursuant to Order of the Ministry of the Environment.
- (4) Any person that has made changes to the form or nature of land as provided in paragraph (1), item (i) shall, pursuant to Order of the Ministry of the Environment and for each period of time provided by Order of the Ministry of the Environment, notify the prefectural governor of the types and location of the changes to the form or nature of land that were made during the relevant period and other matters provided by Order of the Ministry of the Environment.
- (5) Where the prefectural governor receives the notification under paragraph (1) and finds that the methods to be used in making changes to the form or nature of the land to which the notification pertains do not conform to the standards provided by Order of the Ministry of the Environment, only within 14 days from the date of the receipt of the said notification, the prefectural governor may order the person that has filed the said notification to revise the plan with regard to the methods to be used in making the changes to the form or nature of the land related to the notification.

(Exclusion from Application)

Article 13 The provisions of Article 3, paragraph (7) and Article 4, paragraph (1) do not apply to changes to the form or nature of land in any area for which changes to form or nature require notification.

### **Section 3 Miscellaneous Provisions**

(Application for Designation)

Article 14 (1) If an owner, etc. of land considers that, as a result of an investigation into the situation of soil contamination by any specified hazardous substance on land which shall be excluded from the application of the provisions of the main clause of Article 3, paragraph (1); Article 3, paragraph (8); the main clause of Article 4, paragraph (3); and Article 5, paragraph (1) (excluding any land with respect to which the results of the soil contamination investigation have been submitted under Article 4, paragraph (2)), the situation of soil contamination by any specified hazardous substance on the land does not conform to the standards provided by Order of the Ministry of the Environment as referred to in Article 6, paragraph (1), item (i), the owner, etc. of land may file an application with the prefectural governor pursuant to Order of the Ministry of the Environment, requesting that the prefectural governor designate an area of the land under the

provisions of the paragraph or Article 11, paragraph (1). In this case, if there are any owners, etc. of the land other than the owners, etc. pertaining to the application, the unanimous agreement of all owners, etc. must be obtained in advance.

- (2) Any person that files an application under the preceding paragraph shall, pursuant to Order of the Ministry of the Environment, submit to the prefectural governor a written application containing the methods and results of the investigation into the situation of soil contamination by any specified hazardous substance on the land to which the application referred to in the preceding paragraph pertains (hereinafter referred to as an “application-related investigation” in this Article) and other matters provided by Order of the Ministry of the Environment, attaching the documents provided by Order of the Ministry of the Environment.
- (3) When the prefectural governor who receives an application under paragraph (1) and finds that the application-related investigation was conducted fairly using the method provided by Order of the Ministry of the Environment as provided in Article 3, paragraph (1), the prefectural governor may designate the area on land to which that application pertains under the provisions of Article 6, paragraph (1) or Article 11, paragraph (1). In this case, the application-related investigation shall be deemed to be a soil contamination investigation.
- (4) When the prefectural governor who receives an application under paragraph (1) and finds it necessary, the prefectural governor may request the person who filed the application to report or to submit materials regarding the application-related investigation, or direct the prefectural governor's officials to enter the land to which the application pertains and inspect the situation of the implementation of the application-related investigation.

(The Registry)

- Article 15 (1) The prefectural governor shall (1) create and keep a registry of areas which require action, a registry which changes to form or nature require notification, a registry of areas which require action with respect to which the designation under Article 6, paragraph (1) has been cancelled pursuant to the provision of paragraph (4) of the Article and a registry of areas for which changes to form or nature require notification with respect to which the designation under Article 11, paragraph (1) has been cancelled pursuant to the provision of paragraph (2) of the Article (hereinafter referred to as the “registry” in this Article).
- (2) The information to be entered in the registry and other necessary matters concerning the creation and keeping of the registry shall be provided by Order of the Ministry of the Environment.
  - (3) No prefectural governor may reject requests to inspect the registry without

justifiable grounds.

**Chapter IV Regulations Concerning Carrying-Out of Contaminated Soil, etc.**  
**Section 1 Measures when Carrying-Out Contaminated Soil**

(Notification when Carrying-Out Contaminated Soil and Order to Revise Plan)

Article 16 (1) Any person who intends to carry soil located on land within an area which requires measures or within an area for which changes to form or nature require notification (hereinafter referred to as an “area which requires measures, etc.”) (excluding soil whose contamination by any specified hazardous substance has been found by the prefectural governor to be in conformity with the standards provided by Order of the Ministry of the Environment as referred to in Article 6, paragraph (1), item (i) as a result of an investigation that was conducted by a designated investigation institution in the manner provided by Order of the Ministry of the Environment; hereinafter referred to as “contaminated soil”) out of the area which requires measures, etc. (excluding any person who intends only to transport the contaminated soil upon entrustment) shall, pursuant to Order of the Ministry of the Environment, notify the prefectural governor of the following matters at least 14 days prior to the date when that person will commence the carrying-out of the contaminated soil; provided, however, that this does not apply to cases where the soil is carried out as an emergency measure necessitated by an extraordinary disaster or to make contaminated soil available for use in test and research:

- (i) Situation of the contamination of the contaminated soil by any specified hazardous substance;
  - (ii) Volume of the contaminated soil;
  - (iii) Method of transporting of the contaminated soil;
  - (iv) Names of the transporter of the contaminated soil;
  - (v) When the contaminated soil is processed, the name of the processor thereof;
  - (vi) When the contaminated soil is processed, the address of the facility that process the contaminated soil;
  - (vii) When the contaminated soil is used for the changes to the form or nature of land as provided in Article 18, paragraph (1), item (ii), the address of the area for which changes to form or nature require notification where the changes to the form or nature of land will be made;
  - (viii) When the contaminated soil is used for the changes to the form or nature of land as provided in Article 18, paragraph (1), item (iii), the address of the area which requires measures, etc. where the changes to the form or nature of land will be made;
  - (ix) Scheduled commencement date for the carrying-out of the contaminated soil;
- and

- (x) Other matters provided by Order of the Ministry of the Environment.
- (2) If any person who has provided notification under the preceding paragraph intends to make changes to matters which are the subject of the notification, that person shall notify the prefectural governor to that effect at least 14 days before the date of commencing the acts to which the notification pertains pursuant to Order of the Ministry of the Environment.
- (3) Any person who has carried out contaminated soil out of the area which requires measures, etc. as an emergency measure necessitated by an extraordinary disaster, shall notify the prefectural governor to that effect within 14 days from the date when carrying out the contaminated soil pursuant to Order of the Ministry of the Environment.
- (4) Where the prefectural governor receives notification under paragraph (1) or (2) and finds that any of the following apply, only within 14 days from the date of receiving the notification, the prefectural governor may order the person who has provided the notification to take the measures provided in the respective items:
- (i) In cases where the method of transport is in violation of the standards for transport of contaminated soil provided by Order of the Ministry of the Environment referred to in the following Article: to change the method of transport of the contaminated soil; or
- (ii) In cases of not entrusting the processing of the contaminated soil is not entrusted to a person who has obtained a license set forth in Article 22, paragraph (1) (hereinafter referred to as a "contaminated soil processing licensee") in violation of the provisions of Article 18, paragraph (1): to entrust processing of the contaminated soil to a contaminated soil processing licensee.

(Standards for Transport)

Article 17 Any person that transports contaminated soil outside an area which requires measures, etc. shall do so in accordance with the standards for transport of contaminated soil provided by Order of the Ministry of the Environment; provided, however, that this does not apply to cases where the transport is conducted as an emergency measure necessitated by an extraordinary disaster.

(Entrustment of Processing of Contaminated Soil)

Article 18 (1) Any person that carries contaminated soil out of the area which requires measures, etc. (excluding any person that only transports the said contaminated soil upon entrustment) shall entrust the processing of the contaminated soil to a contaminated soil processing licensee; provided, however, that this does not apply in the following cases:

- (i) Where the person that carries that contaminated soil out of the area which

- requires measures, etc. is a contaminated soil processing licensee and that person himself/herself processes the contaminated soil.
- (ii) Where the person carries soil contaminated by nature, etc. located in an area contaminated by nature, etc. for which changes to form or nature require notification out in order to use or cause any other person to use the same for changes to the form or nature of land to be made in another area contaminated by nature, etc. for which changes to form or nature require notification that falls under all of the following:
    - (a) Area contaminated by nature, etc. for which changes to form or nature require notification that falls under the standards provided by Order of the Ministry of the Environment as the situation of soil contamination by any specified hazardous substance is similar to that of the area contaminated by nature, etc. for which changes to form or nature require notification; and
    - (b) Area contaminated by nature, etc. for which changes to form or nature require notification that falls under the standards provided by Order of the Ministry of the Environment as the nature of the soil located therein is the same as the nature of the soil on the land where the soil contaminated by nature, etc. was located.
  - (iii) Where, among multiple areas which require action, etc. designated based on the results of a single soil contamination investigation the person carries contaminated soil out of an area which requires measures in order to use or cause any other person to use the same for changes to the form or nature of land to be made in another area which requires measures or carries contaminated soil out of an area for which changes to form or nature require notification in order to use or cause any other person to use the same for changes to the form or nature of land to be made in another area for which changes to form or nature require notification;
  - (iv) Where the carrying-out is carried out as an emergency measure necessitated by an extraordinary disaster; or
  - (v) Where the soil is carried out for the purpose of making contaminated soil available for use in testing and research.
- (2) The term “area contaminated by nature, etc. for which changes to form or nature require notification” as used in item (ii) of the preceding paragraph means any area for which changes to form or nature require notification that, as a result of the soil contamination investigation, falls under the requirements provided by Order of the Ministry of the Environment regarding the categories of land where soil contamination by any specified hazardous substance resulted solely from nature or solely from the sand and earth used for reclamation of a water area to create land, and the term “soil contaminated by nature, etc.” as used in the item means contaminated soil located in the area.
- (3) The provisions of the main clause of paragraph (1) apply mutatis mutandis to

any person that has carried out contaminated soil out of the area which requires measures, etc. as an emergency measure necessitated by an extraordinary disaster; provided, however, that this does not apply to cases where the person that has carried contaminated soil out is a contaminated soil processing licensee and that person himself/herself processes the contaminated soil.

(Orders to Take Measures)

Article 19 In the cases falling under any of the following items, if finding it necessary to prevent the spread of contamination by any specified hazardous substance in contaminated soil, the prefectural governor may order a person specified in the respective items to take measures for the appropriate transport and processing of the contaminated soil and other necessary measures upon providing a reasonable deadline:

- (i) Where a person has transported the contaminated soil in violation of the provisions of Article 17: the person that transported it; or
- (ii) Where a person has not entrusted the processing of contaminated soil to a contaminated soil processing licensee in violation of paragraph (1) of the preceding Article (including as applied *mutatis mutandis* pursuant to paragraph (3) of the same Article): the person that carried out the contaminated soil out of the area which requires measures, etc. (excluding any person that has only transported the contaminated soil upon entrustment).

(Control Manifest)

Article 20 (1) When a person that carries contaminated soil out of an area which requires measures, etc. entrusts the transport or processing of the contaminated soil to others, that person shall, pursuant to order of the Ministry of the Environment, deliver a control manifest, describing the situation of contamination by any specified hazardous substance and the volume of the contaminated soil to which the entrustment pertains, the name of the person that received entrustment of the transport or processing, and other matters provided by Order of the Ministry of the Environment, to the person that received entrustment of the transport of the contaminated soil (where the said entrustment pertains only to the processing of contaminated soil, to the person that received entrustment of the processing) simultaneously with the delivery of the contaminated soil to which the entrustment pertains; provided, however, that this does not apply to cases where the soil is carried out as an emergency measure necessitated by an extraordinary disaster or to make contaminated soil available for use in test and research.

- (2) The provisions of the main clause of the preceding paragraph apply *mutatis mutandis* to any person that has carried contaminated soil out the area which requires measures, etc. as an emergency measure necessitated by an

extraordinary disaster.

- (3) When having completed that transport, a person that has received entrustment of transport of contaminated soil (hereinafter referred to as the "transport trustee") shall enter the matters provided by Order of the Ministry of the Environment in the control manifest delivered pursuant to the provisions of paragraph (1) (including as applied mutatis mutandis pursuant to the preceding paragraph; hereinafter the same applies in this and the following paragraphs) and send a copy of the control manifest to the person that delivered the control manifest pursuant to the provision of paragraph (1) (hereinafter referred to as the "control manifest deliverer" in this Article) within a period of time provided by Order of the Ministry of the Environment. In this case, when there is a person that has received entrustment of the processing of the contaminated soil, the transport trustee shall circulate the control manifest to that person.
- (4) When having completed the processing, a person that has received entrustment of the processing of contaminated soil (hereinafter referred to as the "processing trustee") shall enter the matters provided by Order of the Ministry of the Environment in the control manifest delivered pursuant to the provisions of paragraph (1) or referred to pursuant to the provision of the second sentence of the preceding paragraph and send a copy of the control manifest to the control manifest deliverer that had entrusted that processing within a period of time provided by Order of the Ministry of the Environment. In this case, when the control manifest has been referred pursuant to the provision of the second sentence of the same paragraph, the processing trustee shall send a copy of the control manifest to the person that had made that reference.
- (5) When having received a copy of a control manifest under the provisions of the preceding two paragraphs, a control manifest deliverer shall confirm, using the control manifest, the completion of the transport or processing, and preserve the copy of the control manifest for the period of time provided by Order of the Ministry of the Environment from the date on which the copy is received.
- (6) When not having received a copy of a control manifest pursuant to the provisions of paragraph (3) or (4) within the period of time provided by Order of the Ministry of the Environment, or having received a copy of a control manifest which does not contain the matters provided in those provisions or which contains a false entry, a control manifest deliverer shall promptly grasp the situation of the transport or processing of the contaminated soil pertaining to the entrustment and notify the prefectural governor thereof.
- (7) When sending a copy of a control manifest pursuant to the provision of the first sentence of the paragraph (3) (excluding cases when circulating a control manifest pursuant to the provision of the second sentence of the paragraph), from the date on which it is sent, or having received a copy of a control manifest under the provisions of the second sentence of paragraph (4), a transport trustee

shall, from the date on which it is received, preserve the control manifest or the copy of the control manifest, respectively, for the period of time provided by Order of the Ministry of the Environment.

- (8) When sending a copy of a control manifest pursuant to the provisions of the first sentence of paragraph (4), a processing trustee shall preserve the control manifest from the date on which it is sent for the period of time provided by Order of the Ministry of the Environment.
- (9) The provisions of each of the preceding paragraphs apply *mutatis mutandis* to the case where the relevant person causes any other person to use contaminated soil for changes to the form or nature of land as provided in Article 18, paragraph (1), item (ii) or (iii). In this case, the term “(where the entrustment pertains only to the processing of contaminated soil, to the person that received entrustment of the processing)” in paragraph (1) is deemed to be replaced with “(where transport is not entrusted, to the person that will use that contaminated soil for changes to the form or nature of land);” the term “the person that received entrustment of the transport or processing” in paragraph (1) is deemed to be replaced with “the person that received entrustment of the transport or the person that will use the soil for changes to the form or nature of land;” the term “any person that has received entrustment of the processing of the contaminated soil” in paragraph (3) is deemed to be replaced with “any person that will use the contaminated soil for changes to the form or nature of land;” the term “a person that has received entrustment of the processing of contaminated soil (hereinafter referred to as the “processing trustee”)” in paragraph (4) is deemed to be replaced with “a person that will use contaminated soil for changes to the form or nature of land (hereinafter referred to as the “soil user);” the term “has completed the processing” in paragraph (4) is deemed to be replaced with “has made changes to the form or nature of land;” the term “that had entrusted that processing” in paragraph (4) is deemed to be replaced with “that had caused the soil to be used for changes to the form or nature of land;” the term “completion of the transport or processing” in paragraph (5) is deemed to be replaced with “completion of the transport or the fact that the changes to the form or nature of land have been made;” the term “entrusted transport or processing of contaminated soil” in paragraph (6) is deemed to be replaced with “transport or changes to the form or nature of land;” the term “processing trustee” in the preceding paragraph is deemed to be replaced with “soil user.”

(Prohibition of Delivery of False Control Manifest, etc.)

Article 21 (1) It is prohibited for any person to deliver a control manifest containing any false entry regarding the matters provided in paragraph (3) of the preceding Article (including as applied *mutatis mutandis* pursuant to paragraph (9) of the Article) notwithstanding the fact that any person has not

received entrustment of the transport of contaminated soil.

- (2) It is prohibited for any person to deliver a control manifest containing any false entry regarding the matters provided in paragraph (4) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (9) of the Article) notwithstanding the fact that any person has not received entrustment of the processing of contaminated soil or will not use the contaminated soil for changes to the form or nature of land.
- (3) It is prohibited for the transport trustee or processing trustee or the person that will use contaminated soil for changes to the form or nature of land as provided in Article 18, paragraph (1), item (ii) or (iii) shall send a copy of a control manifest as provided in paragraph (3) or (4) of the preceding Article (including as applied mutatis mutandis pursuant to paragraph (9) of the Article) notwithstanding the fact that those that is mentioned above has not completed the transport or processing of contaminated soil that has been entrusted the person or has not used the contaminated soil for changes to the form or nature of land.

## **Section 2 Contaminated Soil Processing Business**

(Contaminated Soil Processing Business)

- Article 22 (1) Any person that intends to engage in the processing of contaminated soil (excluding processing in an area which requires measures, etc.) in the course of trade shall obtain a license for each facility to be used in the business of processing contaminated soil (hereinafter referred to as a "contaminated soil processing facility") from the prefectural governor having jurisdiction over the address of the contaminated soil processing facility, as pursuant to Order of the Ministry of the Environment.
- (2) Any person that intends to obtain a license under the preceding paragraph shall file a written application containing the following information pursuant to Order of the Ministry of the Environment:
    - (i) The applicant's name or designation and address, and in the case of a corporation, the name of its representative;
    - (ii) The site at which the contaminated soil processing facility is to be built;
    - (iii) Type, structure and processing capability of the contaminated soil processing facility;
    - (iv) The situation of contaminated soil with respect to specified hazardous substances that are to be processed by the contaminated soil Processing Facility; and
    - (v) Other matters provided by Order of the Ministry of the Environment.
  - (3) Any prefectural governor must not grant a license under paragraph (1) unless finding that the application for the license under that paragraph conforms to the

following information:

- (i) The capabilities of the contaminated soil processing facility and of the applicant shall conform to the standards provided by Order of the Ministry of the Environment, such that the applicant can reliably and satisfactorily conduct its operations on an ongoing basis; or
- (ii) The applicant does not fall under any of the following items:
  - (a) A person that was sentenced to a punishment for violation of this Act or that is subject to a disposition under this Act, if a period of two years has not elapsed since the day on which the punishment was completed or on which it ceased to be applied;
  - (b) A person whose license was rescinded pursuant to the provision of Article 25 within the past two years;
  - (c) An organized crime group member as provided in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) or a person who was an organized crime group member as provided in the item within the past five years (referred to as an “organized crime group member, etc.” in (g) below);
  - (d) A minor who does not possess the same capacity to act as an adult with regard to business and whose statutory representative falls under (a), (b) or (c) above;
  - (e) A corporation that has any officers or any of the employees provided by Cabinet Order who fall under (a), (b) or (c) above;
  - (f) An individual who has any of the employees provided by Cabinet Order who fall under (a), (b) or (c) above; or
  - (g) A person whose business activities are controlled by an organized crime group member, etc.
- (4) Unless the license referred to in paragraph (1) is renewed every five years, it ceases to be effective once that period has elapsed.
- (5) The provisions of paragraph (2) and (3) apply mutatis mutandis to the renewal under the preceding paragraph.
- (6) Any contaminated soil processing licensee shall process contaminated soil in accordance with the standards for the processing of contaminated soil provided by Order of the Ministry of the Environment.
- (7) It is prohibited for contaminated soil processing licensee to entrust the processing of contaminated soil to others.
- (8) Any contaminated soil processing licensee shall, pursuant to Order of the Ministry of the Environment, record the matters provided by Order of the Ministry of the Environment concerning the processing of contaminated soil at the contaminated soil processing facility for each facility to which the license pertains, keep this record at the contaminated soil processing facility (or, in cases where it is difficult to keep it at the facility, the office closest to the facility),

and allow inspection by any person with an interest in the processing of the contaminated soil upon that person request.

- (9) When breakage or some other accident has occurred at the contaminated soil processing facility constructed by a contaminated soil processing licensee to which the license pertains, and contaminated soil processed in the facility or polluted water or gas that has been generated together with the processing has dispersed, flown out, seeped underground, or been otherwise emitted, the contaminated soil processing licensee shall immediately notify the prefectural governor to that effect.

(Changes to License, etc.)

Article 23 (1) When intending to make changes to the matters set forth in item (iii) or (iv) of paragraph (2) of the preceding Article pertaining to the license to the license, a contaminated soil processing licensee shall obtain the permission of the prefectural governor pursuant to Order of the Ministry of the Environment; provided, however, that this does not apply to any minor change provided by Order of the Ministry of the Environment.

(2) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the permission referred to in the preceding paragraph.

(3) Where a contaminated soil processing licensee has made any minor change provided by Order of the Ministry of the Environment as referred to in the proviso to paragraph (1), or where there have been changes to the matters set forth in paragraph (2), item (i) of the preceding Article or other matters provided by Order of the Ministry of the Environment, the contaminated soil processing licensee shall notify the prefectural governor to that effect without delay pursuant to Order of the Ministry of the Environment.

(4) When a contaminated soil processing licensee intends to suspend or terminate all or a part of the business of processing contaminated soil, or intends to resume the previously suspended business of processing the contaminated soil, the contaminated soil processing licensee shall notify the prefectural governor to that effect in advance pursuant to Order of the Ministry of the Environment.

(Order for Improvement)

Article 24 When finding that a contaminated soil processing licensee has engaged in the processing of contaminated soil which does not conform to the standards for the processing of contaminated soil provided by Order of the Ministry of the Environment as referred to in Article 22, paragraph (6), the prefectural governor may order the contaminated soil processing licensee to make changes to its method of processing contaminated soil and take other necessary measures within a fixed, reasonable period of time.

(Rescission of License, etc.)

Article 25 Where a contaminated soil processing licensee falls under any of the following items, the prefectural governor may rescind the license thereof or order the suspension of all or part of the contaminated soil processing licensee's business activities for a fixed period not exceeding one year:

- (i) The Contaminated Soil Processing Licensee has come to fall under any of (a) or (c) through (g) of Article 22, paragraph (3), item (ii);
- (ii) The capabilities of the contaminated soil processing facility or the competence of the person does not conform to the standards provided by Order of the Ministry of the Environment as referred to Article 22, paragraph (3), item (i);
- (iii) Any violation of the provisions of this Chapter or of any order based on the provisions has occurred; or
- (iv) A license under Article 22, paragraph (1) (including renewal of the license referred to in paragraph (4) of the Article) or permission for a change under Article 23, paragraph (1) has been received by wrongful means.

(Prohibition on Name Lending)

Article 26 It is prohibited for contaminated soil processing licensee to have another person engage in the processing of contaminated soil in the course of trade under the name of the contaminated soil processing licensee.

(Obligations to Take Measures in the Event of Rescission, etc. of a License)

Article 27 (1) Any contaminated soil processing licensee that has terminated its business of processing contaminated soil or has had its license rescinded pursuant to the provision of Article 25 shall prevent the spread of contamination by any specified hazardous substance at the contaminated soil processing facility that had been used in the terminated business or that is under the rescinded license, and take other necessary measures pursuant to Order of the Ministry of the Environment.

(2) When finding that harm to human health or a risk of that harm exist as a result of contamination by any specified hazardous substance at a contaminated soil processing facility as provided in the preceding paragraph, the prefectural governor may order the former operator of the contaminated soil processing facility used in the business of processing of contaminated soil to remove and prevent the spread of the relevant contamination and take other necessary measures within a fixed, reasonable period of time.

(Transfer and Acquisition)

Article 27-2 (1) In the case where a contaminated soil processing licensee transfers its contaminated soil processing business, when the transferor and the

transferee obtain the approval of the prefectural governor for their transfer and acquisition, the transferee succeeds to the status of the transferor as a contaminated soil processing licensee.

- (2) The provisions of Article 22, paragraph (3) apply mutatis mutandis to the approval under the preceding paragraph.

(Mergers and Splits)

Article 27-3 (1) In the case of a merger involving a corporation that is a contaminated soil processing licensee (excluding the cases where, as a result of a merger between a corporation that is a contaminated soil processing licensee and a corporation that is not a contaminated soil processing licensee, the juridical person that is a contaminated soil processing licensee survives) or the case of a split (limited to the cases where the entire contaminated soil processing business will be succeeded to), if the approval of the prefectural governor is obtained for the merger or split, the corporation surviving the merger, the corporation provided as a result of the merger or the corporation that has succeeded to the entire contaminated soil processing business as a result of the split succeeds to the status as a contaminated soil processing licensee.

- (2) The provisions of Article 22, paragraph (3) apply mutatis mutandis to the approval under the preceding paragraph.

(Inheritance)

Article 27-4 (1) In the case where a contaminated soil processing licensee has died, if the heir (meaning, in the case where there is more than one heir, the person elected as the heir to succeed to the contaminated soil processing business based on the consent of all the relevant heirs, if any; hereinafter the same applies in the following paragraph and paragraph (4)) wishes to continue engaging in the contaminated soil processing business, the heir shall file an application with the prefectural governor for the approval within 60 days from the death of the decedent.

- (2) When the heir files an application for approval as provided in the preceding paragraph, the license given to the decedent under Article 22, paragraph (1) is deemed to have been given to the heir during the period from the date of the death of the decedent to the day when the heir obtains the approval or receives notice that the approval will not be given.
- (3) The provisions of Article 22, paragraph (3) (excluding those concerning (e) of item (ii)) apply mutatis mutandis to the approval under paragraph (1).
- (4) The heir who obtains the approval under paragraph (1) succeeds to the status of the decedent as a contaminated soil processing licensee.

(Special Provisions on Processing of Contaminated Soil by the State, etc.)

Article 27-5 With respect to the application of the provisions of Article 22, paragraph (1) to the contaminated soil processing business conducted by the national or any local government (including port authorities provided by Article 4, paragraph (1) of the Port and Harbor Act (Act No. 218 of 1950)) (hereinafter referred to as “the State, etc.”), the license as provided in the paragraph is deemed to have been given based on the fact that the State, etc. has consulted with the prefectural governor and the consultation has completed. In this case, any technical replacement of terms relating to and other matters necessary for the application of the provisions of this Act are provided by Cabinet Order.

(Delegation to Order of the Ministry of the Environment)

Article 28 In addition to what is provided for in this section, necessary matters for the business of processing contaminated soil are provided by Order of the Ministry of the Environment.

## **Chapter V Designated Investigation Institution**

(Application for Designation)

Article 29 The designation referred to in Article 3, paragraph (1) is granted upon application by a person that intends to conduct a soil contamination investigation, etc. pursuant to Order of the Ministry of the Environment.

(Disqualification Clause)

Article 30 Any person that falls under any of the following items may not be permitted to receive the designation referred to in Article 3, paragraph (1):

- (i) A person that was sentenced to a punishment for violation of this Act or that is subject to a disposition under this Act, if a period of two years has not elapsed since the day on which the punishment was completed or on which it ceased to be applied;
- (ii) A person whose designation was rescinded pursuant to the provision of Article 42 within the past two years; or
- (iii) A corporation any of whose officers engaged in its operations falls under either of the preceding two items.

(Standards for Designation)

Article 31 The Minister of the Environment or any prefectural governor shall not make the designation referred to in Article 3, paragraph (1) unless finding that the application for the designation conforms to all of the following requirements:

- (i) The applicant conforms to the standards set forth in Order of the Ministry of the Environment with regard to having a sufficient financial basis and the technical capability to carry out the business of Soil contamination

- investigation, etc. properly and smoothly;
- (ii) Where the applicant is a corporation, the officers of the applicant, or the organization of the members of the applicant who are provided by Order of the Ministry of the Environment according to the type of corporation in question is not likely to impede the fair execution of the soil contamination investigation, etc.; and
  - (iii) In addition to the preceding item, the applicant conforms to the standards provided by in Order of the Ministry of the Environment as involving no likelihood that the soil contamination investigation, etc. will be unfair.

(Renewal of Designation)

- Article 32 (1) Unless the designation referred to in Article 3, paragraph (1) is renewed every five years, it will cease to be valid once that period has elapsed.
- (2) The provisions of the preceding three Articles apply mutatis mutandis to the renewal of designation referred to in the preceding paragraph.

(Appointment of a Technical Manager)

Article 33 Any designated investigation institution shall appoint a person to be in charge of the technical management of a soil contamination investigation, etc. at the site of that soil contamination investigation, etc., who conforms to the standards provided by Order of the Ministry of the Environment (referred to as the "technical manager" in the following Article).

(Duties of a Technical Manager)

Article 34 When a designated investigation institution conducts a soil contamination investigation, etc., it shall have a technical manager supervise other persons engaged in the soil contamination investigation, etc.; provided, however, that this does not apply to cases where only the technical manager is engaged in the soil contamination investigation, etc.

(Notification of Change)

Article 35 When a designated investigation institution change the name or location of the business office that conducts a soil contamination investigation, etc. or other matters provided by Order of the Ministry of the Environment, it shall notify the Minister of the Environment or the prefectural governor (hereinafter referred to as the "Minister of the Environment, etc." in this Chapter) who made the designation of that effect without delay pursuant to Order of the Ministry of the Environment.

(Obligation to Conduct Soil Contamination Investigation, etc.)

Article 36 (1) Upon request, any designated investigation institution shall conduct

a soil contamination investigation, etc. without delay unless there is any justifiable ground.

- (2) Any designated investigation institution shall conduct a soil contamination investigation, etc. fairly and in the manner provided by Order of the Ministry of the Environment as provided in Article 3, paragraph (1) and Article 16, paragraph (1).
- (3) In the cases mentioned in the preceding two paragraphs, if the designated investigation institution by the Minister of the Environment, etc. fails to conduct a soil contamination investigation or conducts a soil contamination investigation, etc. in an inappropriate manner, the Minister of the Environment, etc. may order the designated investigation institution to conduct the soil contamination investigation etc. or to improve the manner in which it is conducted.

(Operational Rules and Procedures)

Article 37 (1) Any designated investigation institution shall provide its operational rules and procedures concerning the business of soil contamination investigation, etc. (referred to as the “operational rules and procedures” in the following paragraph), and shall notify the Minister of the Environment etc. of the operational rules and procedures prior to the commencement of the business of soil contamination investigation, etc. The same applies where any change is to be made thereto.

- (2) The matters to be provided in the operational rules and procedures shall be provided by Order of the Ministry of the Environment.

(Retention of Books, etc.)

Article 38 Any designated investigation institution shall, pursuant to Order of the Ministry of the Environment, retain and preserve books recording the matters concerning the business of soil contamination investigation, etc. provided by Order of the Ministry of the Environment.

(Compliance Order)

Article 39 If the Minister of the Environment, etc. finds that any designated investigation institution designated by the Minister of the Environment, etc. has ceased to comply with any of the items of Article 31, that person may order the designated investigation institution to take necessary measures to comply with all that provisions.

(Notification of Termination of Business)

Article 40 If a designated investigation institution terminates the business of a Soil Contamination Investigation, etc., it shall notify the Minister of the Environment etc. to that effect without delay pursuant to the Ordinance of the

Ministry of the Environment.

(Cancellation of Designation)

Article 41 A designation referred to in Article 3, paragraph (1) ceases to be effective upon the termination of the business of a soil contamination investigation, etc. by a designated investigation institution.

(Rescission of Designation)

Article 42 If a designated investigation institution designated by the Minister of the Environment, etc. falls under any of the cases described in the following items, the Minister of the Environment, etc. may rescind its designation referred to in Article 3, paragraph 1:

- (i) The designated investigation institution has come to fall under Article 30, item (i) or (iii);
- (ii) The designated investigation institution violates the provisions of Article 33; Article 35; Article 37, paragraph (1); or Article 38;
- (iii) The designated investigation institution violates any order under the provisions of Article 36, paragraph (3) or Article 39; or
- (iv) The designated investigation institution has obtained the designation referred to in Article 3, paragraph (1) by wrongful means.

(Public Notice)

Article 43 The Minister of the Environment, etc. shall issue public notice to the following effect if:

- (i) A designation referred to in Article 3, paragraph (1) is made;
- (ii) A designation referred to in Article 3, paragraph (1) has ceased to be effective pursuant to the provision of Article 32, paragraph (1) or the designation referred to in Article 3, paragraph (1) has been rescinded pursuant to the provision of the preceding Article; or
- (iii) The Minister of the Environment, etc. has received notification under the provisions of Article 35 (excluding notifications pertaining to changes to the matters provided by Order of the Ministry of the Environment as referred to in the Article) or Article 40.

## **Chapter VI Designated Support Corporation**

(Designation)

Article 44 (1) The Minister of the Environment may designate, upon application, a general incorporated association or general incorporated foundation that is found to be capable of properly and unfailingly conducting the business provided in the following Article (hereinafter referred to as the “support business”) as one

- (1) sole entity that conducts the support business for the entire nation.
- (2) If the person that has received a designation under the preceding paragraph (hereinafter referred to as the “designated support corporation”) intends to make changes to its name, address or business office location, it shall notify the Minister of the Environment to that effect in advance.

(Business)

Article 45 The designated support corporation is to engage in any of the businesses enumerated in the following items:

- (i) Pursuant to Cabinet Order, granting subsidies to local governments that provide aid to persons preparing or revising a plan for contamination removal, etc. in an area which requires measures and taking any measures to be implemented based on the plan for contamination removal, etc.;
- (ii) Responding to inquiries and requests for consultation, and giving necessary advice on the following matters:
  - (a) Soil contamination investigation;
  - (b) Preparation and revision of a plan for contamination removal, etc. concerning land located in an area which requires measures, etc. and any measures to be implemented based on the plan for contamination removal, etc.; and
  - (c) Changes to the form or nature of land in an area for which changes to form or nature require notification.
- (iii) Disseminating knowledge and promoting public understanding of the effects of soil contamination by specified hazardous substances on human health, in order to facilitate the proper and smooth implementation of the matters set forth in the preceding item (a) through (c); or
- (iv) Engaging in businesses incidental to the businesses set forth in the preceding three items.

(Fund)

Article 46 The designated support corporation is to provide a fund for its support business (simply referred to as the “fund” in the following Article) and appropriate an amount of money corresponding to the total amount of subsidies granted pursuant to the provision of the Article and the money contributed by non-governmental persons on the condition that the money is allocated as necessary funding for its support business.

(Subsidy for the Fund)

Article 47 The government may subsidize the funds to be appropriated for the fund to the designated support corporation within the scope of the budget.

(Business Plans, etc.)

Article 48 (1) The designated support corporation shall prepare a business plan and an income and expenditure budget relating to its support business pursuant to Order of the Ministry of the Environment and obtain approval therefor from the Minister of the Environment for each business year. The same applies where any change is to be made thereto.

(2) The designated support corporation shall prepare a business report and an income and expenditure settlement document relating to its support business and submit the same to the Minister of the Environment following the end of each business year pursuant to Order of the Ministry of the Environment.

(Separate Account)

Article 49 The designated support corporation shall separate the accounting relating to the support business from its other accounting and prepare a special account for the accounting.

(Obligation to Maintain Confidentiality)

Article 50 It is prohibited for officers and employees as well as former officers and former employees of the designated support corporation to leak confidential information obtained in connection with the businesses set forth in Article 45, items (i), (ii) or the business set forth in item (iv) of the Article (limited to those incidental to the business set forth in item (i) or (ii) of the Article).

(Supervision Order)

Article 51 The Minister of the Environment may, to the extent necessary for enforcing the provisions of this Chapter, give the designated support corporation orders necessary for the supervision of the support business.

(Rescission of Designation)

Article 52 The Minister of the Environment may rescind a designation made under Article 44, paragraph (1) when the designated support corporation falls under any of the following items:

- (i) When it is found that the support business cannot be implemented in a proper and reliable manner;
- (ii) When the designated support corporation has violated the provisions of this chapter or a disposition made under the provisions; or
- (iii) When the designated support corporation has obtained the designation under Article 44, paragraph (1) by wrongful means.

(Public Notice)

Article 53 The Minister of the Environment shall issue public notice to the

following effect in the following effect if:

- (i) A designation under Article 44, paragraph (1) is made;
- (ii) Notification under the provisions of Article 44, paragraph (2) is received; or
- (iii) The designation under Article 44, paragraph (1) has been rescinded pursuant to the provision of the preceding Article.

## **Chapter VII Miscellaneous Provisions**

(Report and Inspection)

- Article 54 (1) The Minister of the Environment or any prefectural governor may, to the extent necessary to enforce this Act, request the owner, etc. of land subject to a soil contamination investigation or land located in an area which requires measures, etc., or the person carrying out or that has carried out an measures for contamination removal, etc. or that has changed the form or nature of land located in an area which requires measures, etc. to report the situation of the land, the measures for contamination removal, etc., the situation of conducting the change in the form or nature of the land, or any other necessary matters, or may direct the Minister's or prefectural governor's officials to enter the land and inspect the situation of the land, the measures for contamination removal, etc., or the situation of the change in the form or nature of the land.
- (2) The collection of the report by the Minister of the Environment or the on-site inspection by the Minister's officials under the preceding paragraph is to be carried out only where an urgent necessity is recognized to prevent harm to human health from occurring due to soil contamination caused by any specified hazardous substance.
- (3) Any prefectural governor may, to the extent necessary to enforce this Act, request a person that has carried contaminated soil out of an area which requires measures, etc., or that has transported contaminated soil to provide necessary status reports on the transport or processing of contaminated soil, or cause officials of the prefecture to enter the office of the person, the site where the contaminated soil is transported, and other sites, automobiles or other vehicles, or ships used to transport contaminated soil (hereinafter referred to as "automobiles, etc." in this paragraph) to inspect the situation of the contaminated soil, automobiles etc., books, documents, and other materials.
- (4) Any prefectural governor may, to the extent necessary to enforce this Act, request a contaminated soil processing licensee or a former contaminated soil processing licensee to submit necessary reports concerning its business activities, or cause officials of the prefecture to enter its business office, contaminated soil processing facility and other workplaces to inspect equipment, books, documents and other materials.
- (5) The Minister of the Environment or any prefectural governor may, to the extent

necessary to enforce this Act, request a designated investigation institution designated by the Minister of the Environment or the prefectural governor to submit necessary reports on the situation of its business or accounts, or cause officials of the Ministry or the prefecture to enter its business office to inspect the situation of its business or books, documents, and other materials.

- (6) The Minister of the Environment may, to the extent necessary to enforce this Act, request the designated support corporation to submit necessary reports on the situation of its business or accounts, or cause officials of the Ministry to enter its business office to inspect the situation of its business or books, documents, and other materials.
- (7) Officials who conduct on-site inspection pursuant to the provision of paragraph (1) or paragraph (3) through the preceding paragraph shall carry their identification cards and present them to persons concerned.
- (8) The authority to conduct on-site inspection set forth in paragraphs (1) or (3) through (6) must not be construed as being granted for criminal investigation process.

(Consultation)

Article 55 If intending issue an order under the provisions of Article 3, paragraph (4) or (8); Article 4, paragraph (3); Article 5, paragraph (1); Article 7, paragraph (2), (4) or (8); or Article 12, paragraph (5) concerning land provided by Cabinet Order as land managed by a person engaged in the management of facilities that are provided for public use pursuant to the provision of laws and regulations based on the authority of that person, the prefectural governor shall consult with the person managing the facilities in advance.

(Request, etc. for Submission of Materials)

Article 56 (1) The Minister of the Environment may request the head of the relevant local government to submit and explain necessary materials if finding it necessary to achieve the purposes of this Act.

- (2) The prefectural governor may request the head of the relevant administrative organ or local government to provide various forms of cooperation including the submission of necessary materials, or may state the governor's opinion with respect to gaining an understanding of the situation of the soil contamination by specified hazardous substances and preventing harm to human health due to the contamination if finding it necessary to achieve the purposes of this Act.

(Instructions from the Minister of the Environment)

Article 57 When recognizing an urgent necessity to prevent harm to human health due to soil contamination by any specified hazardous substance, the Minister of the Environment may give the prefectural governor or the mayor of a city

provided by Cabinet Order (including special wards) as referred to in Article 64 the necessary instructions with respect to the affairs set forth in the following items:

- (i) Affairs with regard to the confirmation as provided in the provision to Article 3, paragraph (1);
- (ii) Affairs with regard to orders as provided in Article 3, paragraphs (4) and (8); Article 4, paragraph (3); Article 5, paragraph (1); Article 7, paragraphs (2), (4) and (8); Article 12, paragraph (5); Article 16, paragraph (4); Article 19; Article 24; Article 25; and Article 27, paragraph (2));
- (iii) Affairs with regard to the rescission of confirmation as provided in Article 3, paragraph (6);
- (iv) Affairs with regard to investigations as provided in Article 5, paragraph (2);
- (v) Affairs with regard to designations as provided in Article 6, paragraph (1);
- (vi) Affairs with regard to public notices as provided in Article 6, paragraph (2);
- (vii) Affairs with regard to cancellations of designations as provided in Article 6, paragraph (4);
- (viii) Affairs with regard to instructions as provided in Article 7, paragraph (1);
- (ix) Affairs with regard to the measures for removal, etc. as provided in Article 7, paragraph (10);
- (x) Affairs with regard to the confirmation as provided in Article 12, paragraph (1), item (i); and
- (xi) Affairs with regard to request for cooperation or statement of opinions as provided in paragraph (2) of the preceding Article.

(State Assistance)

Article 58 (1) In order to prevent harm to human health due to soil contamination by a specified hazardous substance, the State is to endeavor to provide various forms of assistance, including facilitation of the funding necessary for a soil contamination investigation or an measures for contamination removal, etc. on land located in an area which requires measures and technical advice.

(2) The State shall give special consideration to small and medium-sized enterprise operators when it implements measures provided in the preceding paragraph.

(Promotion, etc. of Research)

Article 59 The State is to promote research on technologies concerning any measures for contamination removal, etc. and other research to prevent harm to human health due to soil contamination by specified hazardous substances and shall endeavor disseminate the results of that research.

(Promotion of Public Understanding)

Article 60 (1) The national and local governments is to endeavor to promote public understanding of the harmful effects on human health caused by soil contamination by specified hazardous substances through education, publicity, and other activities.

(2) The national and local governments is to endeavor to nurture necessary human resources to perform the responsibilities set forth in the preceding paragraph.

(Collection, Organization, Preservation, and Provision, etc. of Information on Soil Contamination by Prefectural Governors)

Article 61 (1) Any prefectural governor is to endeavor to collect, organize, preserve, and properly provide information on the situation of soil contamination by any specified hazardous substance in land within the relevant prefecture and on any risk of harm to human health caused by that contamination.

(2) Any prefectural governor is to endeavor to have persons that intend to provide public facilities such as parks, public interest facilities such as schools wholesale markets, or any facilities equivalent to the above, gain an understanding of whether the intended site for that facility falls under the standards provided by Order of the Ministry of the Environment as referred to Article 4, paragraph (3).

(Cooperation in Soil Contamination Investigation by Person that has Installed Specified Facility using Hazardous Substances)

Article 61-2 Any person that has installed a specified facility using any hazardous substance is to endeavor to provide a designated investigation institution that will conduct a soil contamination investigation on the site with information on the types, etc. of the specified hazardous substances that were manufactured, used, or processed in the specified facility using any hazardous substance, upon its request.

(Transitional Measures)

Article 62 Where an order is established, revised or abolished pursuant to this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be set forth in the order to the extent considered reasonably necessary for the establishment, revision or abolition.

(Delegation of Authority)

Article 63 The authority of the Ministry of the Environment provided for in this Act may, as provided by Order of the Ministry of the Environment, be delegated to the head of a Regional Environmental Office.

(Processing of Affairs by a Mayor of a City Provided by Cabinet Order)

Article 64 Some of the affairs that are under the authority of the prefectural

governor pursuant to the provisions of this Act may be undertaken by mayors of cities provided by Cabinet Order (including special wards) pursuant to the provisions of Cabinet Order.

### **Chapter VIII Penal Provisions**

Article 65 Any person who falls under any of the following items is punished by imprisonment with work for not more than one year or by a fine of not more than 1,000,000 yen.

- (i) A person who has violated orders pursuant to the provisions of Article 3, paragraph (4) or (8); Article 4, paragraph (3); Article 5, paragraph (1); Article 7, paragraph (2), (4) or (8); Article 12, paragraph (5); Article 16, paragraph (4); Article 19; Article 24; Article 25; or Article 27, paragraph (2);
- (ii) A person who has violated the provisions of Article 7, paragraph (6) or Article 9;
- (iii) A person who has processed contaminated soil in the course of trade in violation of the provisions of Article 22, paragraph (1);
- (iv) A person who has engaged in the business of processing contaminated soil in violation of the provisions of Article 23, paragraph (1);
- (v) A person who has received a license under Article 22, paragraph (1) (including renewal of a license under paragraph (4) of the same Article) or permission for a change under Article 23, paragraph (1) by dishonest means; and
- (vi) A person who has had other persons process contaminated soil in the course of trade in violation of the provisions of Article 26.

Article 66 Any person who falls under any of the following item is punished by imprisonment with work for not more than three months or by a fine of not more than 300,000 yen:

- (i) A person who has failed to provide notification or who provides false notification pursuant to the provisions of Article 3, paragraph (5) or (7); or Article 23 paragraph (3) or (4), or who has provided false notification;
- (ii) A person who has made changes to the form or nature of land without providing notification in violation of the provisions of Article 4, paragraph (1) or Article 12, paragraph (1) or by providing false notification;
- (iii) A person who has carried soil out as provided in the main clause of Article 16, paragraph (1) or Article 16, paragraph (2) without providing notification in violation of the provisions of paragraph (1) or (2) of the Article or by providing false notification;
- (iv) A person who has transported contaminated soil in violation of the provisions of Article 17;
- (v) A person who has entrusted the processing of contaminated soil to other

persons in violation of the provisions of Article 18, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (3) of the Article) or Article 22, paragraph (7);

- (vi) A person who has failed to deliver a control manifest in violation of the provisions of Article 20, paragraph (1) (including as applied mutatis mutandis pursuant to paragraph (2) (including as applied mutatis mutandis pursuant to paragraph (9) of the Article) and paragraph (9) of the Article) or who has delivered a control manifest without entering the matters specified in paragraph (1) of the said Article or with any false entry;
- (vii) A person who has failed to send a copy of a control manifest in violation of the provisions of the first sentence of Article 20, paragraphs (3) or of Article 20, (4) (including cases where those provisions are applied mutatis mutandis pursuant to paragraph (9) of the Article), or who has sent a copy of a control manifest without entering the matters specified in these provisions or with any false entry;
- (viii) A person who has failed to refer a control manifest in violation of the provisions of the second sentence of Article 20, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (9) of the Article);
- (ix) A person who has failed to preserve a control manifest or a copy thereof in violation of the provisions of Article 20, paragraph (5), (7) or (8) (including cases where those provisions are applied mutatis mutandis pursuant to paragraph (9) of the Article);
- (x) A person who has delivered a control manifest containing a false entry in violation of the provisions of Article 21, paragraph (1) or (2); or
- (xi) A person who has sent a copy of a control manifest in violation of the provisions of Article 21, paragraph (3).

Article 67 Any person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) A person who has failed to provide notification pursuant to the provisions of Article 12, paragraph (4) or who has provided false notification;
- (ii) A person who has failed to record or made a false record, or who has failed to keep a record in violation of the provisions of Article 22, paragraph (8);
- (iii) A person who has violated the provisions of Article 50; and
- (iv) A person who has failed to make a report pursuant to the provisions of Article 54, paragraph (1), or paragraphs (3) through (6), who has made a false report, or who has refused, hindered, or evaded an inspection under these provisions.

Article 68 If any representative of a corporation, or any agent, employee, or other person engaged by a corporation or individual commits any of the violations provided in the preceding three Articles (excluding item (iii) of 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 69 Any person who falls under any of the following items is punished by a civil fine of not more than 200,000 yen:

- (i) A person who has failed to make a report under the provisions of Article 7, paragraph (9) or who has made a false report; and
- (ii) A person who has failed to make notification under the provisions of Article 12, paragraph (2) or (3); Article 16, paragraph (3); Article 20, paragraph (6) (including as applied mutatis mutandis pursuant to paragraph (9) of the Article); or Article 40, or who has made false notification.

### **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes into effect as of the date provided by Cabinet Order within a period not exceeding nine months from the day of its promulgation; provided, however, that the provisions of the following Article comes into effect as of the date provided by Cabinet Order within a period not exceeding six months from the day of the promulgation.

(Preparatory Acts)

Article 2 (1) The designation referred to in Article 3, paragraph (1) and related procedures and other necessary acts may be conducted according to the provisions of Articles 10 through 12 and Article 15 even if they occur prior to the enforcement of this Act.

(2) The designation pursuant to Article 20, paragraph (1) and related procedures and other necessary acts may be conducted according to the provisions of Article 20, paragraphs (1) and (2) and Article 24, paragraph (1) even if they occur prior to the enforcement of this Act.

(Transitional Measures)

Article 3 The provisions of Article 3 do not apply to land that is the site for a plant or workplace of a specified facility which used hazardous substances and whose use has been terminated prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 4 In addition to what is provided for in the preceding two Articles, necessary transitional measures for the enforcement of this Act are provided by Cabinet Order.

(Review)

Article 5 Ten years after the enforcement of this Act, the government is to review the way in which the Support Business of the designated support corporation is being carried out, with a view to abolishing such business, examine the situation of the enforcement of this Act, and take necessary measures based on the results.

**Supplementary Provisions [Act No. 33 of April 27, 2005] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of October 1, 2005.

(Transitional Measures)

Article 24 Where an order is established, revised, or abolished pursuant to the provisions of the respective Acts amended by this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be provided by the order to the extent deemed reasonably necessary along with the establishment, revision, or abolition.

**Supplementary Provisions [Act No. 50 of June 2, 2006] [Extract]**

This Act comes into effect on the effective date of the General Incorporated Associations/Foundations Act.

**Supplementary Provisions [Act No. 23 of April 24, 2009]**

(Effective Date)

Article 1 This Act comes into effect as of the day provided by Cabinet Order no later than April 1, 2010; provided, however, that the provisions of the following Article and Article 14 of the supplementary provisions comes into effect as of a date provided by Cabinet Order within six months from the day of the promulgation.

(Preparatory Acts)

Article 2 (1) Any person that intends to obtain a license referred to in Article 22, paragraph (1) of the Soil Contamination Countermeasures Act amended by this Act (hereinafter referred to as the "new Act") may file an application for the license in accordance with the provisions of paragraph (2) the Article even before the enforcement of this Act.

(2) Any person who has submitted the written application pertaining to the application under the provisions of the preceding paragraph or any document to

be attached to the application with any false is punished by imprisonment with work for not more than one year or by a fine of not more than 1,000,000 yen.

(3) If any representative of a corporation, or individual, or any agent, employee, or other person engaged by a corporation or individual commits any of the violations provided in the preceding paragraph 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 paragraph.

(Transitional Measures for Notification of Changes to the Form or Nature of Land whose Area Is More than or Equal to a Certain Size)

Article 3 The provisions of Article 4, paragraph (1) of the new Act apply to a person that commences making changes to the form or nature of land (meaning the changes of land provided in the paragraph; the same applies to Article 8 of the supplementary provisions) on or the day on which 30 days have elapsed since the date on which this Act comes into effect (hereinafter referred to as the "effective date").

(Transitional Measures for Designation of Designated Area)

Article 4 The areas of land which have been designated pursuant to the provision of Article 5, paragraph (1) of the Soil Contamination Countermeasures Act prior to amendment by this Act (hereinafter referred to as the "former Act") at the time of the enforcement of this Act are deemed to be areas for which changes to form or nature require notification as designated provided in Article 11, paragraph (1), paragraph (2) of the new Act that were designated pursuant to the provision of paragraph (1) of the Article.

(Transitional Measures for Designated Area Registry)

Article 5 The Registry of the designated area pursuant to the provisions of Article 6, paragraph (1) of the former Act in existence at the time of the enforcement of this Act is deemed to be the registry of an area for which changes to form or nature require notification pursuant to the provisions of Article 15, paragraph (1) of the new Act.

(Transitional Measures for Orders to Take Measures)

Article 6 Prior laws continue to govern the orders pursuant to the provisions of Article 7, paragraph (1) or (2) of the former Act that were issued prior to the enforcement of this Act.

(Transitional Measures for Claims for Cost for Measures for Removal of contamination, etc.)

Article 7 Prior laws continue to govern the application of the provisions of Article 8 of the former Act pertaining to the person that has received an order pursuant to the provisions of Article 7, paragraph (1) of the former Act prior to the enforcement of this Act.

(Transitional Measures for Notification of Change to the Form or Nature of Land in an Area for which Changes to Form or Nature Require Notification)

Article 8 Any person that commences making changes to the form or nature of land in an area deemed to be an area for which changes to form or nature require notification provided in Article 11, paragraph (2) of the New Act pursuant to the provision of Article 4 of the supplementary provisions after the effective date, and has filed a notification under the provision of Article 9, paragraph (1) of the Former Act prior to the effective date concerning the change to the form or nature of land shall be deemed to have filed a notification under the provisions of Article 12, paragraph (1) of the new Act.

(Transitional Measures for Notification upon Carrying-out of Contaminated Soil)

Article 9 The provisions of Article 16, paragraph (1) of the new Act apply to a person that intends to carry contaminated soil out of the area which requires measures, etc. (meaning the area which requires measures, etc. provided in the paragraph) on or after the day on which 14 days have elapsed since the effective date (excluding any person that intends only to transport the contaminated soil upon entrustment).

(Transitional Measures for Designation of Designated Investigation Institution)

Article 10 Any person who has received a designation pursuant to the provisions of Article 3, paragraph (1) of the former Act at the time of enforcement of this Act is deemed to have received a designation referred to in Article 3, paragraph (1) of the new Act from the effective date.

(Transitional Measures for Notification of Change)

Article 11 The provisions of Article 35 of the new Act apply to a designated investigation institution which intends to make changes to the matters as provided for in the same Article after the day on which 14 days have elapsed since the effective date; prior laws continue to govern any designated investigation institution which intends to make changes to the matters prior to that day.

(Transitional Measures for Compliance Order)

Article 12 Any order issued pursuant to the provision of Article 16 of the former Act prior to the enforcement of this Act is deemed to have been issued pursuant

to the provision of Article 39 of the new Act.

(Transitional Measures for Application of Penal Provisions)

Article 13 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed on or after the effective date which, pursuant to the provision of Article 6 of these supplementary provisions, are to continue to be governed by prior laws.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 14 In addition to what is provided for in these supplementary provisions, transitional measures required for the enforcement of this Act are provided by Cabinet Order.

(Review)

Article 15 When five years have passed since the enforcement of this Act, the government is to review the status of the enforcement of this Act and take necessary measures based on the results.

#### **Supplementary Provisions [Act No. 74 of June 24, 2011] [Excerpt]**

(Effective Date)

Article 1 This Act comes into effect as of the day on which 20 days have elapsed since the day of the promulgation.

#### **Supplementary Provisions [Act No. 51 of June 4, 2014] [Excerpt]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2015.

(Transitional Measures for Disposition and Application, etc.)

Article 7 (1) Except for those provided in the provisions of Article 2 through the preceding Article of the supplementary provisions or in the provisions of the respective Acts amended by this Act (including orders issued thereunder) concerning transitional measures, dispositions to grant licenses or permission, etc. and other acts (hereinafter referred to as “dispositions and other acts” in this paragraph) conducted prior to the enforcement of this Act (or respective provisions set forth in each item of Article 1 of the supplementary provisions; hereinafter the same applies in this Article and the following Article) pursuant to the provision of the respective Acts prior to amendment by this Act or applications for licenses or permission, etc. and other acts (hereinafter referred to as “applications and other acts” in this paragraph) that have been conducted

at the time of the enforcement of this Act pursuant to the provision of the respective Acts prior to amendment by this Act, for which administrative affairs shall be performed by different persons as of the date on which this Act comes into effect, are deemed to be dispositions and other acts or applications and other acts conducted pursuant to the relevant provisions of the respective Acts amended by this Act in terms of the application of the respective Acts amended by this Act on or after the date on which this Act comes into effect.

(2) With respect to particulars for which reports, notification, submission or other procedures shall be conducted before the organs of the national or local governments prior to the enforcement of this Act pursuant to the provision of the respective Acts prior to amendment by this Act, if those procedures have not yet been conducted by the date on which this Act comes into effect, the provisions of the respective Acts amended by this Act apply to the relevant procedures, except for those otherwise provided for by this Act or any Cabinet Order enacted thereunder, on the assumption that reports, notification, submission or other procedures have not yet been conducted with respect to particulars for which the relevant procedures shall be conducted before the organs of the national or local governments pursuant to the relevant provisions of the respective Acts amended by this Act.

(Transitional Measures for Penal Provisions)

Article 8 Prior laws continue to govern the application of penal provisions to any act committed prior to the enforcement of this Act.

(Delegation to Cabinet Order)

Article 9 In addition to what is provided for in Article 2 through the preceding Article of the supplementary provisions, necessary transitional measures for the enforcement of this Act (including transitional measures for penal provisions) are provided by Cabinet Order.

### **Supplementary Provisions [Act No. 33 of May 19, 2017] [Excerpt]**

(Effective Date)

Article 1 This Act comes into effect as of a date provided by Cabinet Order within two years from the day of the promulgation; provided, however, that the provisions set forth in the following items comes into effect as of the date provided in each item:

- (i) The provisions of Article 6 of the supplementary provisions: the day of the promulgation;
- (ii) The provisions of Article 1: a date provided by Cabinet Order within one (1) year from the day of the promulgation; and

(iii) The provisions of Article 4 of the supplementary provisions: the day of the promulgation of the Act on Coordination of Related Acts in Line with Enforcement of the Act Partially Amending the Civil Code (Act No. 45 of 2017) or the day on which this Act comes into effect (hereinafter referred to as the “effective date”), whichever comes later.

(Transitional Measures for Measures for Removal of contamination, etc. and Other Relevant Matters)

Article 2 (1) Prior laws continue to govern any measures for contamination removal, etc. pertaining to a person who has received any instruction pursuant to the provisions of Article 7, paragraph (1) of the Soil Contamination Countermeasures Act prior to amendment by this Act (referred to as the “former Act” in the following paragraph) prior to the enforcement of this Act.

(2) Prior laws continue to govern claims for the costs for any measures for contamination removal, etc. pertaining to the person who has received any instruction under the provisions of Article 7, paragraph (1) of the former Act prior to the enforcement of this Act.

(Transitional Measures for Notification upon Carrying Contaminated Soil out)

Article 3 The provisions of Article 16, paragraph (1) of the soil contamination countermeasures Act amended by this Act (referred to as the “new Act” in Article 7 of the supplementary provisions) apply to any person that intends to carry contaminated soil as provided in the paragraph out of the area which requires measures, etc. (meaning the area which requires measures, etc. as provided in the paragraph) on or after the day on which 14 days have elapsed since the effective date (excluding any person that intends only to transport the contaminated soil upon entrustment).

(Transitional Measures for Application of Penal Provisions)

Article 5 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of this Act and acts committed on or after the effective date which, pursuant to the provision of Article 2, paragraph (i) of these supplementary provisions, are to continue to be governed by prior law.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 6 In addition to what is provided for in these supplementary provisions, transitional measures required for the enforcement of this Act are provided by Cabinet Order.

(Review)

Article 7 When five years have passed since the enforcement of this Act, the

government is, while taking into account the status of the enforcement of the new Act, to review the provisions of the new Act and take any necessary measures based on the review if it finds it necessary.

**Supplementary Provisions [Act No. 45 of June 2, 2017]**

This Act comes into effect on the effective date of the Civil Code Amendment Act; provided, however, that the provisions of Articles 103-2, 103-3, 267-2, 267-3 and 362 come into effect on the date of the promulgation.