

# WASTE MANAGEMENT AND PUBLIC CLEANSING LAW

Law No. 137 of 1970

Amended by Law No. 71 of 1974, No. 47 and No. 68 of 1976, No. 43 of 1983, No. 87 of 1987, No. 95 of 1991, No. 105 of 1992, No. 89 and No. 92 of 1993, No. 84 of 1994, No. 91 of 1995, No. 85 of 1997, No. 54 of 1998, No. 64, No. 87, No. 151 and No. 160 of 1999, No. 91 and No. 105 of 2000, No. 66 of 2001.

Original Japanese

## CHAPTER I GENERAL PROVISIONS

### (Purpose)

#### Article 1

This law is enacted for the purpose of preserving the living environment and improving public health through the restriction of waste discharge, appropriate sorting, storage, collection, transport, recycling, disposal, or the like of waste and conservation of a clean living environment.

### (Definitions)

#### Article 2

In this Law, "waste" refers to refuse, bulky refuse, ashes, sludge, excreta, waste oil, waste acid and alkali, carcasses and other filthy and unnecessary matter, which are in solid or liquid state (excluding radioactive waste and waste polluted by radioactivity).

- 2 In this Law, "municipal solid waste" refers to waste other than industrial waste.
- 3 In this Law, "specially controlled municipal solid waste" refer to those municipal solid waste specified by a Cabinet Order as wastes which are explosive, toxic, infectious or of a nature otherwise harmful to human health or the living environment.
- 4 In this Law, "industrial waste" refer to the waste categories defined below:
  - 1) Ashes, sludge, waste oil, waste acid, waste alkali, waste plastics and others specified by a Cabinet Order among all the wastes left as a result of business activity.
  - 2) Imported waste (excluding the kinds of waste defined in the preceding Item, those wastes attributable to navigation of a ship or aircraft (confined to the items specified by a Cabinet Order), which are defined as "navigational waste" in Paragraph 1 of Article 15-4-2, and waste personally carried into Japan by persons entering it (confined to the items specified by a Cabinet Order), which are defined as "carried-in waste" also in Paragraph 1 of Article 15-4-2).
- 5 In this Law, "specially controlled industrial waste" refer to those industrial wastes specified by a Cabinet Order as wastes which are explosive, toxic, infectious or of a nature otherwise harmful to human health and the living environment.
- 6 In this Law, the term "electronic information processing systems" refer to those electronic information processing systems which have the electronic computer (including the input and output devices; same in the following) pertaining to the use of the Information Processing Center specified in Paragraph 1 of Article 13, connected to the input and output devices of the entrepreneurs specified in Paragraph 1 of Article 12, commissioned transporters specified in Paragraph 2 of the same Article and commissioned disposers specified in Paragraph 3 of the same Article by way of telecommunication lines.

## **(Principle of Management within Japan and Restriction of Imports)**

### **Article 2-2**

- Waste generated within Japan shall be appropriately managed of within Japan whenever it is possible.
- 2 Imports shall be restricted so as to prevent them from hindering appropriate management of waste within Japan.

## **(Responsibilities of Citizens)**

### **Article 2-3**

The citizens shall cooperate with the central government and local governments in their activities for waste reduction by restricting their waste discharge, using recycled Articles or otherwise contributing toward the recycling and re-use of waste, sorting waste prior to discharge, managing of waste by themselves as far as possible and so on.

## **(Responsibilities of Businesses)**

### **Article 3**

- The businesses shall appropriately manage of, the waste left as a result of their business activities.
- 2 The businesses must endeavor to reduce the amount of waste by recycling or re-use of waste. The businesses shall assess the handling or processing difficulty of the waste generated when the products, their containers or whatever they manufacture, process and seller the like are discarded. They shall develop such products, containers or the like which are unlikely to present handling or processing difficulty, provide information on appropriate management of the waste generated when the products, their containers or the like are discarded, or take some other actions to ensure appropriate management of the said products, containers or the like without difficulty.
  - 3 In addition to the preceding duties in this Article, the businesses shall cooperate with the central government and local governments in their activities to reduce waste, ensure appropriate management and so on.

## **(Responsibilities of the Central government and Local Governments)**

### **Article 4**

- The municipalities (self-governing bodies of cities, towns and villages) shall endeavor to promote residents' voluntary activities to reduce their municipal solid waste in their respective administrative areas and take the necessary action for proper management of those municipal solid waste. They shall also endeavor to perform the management work efficiently by improving the ability of the management personnel, consolidating disposal facilities and developing operation techniques.
- 2 The prefectural governments shall endeavor to give the necessary technical advice to the municipalities under their administration to ensure their adequate performance of the duties prescribed in the preceding Paragraph and shall endeavor to grasp the conditions of industrial waste in the respective prefectures and take the necessary action for proper management of such industrial waste.
  - 3 The central government shall collect information about waste, keep it in orderly arrangement and use it, take measures for promotion of waste management technology development and also take suitable action for proper and smooth waste management throughout Japan. The central government shall endeavor to give the necessary technical and financial assistance to the municipalities and to the prefectural governments for adequate performance of their duties mentioned in the preceding two Paragraphs.
  - 4 To suppress discharge of waste and ensure their proper management, the central government, prefectural governments and municipalities shall all endeavor to enlighten both the general public and businesses on the importance of appropriate solid waste management.

## **(Maintaining Cleanliness)**

### **Article 5**

- Land or building owners (or caretakers in the absence of such owners; and the same will apply hereinafter) shall endeavor to maintain cleanliness of the land or buildings in their possession or under their care.
- 2 The owners of buildings shall conduct thorough cleaning of the whole building in accordance with a plan which shall be prescribed by the municipality.
  - 3 No person shall be allowed to soil a park, square, camping site, skiing ground, seaside resort, road, river, port or any other public place.
  - 4 The caretakers of the aforementioned places shall exert themselves to keep the places clean.
  - 5 The municipalities shall provide public toilets and waste baskets where they are needed and keep them sanitary.
  - 6 A person or company who operates a transport business with trains, ships or airplanes equipped with toilets shall treat the night soil in a way not disruptive to the living environment.

## **(Basic Policy)**

### **Article 5-2**

- The Minister of the Environment shall specified forth a basic policy (hereinafter referred to as "basic policy") for promoting measures comprehensively and systematically on restrain of the waste discharge, waste reduction by recycling and other proper management of waste.
- 2 The basic policy shall include the following matters
    - 1) Basic direction on waste reduction and other proper management of waste
    - 2) Matters in relation to set up targets for waste reduction and other proper management of waste
    - 3) Basic matters in order to promote measures on waste reduction and other proper management of waste
    - 4) Basic matters on maintenance of waste disposal facilities
    - 5) Besides those prescribed in each of the preceding Paragraphs, necessary matters for waste reduction and other proper management of waste
  - 3 The Minister of the Environment shall specified forth a basic policy, and consult with the heads of the administrative bodies concerned, before trying to change them.
  - 4 The Minister of the Environment shall specified forth a basic policy, and make an announcement when changing them without delay.

## **(Waste Management Plan by the Prefectural Governments)**

### **Article 5-3**

- The prefectural governments shall specified forth a plan for waste reduction and other proper management of waste in their respective administrative areas in line with a basic policy (hereinafter referred to as "waste management plan").
- 2 The waste management plan shall include the following matters in regard to waste reduction and other proper management of waste in their respective administrative areas in accordance with the standards specified by the Ordinance of the Ministry of the Environment.
    - 1) Estimate of the volume of waste to be generated and that to be managed.
    - 2) Basic matters on waste reduction and other proper management of waste.
    - 3) Matters on systems which are necessary in order to secure the proper management of municipal solid waste.
    - 4) Matters on maintenance of industrial waste disposal facilities.
    - 5) Besides those prescribed in each of the preceding Items, necessary matters on waste reduction and other proper management of waste.

- 3 The prefectural governments shall specified forth a waste management plan, and seek advice from the Council specified by the provision of Article 43 of the Basic Environment Law (Law No. 91 of 1993), other bodies which have council system or the municipalities concerned, before changing them.
- 4 The prefectural governments shall set forth a waste management plan, and make an announcement when changing them without delay.

### **(Promotion to Achieve the Waste Management Plan by the Prefectural Governments)**

#### **Article 5-4**

The central government and prefectural governments shall endeavor to take the necessary action for achieving the waste management plan.

### **(Council for Promotion of Waste Reduction)**

#### **Article 5-5**

The municipalities may organize a council for promotion of waste reduction which is to contemplate matters related to reduction of waste and others.

- 2 The necessary matters related to the organization and operation of the said council shall be prescribed by ordinances.

### **(Promoters of Waste Reduction)**

#### **Article 5-6**

The municipalities may commission suitable persons with a social reputation and both enthusiasm about and expert knowledge and views of proper management of municipal solid waste as promoters of waste reduction.

- 2 The promoters of waste reduction shall cooperate with the municipalities in taking measures for reduction of municipal solid waste and in carrying out other activities.

## **CHAPTER II MUNICIPAL SOLID WASTE**

### **Section 1 Municipal solid waste Management**

#### **(Municipal Solid Waste Management Plan)**

## **Article 6**

- The municipalities shall specified forth a definite plan for management of municipal solid waste in their respective administrative areas (hereinafter referred to as a "municipal solid waste management plan").
- 2 The municipal solid waste management plan shall include the following matters in regard to the management of municipal solid waste in their administrative areas according to the Ordinance of the Ministry of the Environment.
    - 1) Estimate of the volume of municipal solid waste to be generated and that to be managed.
    - 2) Matters related to measures for suppressing discharge of municipal solid waste.
    - 3) Kinds of municipal solid waste to be presorted for collectors and descriptions of those kinds.
    - 4) Fundamentals of proper municipal solid waste management and also the fundamentals relating to the authorities/persons carrying out such management.
    - 5) Matters pertaining to the improvement or expansion of municipal solid waste disposal facilities.
    - 6) Other matters necessary for the management of municipal solid waste.
  - 3 The municipalities shall specified forth a municipal solid waste management plan in line with the basic plan in Paragraph 4 of Article 2 of the Municipalities Law (Law No. 67 of 1947).
  - 4 Each municipality shall endeavor to make its municipal solid waste management plan consistent with similar plans of other municipalities with which the particular municipality is in close interrelations and that significantly affect the municipal solid waste management in its administrative area.
  - 5 The municipalities shall set forth a municipal solid waste management plan, and make an announcement when changing them without delay.

## **(Management by Municipalities)**

### **Article 6-2**

- The municipalities shall collect, transport and dispose of (including recycling and the same will apply hereinafter (except for Paragraph 3 of Article 7, Article 7-3, Paragraph 6 of Article 8-2, Paragraph 2 of Article 9, Paragraph 2 of Article 9-2, Paragraph 11 of Article 9-3, Paragraph 1 of Article 13-11, Article 15-12, Paragraph 1 of Article 15-15, Paragraph 2 of Article 16-2, Paragraph 2 of Article 23 and Article 24, and the same will apply hereinafter) municipal solid waste in their municipal areas before they interfere with the conservation of the living environment, according to the municipal solid waste management plan.
- 2 Standards on collection, transport and disposal of municipal solid waste (excluding specially controlled municipal solid waste; the same will apply in the rest of Article 6-2 ) which are to be conducted by the municipalities (excluding the standards pertaining to the place and method of ocean disposal, defined by the Law Relating to the Prevention of Marine Pollution and Maritime Disaster (Law No. 136 of 1970), for those of municipal solid waste which may be disposed of in a sea and which will be referred to as the "municipal solid waste management standards") and standards for the case in which a municipality commissions someone else collect, transport and dispose of municipal solid waste shall be prescribed in a Cabinet Order.
  - 3 Standards on collection, transport and disposal of specially controlled municipal solid waste which are to be conducted by the municipalities (excluding the standards pertaining to the place and method of ocean disposal, defined by the Law Relating to the Prevention of Marine Pollution and Maritime Disaster, for those of specially controlled municipal solid waste which may be disposed of in a sea and which will be referred to as the "specially controlled municipal solid waste disposal standards") and standards for the case in which a municipality commissions someone else collect, transport and dispose of specially controlled municipal solid waste shall be prescribed in a Cabinet Order.
  - 4 Owners of land or buildings must exert themselves to dispose of municipal solid waste in their land or buildings that are easily disposable without hindrance to the conservation of the living environment. As to the waste which the owners cannot dispose of by themselves, they must endeavor to cooperate with the municipalities in the collection, transport and disposal of municipal solid waste conducted by the municipalities by properly sorting and storing the said waste according to the municipal solid waste

- management plan or take other necessary action.
- 5 The mayors of municipalities are entitled to give owners of land or buildings where a large amount of municipal solid waste is generated due to their business activities in the particular administrative area, instructions regarding planning for reduction of the said municipal solid waste, the place to which they are to be transported, the method of transporting them and other necessary matters.

## **(Cooperation of Businesses)**

### **Article 6-3**

- The Minister of the Environment is entitled to investigate the actual management of municipal solid waste by the municipalities and specify, on the basis of the results of the investigation, certain municipal solid waste which are currently treated and managed of by the municipalities and are deemed difficult to be treated and managed of properly in various parts of Japan with the municipalities' present management facilities and technique.
- 2 The mayors of the municipalities are entitled to demand the cooperation of the businesses manufacturing, processing, selling or otherwise handling a product, container or the like which will result in the generation of the municipal solid waste specified in the preceding Paragraph in order to facilitate the proper management of the said waste by the municipalities according to the Ordinance of the Ministry of the Environment.
  - 3 The Minister of the Environment is entitled to demand to the Minister, who has the supervisory power over businesses that manufacture, process, sell or otherwise handle products, containers or the like which may result in the generation of the municipal solid waste specified in Paragraph 1 of this Article, to take necessary measures which enable municipalities to secure the cooperation from those businesses who manufacture, process, sell or otherwise handle the said products, containers or the like in managing the said waste originating from them.
  - 4 Before specifying the municipal solid waste mentioned in Paragraph1 of this Article, the Minister of the Environment shall consult the minister supervising the businesses that manufacture, process, sell or otherwise handle the products, containers or the like which may result in the generation of the municipal solid waste to be specified under Paragraph1 of this Article.

## **Section 2 Municipal Solid Waste Management Service**

### **(Municipal Solid Waste Management Service )**

#### **Article 7**

- No person is allowed to undertake as a contractor to collect and transport of municipal solid waste without permission from the prefectural governor with the jurisdiction over the area in which the person is to conduct the service (or of the area in which that person is to load and unload municipal solid waste if the person is to conduct a transport service only), except for businesses (limiting to the ones who transport the municipal solid waste by themselves) who undertake to collect and transport of municipal solid waste solely for recycling as contractors and anyone specified in the Ordinance of the Ministry of the Environment.
- 2 The permission prescribed in the preceding Paragraph becomes invalid upon the lapse of a period not less than one year in length prescribed by a Cabinet Order unless the permission is renewed for another period.
  - 3 The mayors of the municipalities shall not grant the permission prescribed in the preceding Paragraph unless they judge that the application for it satisfies the following requirements:
    - 1) It is difficult for the respective municipalities to collect and transport municipal solid waste.
    - 2) The application is in conformity with the municipal solid waste management plan.
    - 3) The facilities used by the contractors and the ability of the applicant are judged sufficient for the proper and continuous conducting of the said services in the light of the standards specified by the Ordinance

- of the Ministry of the Environment.
- 4) The applicant is not any of the following:
    - a. A ward who is an adult, a warrantee or a person who declared bankrupt and not yet reinstated.
    - b. One who has been sentenced to imprisonment or severer punishment and is still short of one's fifth year from the execution or the interruption of the sentence.
    - c. One who has been sentenced to more than a fine because of violation of the Septic Tank Law (Law No. 43 of 1983) or any other law for the conservation of the living environment specified by a Cabinet Order, disobedience to action based on such law or law for prevention of unjustified action by gang (Law No, 77 of 1991. Except for Paragraph 7 of Article 31) or violation of Article 204, 206, 208, 208-2, 222 or 248 of the Criminal Law (Law No. 45 of 1907) or the Law Pertaining To Punishment for Act of Violence etc. (Law No. 60 of 1926) and is still short of one's fifth year from the execution or the interruption of the sentence.
    - d. One whose permit has been revoked under Article 7-3 or Article 14-3 (including the cases applied by replacing wordings in Article 14-6) or under the provision of Paragraph 2 of Article 41 of the Septic Tank Law and is short of one's fifth year from the revocation. (In the case of a legal person, this includes one who is an executive of that organization (an employee, a director or whoever executes the business, including a person who is recognized to have the same or more power to control the business as the above person no matter what kind of title one has, such as an advisor. The same will apply hereinafter in this Item and d. of Item 2 of Paragraph 3 of Article 14) within 60 days from the day it was notified the revocation under Article 15 of Administrative Procedures Act (Law No. 88 of 1993) and is short of its fifth year from the revocation).
    - e. One who gives good reason to suspect a wrong or dishonest act on one's part in connection with one's municipal solid waste management services.
    - f. A minor who lacks the abilities of an adult and whose lawful deputy is a person specified in one of a. to e. above.
    - g. A legal person having a director or employee who is a person specified in one of a. to e. above.
    - h. An individual having an employee who is a person specified in one of a. to e. above.
  - 4 No person is allowed to undertake as a contractor the disposal of municipal solid waste without permission from the prefectural governor with the jurisdiction over the area in which the person is to conduct the service, except for a business (provided he/she is to dispose of the municipal solid waste by him/herself), a person undertaking the disposal of municipal solid waste solely for recycling as a contractor and anyone specified in the Ordinance of the Ministry of the Environment.
  - 5 The permission prescribed in the preceding Paragraph becomes invalid upon the lapse of a period not less than one year in length prescribed by a Cabinet Order unless the permission is renewed for a further period
  - 6 The mayors of the municipalities shall not grant the permission prescribed in Paragraph 4 of this Article, unless they judge that the application for it satisfies the following requirements:
    - 1) It is difficult for the particular municipality to dispose of municipal solid waste.
    - 2) The application is in conformity with the municipal solid waste management plan.
    - 3) The facilities used for disposal service and the ability of the applicant are sufficient for the proper and continuous conducting of the waste disposal service in the light of the standards specified by the Ordinance of the Ministry of the Environment.
    - 4) The applicant is none of the persons specified in a. to h. of Item 4) of Paragraph 3 of this Article.
  - 7 The permission prescribed in Paragraph 1 or 4 of this Article may be granted only with respect to a certain area in which municipal solid waste may be collected by the contractor or with conditions necessary for the conservation of the living environment attached to it.
  - 8 The persons with the permission prescribed in Paragraph 1 of this Article (hereinafter referred to as "municipal solid waste collection and transport contractors") and those with the permission prescribed in Paragraph 4 (hereinafter referred to as "municipal solid waste disposal contractors") shall not collect a charge in excess of the amount for collection and transport or disposal prescribed by the provision of Paragraph 1 of Article 228 of the Municipalities Law in respect of their collection and transport or disposal of municipal solid waste.

- 9 The municipal solid waste collection and transport contractors and municipal solid waste disposal contractors shall perform their collection and transport or disposal activities in conformance with the municipal solid waste disposal standards (or the specially controlled municipal solid waste management standards in the case of municipal solid waste in that category).
- 10 The municipal solid waste collection and transport contractors and municipal solid waste disposal contractors shall not commission anyone else carry out their collection and transport or disposal activities.
- 11 The municipal solid waste collection and transport contractors and municipal solid waste disposal contractors shall keep books and enter in them the particulars about municipal solid waste management which are specified by the Ordinance of the Ministry of the Environment.
- 12 The books prescribed in the preceding Paragraph shall be stored as directed in the Ordinance of the Ministry of the Environment.

### **(Permission for Change or the Like)**

#### **Article 7-2**

- The municipal solid waste collection and transport contractors and municipal solid waste disposal contractors shall obtain the municipality's permission for any change of the scope of the collection and transport business or disposal business except discontinuation of part of the business.
- 2 The provisions in Paragraph 3 and 7 of the preceding Article will also apply to the said permission for a change of the scope of the collection and transport business, and the provisions of Paragraph 6 and 7 of the same Article will apply to the said permission for a change of the scope of the disposal business.
  - 3 When a municipal solid waste collection and transport contractor or a municipal solid waste disposal contractor discontinues the whole or part of the collection-and-transport/disposal business or changes the address or any other matter specified by the Ordinance of the Ministry of the Environment., that contractor shall report it to the mayor of the municipality as prescribed by the Ordinance of the Ministry of Health and Welfare.

### **(Revocation of Permission or the Like)**

#### **Article 7-3**

In case a municipal solid waste collection and transport contractor or a municipal solid waste disposal contractor becomes the person who falls under one of the following Items, the mayor of the municipality may revoke the permission or order that particular contractor to suspend the whole or part of the business for a prefixed period.

- 1) When the person violates this Law or defies action taken under this Law (hereinafter referred to as "act against the Law"), demands or asks another person to act against the Law, or indicates or helps another person to do so.
- 2) When the facility in which the person uses for their business or the capability of that person becomes not to satisfy the standards prescribed in Item 3) of Paragraph 3 or Item 3) of Paragraph 6 of Article 7.
- 3) When the person becomes to be one of a. to h.of Item 4) of Paragraph 3 of Article 7.
- 4) When the person violates the condition attached to the said permission specified in Paragraph 7 of Article 7.

### **(Prohibition of Renting the Name)**

#### **Article 7-4**

Any municipal solid waste collection and transport contractor or municipal solid waste disposal contractor must not have any other persons perform collection or transport or disposal of municipal solid waste as a

work under his own name.

### **Section 3 Municipal Solid Waste Disposal Facility**

#### **(Permission of Municipal Solid Waste Disposal Facility)**

##### **Article 8**

- Any person intending to install a municipal solid waste disposal facility (referring to a refuse treatment facility specified by the Cabinet Order (hereinafter referred to simply as “refuse treatment facility”), night soil treatment facility (except for the septic tank specified in Item 1) of Article 2 of Septic Tank Law; same in the following) and final disposal site of municipal solid waste specified by the Cabinet Order; same in the following) (except for a municipality intending to install a municipal solid waste disposal facility for disposal of municipal solid waste under the provision of Paragraph 2 of Article 6-2), must have granted the permission of the prefectural governor with jurisdiction over the place of installation of said municipal solid waste disposal facility (or mayor of a city or head of a special ward operating public health centers; same in the following except for Paragraphs 1 of Article 20-2).
- 2 Anyone intending to procure the said permission shall file an application containing the following particulars under the Ordinance of the Ministry of the Environment.
    - 1) Name or title and address and, if a corporate person, name of its representative
    - 2) Place of installation of the municipal solid waste disposal facility
    - 3) Type of the municipal solid waste disposal facility
    - 4) Type of the waste disposed at the municipal solid waste disposal facility
    - 5) Disposal capacity of the municipal solid waste disposal facility (or, in the case of a final disposal site for municipal solid waste, square meterage of the place used for landfill disposal of municipal solid waste and landfill capacity)
    - 6) Plan concerning installation including location and structure of the municipal solid waste disposal facility
    - 7) Plan concerning operation and maintenance of the municipal solid waste disposal facility
    - 8) Where the facility is a final disposal site for municipal solid waste, plan for prevention of disasters
    - 9) Any other matters specified by Ordinance of the Ministry of the Environment
  - 3 As prescribed in the Ordinance of the Ministry of the Environment, a document which states the result of assessment on effects that the installation of that municipal solid waste disposal facility would cause the living environment in the surrounding areas shall be attached to the application mentioned in the preceding Paragraph.
  - 4 When a permission prescribed in Paragraph 1, for a municipal solid waste disposal facility (only those specified by the Cabinet Order) is applied, the prefectural governor shall notify the particulars mentioned in Item 1) to 4) of Paragraph 2, the date of application and the place of reference without delay, and shall provide the application of Paragraph 2 as well as the document of Paragraph 3, for public reference for a month from the date of that notification.
  - 5 When a notification is made under the preceding Paragraph, the prefectural governor shall notify, without delay, the mayors of the areas concerned in the installation of that municipal solid waste disposal facility in terms of the conservation of the living environment, and listen to their opinion from the point of the conservation of the living environment with specifying a certain period of time.
  - 6 When a notification is made under Paragraph 4, a person concerned in the installation of that municipal solid waste disposal facility may submit a comment from the standpoint of the conservation of the living environment to the prefectural governor by the day of two weeks from the following day of the termination of the period of reference.

#### **(Standard of Permission or the like)**

## **Article 8-2**

The prefectural governor shall not grant the permission prescribed in Paragraph 1 of the preceding Article, unless they judge that the application of the said permission satisfies every Item of the following.

- 1) The plan of the installation of that municipal solid waste disposal facility shall comply with the technical standards specified in the Ordinance of the Ministry of the Environment.
- 2) The plan of the installation and the plan of operation and maintenance shall have adequate consideration incorporated for conservation of the living environment in the surrounding area of said municipal solid waste disposal facility.
- 3) The capability of the applicant is sufficient for the proper and continuous conducting of the installation and operation and maintenance of the municipal solid waste disposal facility in accordance with the plan of its installation and the plan of its operation and maintenance in the light of the standards specified by the Ordinance of the Ministry of the Environment.
- 4) The applicant is none of the persons specified in a. to h. of Item 4) of Paragraph 3 of Article 7.
- 2) The prefectural governors may not grant the permission of the Paragraph 1 of the preceding Article, when they judge that it may become difficult to satisfy the air environment standards (specified by the Cabinet Orders as those on environmental conditions relating to air pollution by substances generated by refuse treatment facility or industrial waste disposal facility which is specified by Cabinet Orders; the same will apply to Item 2) of Article 15-2), since refuse treatment facility or industrial waste disposal facility (limited to those specified by the Cabinet Orders; the same will apply to the following of this Item and Item 2) of Article 15-2) would become concentrated too much by installing the facility (limited to those specified by the Cabinet Orders; the same will apply to the following of this Item and Item 2) of Article 15-2) relating to the said permission.
- 3) When the prefectural governor is to grant the permission of Paragraph 1, preceding Article (limited to those pertaining to the municipal solid waste disposal facility specified in Paragraph 4 of the same Article), he/she must hear in advance the opinions of the specialists about the matters cited in Item 2) of Paragraph 1 with respect to the matters specified by the Ordinance of the Ministry of the Environment concerning the conservation of living environment.
- 4) The permission prescribed in Paragraph 1 of this Article may be granted with necessary conditions for the conservation of the living environment attached to it.
- 5) A person to whom the permission prescribed in Paragraph 1 of this Article has been granted shall not use the municipal solid waste disposal facility before it is inspected by the prefectural governor and the governor judges that it satisfies the technical standards mentioned in Paragraph 2 of this Article.
- 6) The Minister of the Environment is entitled to give necessary instructions on the actions taken by the prefectural governor to the application of Paragraph 1 of the preceding Article in case that there is an urgent need for the conservation of living environment.
- 7) The Minister of the Environment is entitled to give necessary instructions on the inspection by the prefectural governor specified in Paragraph 5 in case that there is an urgent need for the conservation of living environment.

## **(Operation and Maintenance of Municipal Solid Waste Disposal Facility)**

### **Article 8-3**

A person having the permission of Paragraph 1 of Article 8, granted must have the municipal solid waste disposal facility pertaining to said permission operation and maintenance in accordance with the technical standards specified in the Ordinance of the Ministry of the Environment and the plan of operation and maintenance stated in the application Paragraph 2 of the same Article pertaining to said permission (or, when the permission of Paragraph 1 of Article 9, is granted with respect to said plan, the plan after alteration).

## **(Record and Reference)**

## **Article 8-4**

As prescribed in the Ordinance of the Ministry of the Environment, a person to whom the permission prescribed in Paragraph 1 of Article 8 (provided only concerning the municipal solid waste disposal facility prescribed in Paragraph 4 of the same Article) has been granted shall record the matters specified by the Ordinance of the Ministry of the Environment on its operation and maintenance of the disposal facility, and place them in the disposal facility (when it is impossible, place them in the nearest office of the installer of the facility) and show the record to satisfy the request by those who have interest in conservation of their living standard in relation to its operation and maintenance.

## **(Reserves Fund for Maintenance)**

### **Article 8-5**

On a specific final disposal site for municipal solid waste (the final disposal site for municipal solid waste that is the municipal solid waste disposal facility specified by the Ordinance of the Ministry of the Environment, the same will apply hereinafter), a person to whom the permission prescribed in Paragraph 1 of Article 8 (they will hereinafter be referred to as a "installer of a specific final disposal site for municipal solid waste ") shall reserve for the amount of money specified by the prefectural governors in accordance with Paragraph 4. as a reserve fund for the maintenance of each final disposal site every year until the landfill disposal completes, in order to conduct its maintenance properly after the completion of the landfill disposal in relation to that disposal site.

- 2 A reserve fund for the maintenance shall be made for the Japan Environmental Corporation under the Ordinance of the Ministry of the Environment.
- 3 A reserve fund for the maintenance shall be administered by the Japan Environmental Corporation.
- 4 The amount of the reserve fund for the maintenance cost shall be calculated by the prefectural governors in accordance with the standard for calculation specified by the Ordinance of the Ministry of the Environment based on the fee needed for maintaining the specific final disposal site for municipal solid waste as well as the time required for the landfill.
- 5 The Japan Environmental Corporation shall remunerate interest for the reserve fund for the maintenance under the Ordinance of the Ministry of the Environment.
- 6 A installer of a specific final disposal site for municipal solid waste may get refunded the reserve fund for the maintenance as prescribed in the Ordinance of the Ministry of the Environment, if they will maintain the final disposal site after the completion of the landfill disposal under the other Ordinance of the Ministry of the Environment.
- 7 When the position of a person procuring the permission prescribed in Paragraph 1 of Article 8 is succeeded by another person under the provision of Paragraph 3 of Article 9-5, Paragraph 1 of Article 9-6 or Paragraph 1 of Article 9-7, it shall be regarded that the reserve fund for the maintenance of the installer has been reserved by its successor.
- 8 In addition to the provisions in the preceding Paragraphs, the matters concerning the reserve fund for the maintenance as well as its refund are given in the Ordinance of the Ministry of the Environment.

## **(Special Provision for Activities of the Japan Environmental Corporation)**

### **Article 8-6**

The Japan Environmental Corporation shall perform the activities prescribed in Article 18 of the Japan Environmental Corporation Law (Law No. 95 of 1965, it will be referred to as the "Corporation Law" in the next Paragraph) as well as the following activities in order to achieve the purpose of this law.

- 1) Administrating the reserve fund for the maintenance as prescribed in Paragraph 3 of the preceding Article (including the case applied under Article 15-2-3).

- 2) Activities incidental to those prescribed in the preceding Item.
- 2 When the Japan Environmental Corporation perform their activities under the preceding Paragraph, “the Waste Management and Public Cleaning Law (Law No. 137 of 1970)” mentioned in Item 4) of Paragraph 1 of Article 18 of the Corporation Law means “the Waste Management and Public Cleaning Law (Law No. 137 of 1970) and it will hereinafter be referred to as “the Waste Management Law””, “the said law” means “the Waste Management Law”, “the Waste Management and Public Cleaning Law” mentioned in Item 6 of the same Paragraph means “the Waste Management Law”, “shall administer” mentioned in Paragraph 1 of Article 25 of the Corporation Law means “shall administer, and the accounting relating to the activities prescribed in Paragraph 1 of Article 8-6 of the Waste Management Law shall be administered separately from the other accountings”, “this law” mentioned in Paragraph 2 of Article 40, Paragraph 1 of Article 41 and Paragraph 1 of Article 44 of the Corporation Law means “this law as well as the Waste Management Law”, “things” mentioned in Item 5) of Paragraph 1 of Article 35 means “things as well as activities prescribed in Paragraph 1 of Article 8-6 of the Waste Management Law”, and “Article 18” mentioned in Item 3) of Article 47 of the Corporation Law means “Article 18 as well as Paragraph 1 of Article 8-6 of the Waste Management Law”.

## **(Permission of Change or the Like)**

### **Article 9**

- When a person having the permission of Paragraph 1 of Article 8 granted desires to change any of the matters cited in Items 4) through 7) of Paragraph 2 of the same Article, he/she must obtain the permission of the prefectural governor as provided by the Ordinance of the Ministry of the Environment. However, the preceding shall not apply if the change is a minor change specified in the Ordinance of the Ministry of the Environment.
- 2 The provisions of Paragraphs 3 to 6 of Article 8, and Paragraphs 1 to 4 of Article 8-2 will apply to the permission of the preceding Paragraph, the provision of Paragraph 5 of the same Article will apply to the person being granted the permission of the preceding Paragraph, the provision of Paragraph 6 of the same Article will apply to actions taken by the prefectural governors to the permission of the preceding Paragraph, and the provision of Paragraph 7 of the same Article will apply, under the said Paragraph, to inspections taken by the prefectural governors specified by the provision of Paragraph 5 of the same Article.
- 3 When the person having the permission of Paragraph 1 of Article 8 granted has made a minor change specified by the provision of Paragraph 1 of the Ordinance of the Ministry of the Environment, or when there was a change in the matters cited in Item 1) of Paragraph 2 of the same Article or any other matters specified by the Ordinance of the Ministry of the Environment, or when he/she disused the municipal solid waste disposal facility (except where said municipal solid waste disposal facility is a final disposal site for municipal solid waste) pertaining to said permission or stopped the municipal solid waste disposal facility or reopened said stopped municipal solid waste disposal facility, he/she must immediately report to that effect to the prefectural governor.
- 4 When a person to whom the permission mentioned in Paragraph 1 of Article 8 has been granted in respect of the final disposal site completes the landfill disposal (including disposal for creating a useful subterranean space; the same will apply hereinafter) for the said site, that person shall give notice to the prefectural governor within thirty days from the day of completion of the landfill work under the Ordinance of the Ministry of the Environment together with the particulars specified by the said Ordinance.
- 5 The person having the permission of Paragraph 1 of Article 8 granted, where the municipal solid waste disposal facility pertaining to said permission is a final disposal site for municipal solid waste, may disuse the said final disposal site, provided he/she has previously obtained the confirmation of the prefectural governor for compliance of the condition of the said final disposal site with the technical standards specified by the Ordinance of the Ministry of the Environment, as provided by the Ordinance of the Ministry of the Environment.

## **(Revocation of Permission or the like)**

### **Article 9-2**

The prefectural governors may revoke the permission of Paragraph 1 of Article 8 pertaining to the said municipal solid waste disposal facility, or order the necessary improvements of the said municipal solid waste disposal facility to the person being granted the permission of the same Paragraph within a specified period of time or the suspension of the use of the said municipal solid waste disposal facility for a specified period of time, when there is a case which falls under one of the following Items.

- 1) Where the structure of municipal solid waste disposal facility pertaining to the permission of Paragraph 1 of Article 8 or its operation and maintenance is recognized as not complying with the technical standards provided in Item 1) of Paragraph 1 of Article 8-2 or Article 8-3 or the plan concerning installation or plan for operation and maintenance specified forth in the application of Paragraph 2 of Article 8 pertaining to the said permission (or if the permission of Paragraph 1 of the preceding Article is granted for that plan, the modified plan is applied).
  - 2) When the capability of the person who was granted the permission of Paragraph 1 of Article 8 is recognized as not satisfying the standards specified by the Ordinance of the Ministry of the Environment in Item 3) of Paragraph 1 of Article 8-2.
  - 3) When the person who was granted the permission of Paragraph 1 of Article 8 takes actions which violate the Law, or demands, asks or indicates another person to act against the Law, or helps another person to do so.
  - 4) When the person who was granted the permission of Paragraph 1 of Article 8 becomes to be one of a. to h. of Item 4) of Paragraph 3 of Article 7.
  - 5) When the person who was granted the permission of Paragraph 1 of Article 8 violates the condition attached to the said permission under the provision of Paragraph 4 of Article 8-2.
- 2 The provision of Paragraph 6 of Article 8-2 will apply to actions by the prefectural governors taken under the provision of the preceding Paragraph.

## **(Notification of Municipal Solid Waste Disposal Facility Pertaining to Installation by Municipality)**

### **Article 9-3**

When a municipality is to install a municipal solid waste disposal facility for disposing municipal solid waste according to the provision of Paragraph 1 of Article 6-2, it must notify to that effect to the prefectural governor with a document stating the matters cited in the respective Items of Paragraph 2 of Article 8 and another document stating the result of investigation of any impacts of the installation of said municipal solid waste disposal facility on the living environment in the surrounding area, as provided by the Ordinance of the Ministry of the Environment.

- 2 The head of a municipality making a notification according to the provision of the preceding Paragraph shall, in preparing a document stating the matters listed in items of Paragraph 2 of Article 8, as provided in the preceding Paragraph, public reference the document stating the result of investigation specified in the preceding Paragraph as prescribed by regulations of the matters specified by the Cabinet Order and give an opportunity to the persons having interests in installation of the municipal solid waste disposal facility pertaining to said notification to present written opinions from the viewpoint of conservation of the living environment.
- 3 If he/she judges that the municipal solid waste disposal facility referred to in the preceding Paragraph does not satisfy the technical standards mentioned in Item 1) of Paragraph 2 of Article 8, the prefectural governor may order the said municipality to modify or cancel the plan within thirty days from the day of receipt of the

- notification (within sixty days from the said day in respect of the final disposal site).
- 4 The municipality making the notification under this Article shall not construct the municipal solid waste disposal facility or change its structure or scale before the lapse of the period allowed for the governor in the preceding Paragraph unless the said municipality has received the governor's notice of his approval of the plan for installation or change.
  - 5 The superintendent of the said disposal facility notified under the provision of Paragraph 1 of this Article shall conduct the operation and maintenance of that municipal solid waste disposal facility in accordance with the technical standard prescribed in Article 8-3 as well as the operation and maintenance plan stated in the document which mentions the matters prescribed in each Item of Paragraph 2 of Article 8, under the Article 8-3 on the notification (the modified version, if the notification on the plan was made under Paragraph 7 of this Article.).
  - 6 The superintendent of the said disposal facility notified under the provision of Paragraph 1 of this Article (only notified under the provision of 4 of this Article) shall conduct recording about operation and maintenance of the municipal solid waste disposal facility in accordance with the Ordinance of the Ministry of the Environment, and providing the record of the municipal solid waste disposal facility (When it is impossible, provide at nearest office), and show the record to satisfy the request by people having interest in conservation of their living standard, as provided by the Ordinance of the Ministry of the Environment.
  - 7 The municipality making the notification under Paragraph 1 of this Article should notify the prefectural governor with a document mentioning the matters prescribed in the Ordinance of the Ministry of the Environment, when it intends to change the matters prescribed in Item 4) to 7) of Paragraph 2 of Article 8 under the Ordinance of the Ministry of the Environment (excluding a slight change specified by the Ordinance of the Ministry of the Environment).
  - 8 The provisions of Paragraph 2 and 3 will apply to the notification prescribed in the preceding Paragraph, and the provision of Paragraph 4 will apply to the municipality making the notification under the preceding Paragraph. In this case, "the preceding Paragraph" in Paragraph 2 shall be interpreted as "Paragraph 7", "that Paragraph" as "the preceding Paragraph", "Paragraph 1" in Paragraph 4 as "Paragraph 7" and "not to construct a municipal solid waste disposal facility" as "not to change the matters specified in Item 4) to 7) of Paragraph 2 of Article 8".
  - 9 If the prefectural governors judge that the structure of the said municipal solid waste disposal facility notified under the provision of Paragraph 1 of this Article or its operation and maintenance does not satisfy the technical standard specified in Item 1) of Paragraph 1 of Article 8-2 or Article 8-3, or the installation plan or the operation and maintenance plan stated in the document mentioning the matters prescribed in each Item of Paragraph 2 of Article 8, under Paragraph 1 on the notification (the modified version, if the notification on those plans was made under Paragraph 7 of this Article.), they may order the installer or the superintendent to make the necessary improvements of the municipal solid waste disposal facility or to suspend its operation for a fixed period of time.
  - 10 The provisions in Item. 3) to 5) of Article 9 will apply to the municipality making the notification of the municipal solid waste disposal facility under Paragraph 1 of this Article. In this case, "the proviso of Paragraph 1" in Paragraph 3 of that Article shall be interpreted as "Paragraph 7 of Article 9-3", "permission" as "notification", "permission" in Paragraph 4 and 5 of this Article as "notification".
  - 11 According to 3) or 9) of Article 8, the provisions of 6), Article 8-2 will apply to the management which shall be pursued by the Prefectural governor.

## **(Precaution and Provision for Surrounding Areas)**

### **Article 9-4**

A person to whom the permission mentioned in Paragraph 1 of Article 8 has been granted and a municipality making the notification of the installation of a municipal solid waste disposal facility under Paragraph 1 of the preceding Article (both of them will hereinafter be referred to as a "installer of a municipal solid waste disposal facility") shall take the necessary precaution and make the necessary

provision for the conservation and enhancement of the living environment in areas surrounding the municipal solid waste disposal facility.

### **(Transfer of Municipal Solid Waste Disposal Facility or the Like)**

#### **Article 9-5**

A person having transferred or borrowed a municipal solid waste disposal facility pertaining to the permission of Paragraph 1 of Article 8 from the person procuring the said permission (it shall be referred to as a "installer of the facility of the permission being granted" in Paragraph 3, Paragraph 1 of the next Article and Article 9-7), he/she has to get the permission form the prefectural governor under the Ordinance of the Ministry of the Environment.

- 2 The provision of Paragraph 1 of Article 8-2 will apply to the permission of the preceding Paragraph.
- 3 A person to whom the waste disposal facility was transferred or borrowed with the permission prescribed in Paragraph 1 shall succeed the status of the installer of the facility of the permission being granted pertaining to the said municipal solid waste disposal facility.

### **(Merger and Division)**

#### **Article 9-6**

In the case of the merger of the corporation which is the installer of the facility of the permission being granted (except for the case when the installer of the facility of the permission being granted continues to exist after the merger with the corporation which is not a installer of the facility of the permission being granted), or the case of the division (limited to the case in which the municipal solid waste disposal facility pertaining to the said permission will be succeeded), the corporation which continues to exist after the merger, the corporation which is established through the merger, or the corporation which succeeds the said municipal solid waste disposal facility through the division, shall succeed the status of the installer of the facility of the permission being granted, when the permission is given by the prefectural governor on the said merger or the division.

- 2 The provision of Paragraph 1 of Article 8-2 (limited to the sections concerning the provisions of Item 3) and 4)) will apply to the permission of the preceding Paragraph.

### **(Inheritance)**

#### **Article 9-7**

If the property of the installer of the facility of the permission being granted is inherited, the inheritor shall succeed the status of the person procuring the permission.

- 2 The inheritor who succeeded the status of the installer of the facility of the permission being granted under the provision of the preceding Paragraph shall give notice to the prefectural governor within thirty days from the day he/she inherited it, as specified by the Ordinance of the Ministry of the Environment.

### **Section 4 Special Provision on Recycling of Municipal solid waste**

#### **Article 9-8**

A person who undertakes or intends to undertake the recycling of municipal solid waste prescribed in the Ordinance of the Ministry of the Environment may obtain an approval from the Minister of the Environment of meeting all of the Item of the following Items under the Ordinance of the Ministry of the Environment.

- 1) Contents of recycling shall satisfy the standards specified in the Ordinance of the Ministry of the Environment for not causing any disruption for conservation of the living environment..
- 2) A person who undertakes or intends to undertake the recycling shall satisfy the standards specified in

the Ordinance of the Ministry of the Environment.

- 3) The facility for recycling constructed or to be constructed by the person prescribed in the preceding Item shall satisfy standards specified in the Ordinance of the Ministry of the Environment.
- 2 The Minister of the Environment shall grant the approval, when he approves that the recycling prescribed in the application for the said approval satisfies every Item of the preceding Paragraph.
- 3 Despite of the provisions of Paragraph 1 or 4 of Article 7 or Paragraph1 of Article 8, a person who was granted the approval of Paragraph1 of this Article may collect or transport the municipal solid waste under the said approval and may construct the municipal solid waste disposal facility under the said approval.
- 4 A person who was granted the approval of Paragraph 1 of this Article shall be regarded as a municipal solid waste collection and transport contractor or a municipal solid waste disposal contractor when the provisions of Paragraph 9, 11 and 12 of Article 7 and Article 19-3 are applied, and as a installer of a municipal solid waste disposal facility when the provision of Paragraph1 of Article 18 is applied.
- 5 The Minister of the Environment shall revoke the approval prescribed in Paragraph 1, when he realizes that the recycling becomes not to satisfy any one of Item of the provision of this Paragraph.
- 6 In addition to the provisions in the preceding Paragraphs, the necessary matters concerning the approval of Paragraph 1 are given in the Cabinet Orders.

## **Section 5 Export of Municipal solid waste**

### **Article 10**

Any person intending to export municipal solid waste must obtain the confirmation of the Minister of the Environment that the export of municipal solid waste comes under the respective items in the following.

- 1) The municipal solid waste to be exported are deemed difficult to be treated of properly in Japan in the light of the available disposal equipment and technique for the said municipal solid waste in Japan.
- 2) The municipal solid waste to be exported are not of the preceding description but satisfy the standards specified in the Ordinance of the Ministry of the Environment as substances not hindering the proper disposal of municipal solid waste in Japan.
- 3) It is judged that the municipal solid waste to be exported will certainly be managed of in a manner not short of the municipal solid waste management standards (or the specially controlled municipal solid waste management standards if the said municipal solid waste fall under that category).
- 4) The application for the acknowledgment is made by the following authorities/person.
  - a. Municipality
  - b. One specified by the Ordinance of the Ministry of the Environment
- 2 The provisions in the preceding Paragraph, however, are not applicable to the following authorities/persons.
  - 1) Anyone going out of Japan and personally carrying municipal solid waste who is specified by the Ordinance of the Ministry of the Environment.
  - 2) The central government or anyone specified by the Ordinance of the Ministry of the Environment.

## **CHAPTER III INDUSTRIAL WASTE**

### **Section 1 Industrial Waste Management**

#### **(Management by Businesses and Local Governments)**

### **Article 11**

The businesses shall be required to manage of their industrial waste by themselves.

- 2 The municipalities may manage of those industrial waste which can be managed of together with municipal solid waste and which are judged to be in need of their management, either solely or jointly with someone else as part of their work.
- 3 The prefectural governments are entitled to manage of, as part of their work, the industrial waste which is judged to be in need of their management in order to ensure the proper management of industrial waste.

## **(Management by Businesses)**

### **Article 12**

In a case where a business transports or disposes of their industrial waste (excluding specially controlled industrial waste; the same will apply in the rest of this Article except for Paragraph 3 to 5) by themselves, it shall be in accordance with the standards on the collection, transport and disposal of industrial waste specified in the Cabinet Order. In a case where a business transports or disposes of their industrial waste (excluding specially controlled industrial waste; the same will apply in the rest this Article) by themselves, it shall be in accordance with the standards on the collection, transport and disposal of industrial waste specified in the Cabinet Order (excluding standards on the place and method of ocean dumping, if such standards are specified in the Law Relating to Prevention of Marine Pollution and Maritime Disaster, in respect of industrial waste which may be disposed of in the sea, if such industrial waste is specified in the above-mentioned standards specified in the Cabinet Order). (The above-mentioned standards specified in the Cabinet Order will hereinafter be referred to as "industrial waste management standards".).

- 2 The business shall store the industrial waste till the time of management without hindering the conservation of the living environment in accordance with the technical standards specified in the Ordinance of the Ministry of the Environment (which will hereinafter be referred to as "industrial waste storage standards").
- 3 If businesses (including contractors of intermediate treatment (who treat industrial waste intermediately within the whole process of its generation to final disposal (landfill disposal, disposal into the sea (which is conducted in accordance with the standards prescribed in the Law Relating to the Prevention of Marine Pollution and Maritime Disaster in regard to the place to be dumped and its methods) or recycling), and the same will apply hereinafter) and the same will apply in the next Paragraph, Paragraph 5 and Paragraph 3 to 5 of the next Article) are to commission anyone else to transport or dispose of their industrial waste (excluding specially controlled industrial waste, and including industrial waste of intermediate treatment (which is treated in the intermediate process within the whole of its generation to final disposal), they shall commission to industrial waste collection and transport contractors specified in Paragraph 8 of Article 14 or someone else prescribed by the Ordinance of the Ministry of the Environment for their transport, and to industrial waste disposal contractors specified by the same Paragraph or someone else prescribed by the Ordinance of the Ministry of the Environment for their disposal.
- 4 When businesses are to commission anyone else to transport or dispose of their industrial waste under the provision of the preceding Paragraph, they shall act in accordance with the standards prescribed in the Cabinet Order.
- 5 When businesses are to commission anyone else to transport or dispose of their industrial waste under the preceding 2 Paragraphs, they shall endeavor to take the necessary action for proper management of the said industrial waste in the whole process from its generation to final disposal.
- 6 A business who has places of business equipped with a industrial waste disposal facility mentioned in Paragraph 1 of Article 15 for treating of the industrial waste generated there as a result of the business activities shall appoint an industrial waste manager in each place of business in order to execute its business associated with the management of industrial waste appropriately. However, the places of business where the business itself is an industrial waste manager are excluded.
- 7 Businesses specified by the Cabinet Order as those who have places of business generating industrial waste abundantly as a result of their business activities (referred to as " generator who emits a large quantity of waste " in the next Paragraph) shall make the plan on reduction and other management of industrial waste from the said places in accordance with the standards specified by the Ordinance of the Ministry of the Environment and submit it to the prefectural governors.

- 8 Generator who emits a large quantity of waste shall report the status of executing the plan mentioned in the preceding Paragraph to the prefectural governors as specified by the Ordinance of the Ministry of the Environment.
- 9 The prefectural governors shall publish the plan mentioned in Paragraph 7 as well as the status of its execution mentioned in the preceding Paragraph as specified by the Ordinance of the Ministry of the Environment.
- 10 The Minister of the Environment shall consult with the heads of the administrative organs before he/she is to set forth the Ordinance of the Ministry of the Environment mentioned in Paragraph 7 as well as to modify it.
- 11 The provisions of Paragraph 11 and 12 of Article 7 also apply to those businesses generating industrial waste as a result of their activities who are specified by the Cabinet Order. However, "municipal solid waste" in Paragraph 11 of Article 7 shall be interpreted as "industrial waste".

## **(Management of Specially Controlled Industrial Waste by Businesses)**

### **Article 12-2**

- When businesses are to transport or dispose of their specially controlled industrial waste by themselves, it shall be in accordance with the standards on the collection, transport and disposal of specially controlled industrial waste specified in the Cabinet Order (excluding standards on the place and method of ocean dumping, if such standards are specified in the Law Relating to Prevention of Marine Pollution and Maritime Disaster, in respect of specially controlled industrial waste which may be disposed of in a sea, if such specially controlled industrial waste is specified in the above-mentioned standards specified in the Cabinet Order). (The above-mentioned standards specified in the Cabinet Order will hereinafter be referred to as "specially controlled industrial waste management standards").
- 2 The business shall store the specially controlled industrial waste till the time of management without hindering the conservation of the living environment, in accordance with the technical standards specified in the Ordinance of the Ministry of the Environment (which will hereinafter be referred to as "specially controlled industrial waste storage standard").
  - 3 When a business is to commission anyone else to transport or dispose of their specially controlled industrial waste (including industrial waste of intermediate treatment, and the same shall apply in the next Paragraph and Paragraph 5), that business shall act in accordance with the standards specified in the Cabinet Order and commission an industrial waste collection and transport contractor mentioned in Paragraph 8 of Article 14-4 or someone else prescribed by the Ordinance of the Ministry of the Environment to transport the specially controlled industrial waste and commission a specially controlled industrial waste disposal contractor also mentioned in Paragraph 8 of Article 14-4 or someone else prescribed by the Ordinance of the Ministry of the Environment to dispose of them.
  - 4 When businesses are to commission anyone else to transport or dispose of their specially controlled industrial waste under the provision of the preceding Paragraph, they shall act in accordance with the standards prescribed in the Cabinet Order.
  - 5 When businesses are to commission anyone else to transport or dispose of their specially controlled industrial waste under the preceding two Paragraphs, they shall endeavor to take the necessary action for proper management of the said specially controlled industrial waste in the whole process from its generation to final disposal.
  - 6 Businesses who have places of business where specially controlled industrial waste is generated as a result of the business activities shall appoint a specially controlled industrial waste manager in each place of business in order to perform their work associated with specially controlled industrial waste management appropriately. However, the places of business where the business itself is in charge of specially controlled industrial waste management are excluded.
  - 7 The specially controlled industrial waste manager to be appointed under the provision of the preceding Paragraph shall possess the qualification specified in the Ordinance of the Ministry of the Environment.
  - 8 Businesses specified by the Cabinet Order as those who have places of business generating specially controlled industrial waste abundantly as a result of their activities (referred to as " generator who emits a

- large quantity of waste " in the next Paragraph) shall make the plan on reduction and other management of specially controlled industrial waste from the said places in accordance with the standards specified by the Ordinance of the Ministry of the Environment and submit it to the prefectural governors.
- 9 Generator who emits a large quantity of waste shall report the status of executing the plan mentioned in the preceding Paragraph to the prefectural governors as specified by the Ordinance of the Ministry of the Environment.
  - 10 The prefectural governors shall publish the plan mentioned in Paragraph 8 as well as the status of its execution mentioned in the preceding Paragraph as specified by the Ordinance of the Ministry of the Environment.
  - 11 The Minister of the Environment shall consult with the heads of the administrative organs before he/she is to set forth the Ordinance of the Ministry of the Environment mentioned in Paragraph 8 as well as to modify it.
  - 12 The provisions of Paragraph 11 and 12 of Article 7 also apply to businesses generating specially controlled industrial waste as a result of their activities. "Municipal solid waste" in Paragraph 11 of Article 7, however, shall be interpreted as "specially controlled industrial waste".

## **(Control Manifest of Industrial Waste)**

### **Article 12-3**

- When businesses (including contractors of intermediate treatment) generating industrial waste as a result of their activities are to commission someone else to transport or dispose of those waste (including industrial waste of intermediate treatment, and the same shall apply to Paragraph 1 of Article 12-5) (except the cases specified in the Ordinance of the Ministry of the Environment), that business shall issue to the party commissioned to transport the said waste (or the party commissioned to dispose of them if he is commissioned to perform that function alone) a control manifest of industrial waste indicating the kind of industrial waste, its quantity, the name of the party commissioned to transport or dispose of the waste and other matters specified by the Ordinance of the Ministry of the Environment (which will hereinafter be referred to as "control manifest") at the time of delivering those waste pertaining to the said commission.
- 2 The party commissioned to transport the said industrial waste (who will hereinafter be referred to as "commissioned transporter") shall enter the particulars specified by the Ordinance of the Ministry of the Environment in the control manifest issued under the provision of the preceding Paragraph after completion of the transport, and send a copy of the said manifest within a period prescribed by the said Ordinance to the party issuing the manifest under the said provision (who will hereinafter be referred to as "issuer"). If anyone has been commissioned to dispose of the waste in this case, the control manifest shall be forwarded to that commissioned party.
  - 3 After completion of the disposal, the said commissioned party (who will hereinafter be referred to as "commissioned disposer") shall enter the particulars prescribed by the Ordinance of the Ministry of the Environment (in case that disposal is the final one, particulars specified by the Ordinance of the Ministry of the Environment as well as the effect of a completion of the final disposal) in the control manifest issued in accordance with the provision in the former part of the preceding Paragraph or the control manifest forwarded in accordance with the provision in the latter part of the said Paragraph and send a copy of the control manifest to the issuer who has commissioned the said party to dispose of the waste, within a period prescribed by the Ordinance of the Ministry of the Environment. If the control manifest has been forwarded to the said party in accordance with the latter part of the preceding Paragraph, another copy of that manifest shall be sent to the party who has forwarded the manifest.
  - 4 When the commissioned disposer receives a copy of the control manifest containing the effect of a completion of the final disposal of industrial waste of intermediate treatment pertaining to the said disposal under the provision of the former part of the preceding Paragraph, this Paragraph or Paragraph 5 of Article 12-5, as specified by the Ordinance of the Ministry of the Environment, he/she shall enter the effect of a completion of the final disposal in the control manifest issued in accordance with the provision of the

- Paragraph 1 or the control manifest forwarded in accordance with the provision of the latter part of Paragraph 2, and send a copy of the control manifest to the issuer who has commissioned the said disposal, within a period prescribed by the Ordinance of the Ministry of the Environment.
- 5 When the issuer receives a copy of the control manifest transmitted under the provisions of the preceding three Paragraphs or Paragraph 5 of Article 12-5, he/she must confirm on the said copy of the control manifest that the transportation or disposal has completed and keep the said copy of the control manifest for a period specified by the Ordinance of the Ministry of the Environment from the day of receipt of said transmittal.
  - 6 The issuer shall prepare a report on the control manifest in accordance with the Ordinance of the Ministry of the Environment and submit it to the prefectural governor.
  - 7 In case the issuer receives no copy of the control manifest prescribed in the provisions of Paragraph 2 to Paragraph 4 and Paragraph 5 of Article 12-5 within the period prescribed by the Ordinance of the Ministry of the Environment, or he/she receives a copy of the control manifest, in which the particulars specified by these provisions are not entered, or a copy of the control manifest, in which false information are entered, the issuer shall promptly investigate the transport or disposal by the commissioned party and take appropriate action in accordance with the said Ordinance.
  - 8 Apart from the provisions in the preceding Paragraphs of this Article, necessary prescriptions concerning the control manifest are given in the Ordinance of the Ministry of the Environment.

### **(Prohibition of Issuing False Control Manifests)**

#### **Article 12-4**

The industrial waste collection and transport contractors specified by Paragraph 8 of Article 14 or the specially controlled industrial waste collection and transport contractors specified by Paragraph 8 of Article 14-4 and the industrial waste disposal contractors specified by Paragraph 8 of Article 14 or the specially controlled industrial waste disposal contractors specified by Paragraph 8 of Article 14-4 must not enter the false information on particulars prescribed by Paragraph 2, 3 or 4 of the preceding Article and issue that control manifest, notwithstanding they were not commissioned to transport or dispose of industrial waste.

### **(Use of Electronic Information Processing System)**

#### **Article 12-5**

When the businesses specified in Paragraph 1 of Article 12-3 (limited to such entrepreneur whose input and output devices are connected by way of telecommunication lines to the electronic computer pertaining to the use of the information processing center specified in Paragraph 1 of Article 13-2 (referred to simply as "information processing center" in this Article); referred to as "businesses using the electronic manifest system" in the following in this Article) commissions transportation or disposal of the industrial waste to any other person (except the case to be specified by the Ordinance of the Ministry of the Environment provided in Paragraph 1 of Article 12-3), asks the transportation or disposal commissioned person (limited to those persons whose input and output devices are connected to the electronic computer used by the information processing center by way of telecommunication lines; same in the following in this Article) to report the completion of transportation or disposal of the said industrial waste via the information processing center in use of the electronic information processing system, and, as provided by the Ordinance of the Ministry of the Environment, has registered the type and quantity of the industrial waste pertaining to the said commission, name or title of the person having the transportation or disposal commissioned and any other matters specified by the Ordinance of the Ministry of the Environment in the information processing center in use of the electronic information processing system within a period specified by the Ordinance of the Ministry of the Environment after delivering industrial waste pertaining to the said commission, it is not required to deliver a control manifest notwithstanding the provision of Paragraph 1 of Article 12-3.

- 2 In case that the commissioned transporter or the commissioned disposer is asked to report by the businesses using the electronic manifest system according to the provision of the preceding Paragraph, when the transportation or disposal of the industrial waste pertaining to the said report is completed, as provided by the Ordinance of the Ministry of the Environment, he/she must report that effect (in case that disposal is the final one, the effect of a completion of the final disposal) to the information processing center by using the electronic information processing system within a period specified by the Ordinance of the Ministry of the Environment, notwithstanding the provisions of Paragraphs 2 and 3 of Article 12-3.
- 3 When the commissioned disposer receives a copy of the control manifest containing the effect of a completion of the final disposal of industrial waste of intermediate treatment pertaining to the said disposal under the provisions of Paragraph 5 and Paragraphs 3 and 4 of Article 12-3, as provided by the Ordinance of the Ministry of the Environment, he/she must report that effect to the information processing center by using the electronic information processing system within a period specified by the Ordinance of the Ministry of the Environment, notwithstanding the provisions of the said Paragraphs.
- 4 Upon receipt of the report according to the provisions of the preceding two Paragraphs, the information processing center shall immediately notify the businesses using the electronic manifest system who has commissioned the transportation or disposal of industrial waste pertaining to the said report that the commissioned transporter or the commissioned disposer has completed the said transportation or disposal (in case that disposal is the final one, the effect of a completion of the final disposal).
- 5 When the commissioned disposer receives the report of the effect of a completion of the final disposal of industrial waste of intermediate treatment pertaining to the said disposal under the provision of the preceding Paragraph and the party who commissioned the said disposal is not businesses using the electronic manifest system, he/she must enter the effect of a completion of that final disposal in the control manifest issued in accordance with the provision of the Paragraph 1 of Article 12-3 or the control manifest forwarded in accordance with the provision of the latter part of Paragraph 2 of the same Article, and send a copy of that control manifest to the issuer who has commissioned the said disposal, within a period prescribed by the Ordinance of the Ministry of the Environment.
- 6 Upon receipt of the notification according to the provision of Paragraph 4, the businesses using the electronic manifest system must confirm, upon the notification, the completion of the said transportation or disposal.
- 7 The information processing center must record the information pertaining to registration under the provision of Paragraph 1 and report under the provision of Paragraph 2 or 3 in the file provided in the electronic computer pertaining to its use and keep the information for a period specified by the Ordinance of the Ministry of the Environment from the day of receipt of the said report.
- 8 The information processing center must report the matters concerning the registration under the provision of Paragraph 1 and the report under the provision of Paragraph 2 or 3 to the prefectural governor, as provided by the Ordinance of the Ministry of the Environment.
- 9 When the information processing center does not receive a report under the provision of Paragraph 2 or 3 within the period specified by the Ordinance of the Ministry of the Environment in regard to the registration according to the provision of Paragraph 1, it must immediately notify the businesses using the electronic manifest system and of having the said registration listed to that effect in use of the electronic information processing system.
- 10 When the businesses using the electronic manifest system receives a notification under the provision of the preceding Paragraph or receive a notification under the provision of Paragraph 4 and that report prescribed by the provision of Paragraph 2 or 3 contains the false information, he/she must immediately grasp the condition of transportation or disposal of the industrial waster pertaining to the said notification and take appropriate measures, as provided by the Ordinance of the Ministry of the Environment.
- 11 Except as provided in the preceding Paragraphs, any other necessary matters concerning the electronic information processing system shall be determined by the Ordinance of the Ministry of the Environment.

**(Advice)**

## **Article 12-6**

If the prefectural governor judges that a business, commissioned transporter or commissioned disposer mentioned in Paragraph 1 of Article 12-3 does not observe the provision of any of Paragraph 1 to 7 of the same Article or Paragraph 1 to 3, 5, 6 or 10 of the preceding Article, the prefectural governor is entitled to advise that party to take appropriate action for proper management of industrial waste.

## **(Management by Local Governments)**

### **Article 13**

The collection, transport and disposal of industrial waste which the prefectural governments or municipalities are obliged to perform as part of their work, under the provision of Paragraph 2 or 3 of Article 11, shall all be carried out in accordance with the industrial waste management standards (or the specially controlled industrial waste disposal standards in respect of industrial waste in that category).

- 2 The prefectural governments or municipalities shall collect charges for the installation of an industrial waste disposal facility and the collection, transport and disposal of industrial waste by them in accordance with the prefectural or municipal ordinance.

## **Section 2 Information Processing Center and Industrial Waste Appropriate Management Promotion Center**

### **Subsection 1 Information Processing Center**

#### **(Designation)**

### **Article 13-2**

The Minister of the Environment may designate a legal parson coming under Article 34 of the Civil Law (1896 Law No. 89) and being recognized as to be capable of adequately and exactly executing the works specified in the following Article, upon his/her application, as an information processing center which is limited to only one throughout the country.

- 2 When the Minister of the Environment has made the designation according to the provision of the preceding Paragraph, he must publicly notify the name and address of said information processing center and the location of its office.
- 3 When the information processing center changes its name or address or the location of its office, it must give notice to that effect in advance to the Minister of the Environment.
- 4 Upon receipt of such notice under the provision of the preceding Paragraph, the Minister of the Environment must publicly notify the particulars of said notice.

#### **(Services)**

### **Article 13-3**

The information processing center shall execute the works specified in the following.

- 1) Use and management of electronic computers and other machines required for processing the registration according to the provision of Paragraph 1 of Article 12-5, reports according to the provision of Paragraph 2 or 3 of the same Article, and office works pertaining to the notification according to the provisions of Paragraphs 4 and 9 of the same Article (referred to as "registration and report works" in the following Item) by the electronic information processing system.
- 2) Preparing necessary programs, data and files for processing registration and report works by the electronic information processing system and keeping them.

- 3) Recording and keeping the record according to the provision of Paragraph 7 of Article 12-5, and reporting under the provision of Paragraph 8 of the same Article.
- 4) Works incidental to the works specified in the preceding three Items.

## **(Operational Rules)**

### **Article 13-4**

The information processing center must, before starting the works specified in the Items of the preceding Article (referred to as “information processing works” in the following), determine the rules concerning the information processing works with respect to the method of executing the information processing works, matters concerning the fee and other matters specified by the Ordinance of the Ministry of the Environment (referred to as “operational rules” in the following and obtain the approval of the Minister of the Environment. The same shall apply in the case of changing the working rules.

- 2 The Minister of the Environment may order to change the approved operational rules under the preceding Paragraph when he/she recognizes that said operational rules are no longer adequate for appropriate and exact execution of the information processing works.

## **(Operation Plan or the like)**

### **Article 13-5**

The information processing center shall prepare every fiscal year an operation plan and a budgetary statement of income and expenditure and obtain the approval of the Minister of the Environment, as provided by the Ordinance of the Ministry of the Environment. The same in the case of changing them.

- 2 The information processing center must prepare an operation report and a statement of income and expenditure concerning the information processing works after termination of every fiscal year and submit them to the Minister of the Environment, as specified by the Ordinance of the Ministry of the Environment.

## **(Suspension or Discontinuation of Services)**

### **Article 13-6**

The information processing center shall not suspend or discontinue all or part of the information processing works unless the permission of the Minister of the Environment is obtained.

## **(Duty of Keeping Secret)**

### **Article 13-7**

An officer or a staff member of the information processing center or a person who was once in such position must not leak a secret he could know with respect to the information processing works.

## **(Books)**

### **Article 13-8**

The information processing center must maintain books, as provided by the Ordinance of the Ministry of the Environment, enter the matters specified by the Ministry of Health and Welfare Ordinance regarding the

information processing works and keep them.

### **(Report and On-site Inspection)**

#### **Article 13-9**

The Minister of the Environment may have the information processing center submit necessary reports on the information processing works or the financial condition or have his/her personnel enter the office of the information processing center and inspect the condition of information processing works or books, documents and other Articles only to the extent required for securing adequate operation of the information processing works.

- 2 The personnel making an on-site inspection according to the provision of the preceding Paragraph must carry an identification certificate and show it to the individuals concerned.
- 3 The power of on-site inspection according to the provision of Paragraph 1 shall not be construed as that authorized for the sake of criminal.

### **(Supervisory Order)**

#### **Article 13-10**

The Minister of the Environment may give necessary orders to the information processing center with respect to the information processing works to the extent required for enforcement of the provisions of this subsection.

### **(Revocation of Designation)**

#### **Article 13-11**

When the information processing center comes under any of the following Items, the Minister of the Environment may revoke the designation under the provision of Paragraph 1 of Article 13-2 (referred to simply as “designation” in the following in this Article).

- 1) When recognized that the information processing works are no longer appropriately and exactly carried out.
  - 2) When there was an unlawful act regarding the designation.
  - 3) When violating either any of the provisions of this subsection or an order or disposition based said provision or performed the information processing works without following the approved operational rules in Paragraph 1 of Article 13-4.
- 2 When the Minister of the Environment revoked the designation according to the provision of the preceding Paragraph, he must publicly notify to that effect.

## **Subsection 2 Industrial Waste Appropriate Management Promotion Center**

### **(Designation)**

#### **Article 13-12**

The Minister of the Environment may designate a corporation established under Article 34 of Civil Law and intended for promoting voluntary activities of businesses for securing appropriate management of industrial waste and recognized as to be capable of appropriately and exactly carrying out the services specified in the subsequent Article, upon its application, as the industrial waste appropriate management promotion center (referred to as “appropriate management promotion center” in the following) which is

limited to only one throughout the country.

## **(Services)**

### **Article 13-13**

The appropriate management promotion center shall execute the works cited in the following.

- 1) Giving necessary advice or guidance to businesses for check or improvement of the method and system of industrial waste management.
- 2) Collecting information concerning the industrial waste collection and transportation contractors and industrial waste disposal contractors and furnishing such information to businesses.
- 3) Training the businesses and their employees for appropriate management of industrial waste.
- 4) Developing enlightenment activities and public relations which will contribute to securing appropriate management of industrial waste.
- 5) Where industrial waste is inappropriately disposed, extending cooperation including execution of the removal of said industrial waste and funding to the prefectures taking the measures of removing hazards or the like under the provision of Paragraph 1 of Article 19-8.
- 6) Executing works incidental to the works cited in the preceding Items.

## **(Special Provisions for Permission or the like of Industrial Waste Management Service)**

### **Article 13-14**

When the appropriate management promotion center or person entrusted by the center undertakes removal of industrial waste or the like upon request for cooperation under the provision of Article 19-9, said center or person may execute the removal and other necessary acts as a trade without permission notwithstanding the provision of Paragraph 1 or 4 of Article 14 or Paragraph 1 or 4 of Article 14-4.

- 2 In the case of entrusting the acts specified in the preceding Paragraph to any other person, the appropriate management promotion center must follow the standards specified by the Cabinet Order.

## **(Fund)**

### **Article 13-15**

The appropriate management promotion center shall provide a fund for the works specified in the Items of Article 13-13 and may appropriate the total amount of the contributions from the businesses on condition that they are appropriated for the expenses required for the works.

- 2 The Minister of the Environment shall try to obtain necessary cooperation of the businesses for the contributions to the fund provided in the preceding Paragraph.

## **(Application of Provisions of Other Articles)**

### **Article 13-6**

The provisions of Paragraphs 2 through 4 of Article 13-2, Article 13-5, Article 13-10 and Article 13-11 shall apply by analogy to the appropriate management promotion center. In this case, the wording “information processing works” in Article 13-5, Article 13-10 and Item 1) of Paragraph 1 of Article 13-11 shall be

interpreted as “works cited in the Items of Article 13-13,” and in Item 3) of the same Paragraph “either - - - or said” be interpreted as “or said” and “when violated or performed the information processing works without following the approved working rules in Paragraph 1 of Article 3-4” be interpreted as “when violated.”

## **Section 3 Industrial Waste Management Service**

### **(Industrial Waste Management Service)**

#### **Article 14**

No person is allowed to undertake as a service the collection and transport of industrial waste (excluding specially controlled industrial waste; the same will apply in the rest of this Article to Article 14-3-2 and Article 15-4-2 ) without permission from the prefectural governor with the jurisdiction over the area in which the person is to conduct the service (or of the area in which that person is to load and unload industrial waste if the person is to conduct a transport service only), except for a service (provided he/she is to transport the industrial waste by him/herself), a person undertaking the collection and transport of industrial waste solely for recycling as a business and anyone specified in the Ordinance of the Ministry of the Environment.

- 2 The permission mentioned in the preceding Paragraph becomes invalid upon the lapse of a period not less than five years in length prescribed by a Cabinet Order, unless the permission is renewed for another year.
- 3 The prefectural governors shall not grant the permission mentioned in Paragraph 1 of this Article unless they judge that the application for it satisfies the following requirements:
  - 1) The facilities used for the service and the ability of the applicant are judged sufficient for the proper and continuous conducting of the said service in the light of the standards set by the Ordinance of the Ministry of the Environment.
  - 2) The applicant is none of the persons specified in the following.
    - a. The person is any of the one who comes under a. to e. of Item 4) of Paragraph 3 of Article 7.
    - b. A gang member who is specified by Paragraph 6 of Article 2 of the Law for Prevention of Unjustified Action by Gang (referred to as "gang member" in this Item) or the one who becomes not a gang member but still is short of one's fifth year from that day (referred to as "gang member or the like" in this Item).
    - c. In regard to sales activities, a minor who lacks the abilities of an adult and whose lawful deputy is a person specified in one of a. or b..
    - d. A legal person whose director or employee specified by the Cabinet Order is a person specified in one of (a) or (b).
    - e. A legal person whose activities are controlled by a gang member or the like.
    - f. An individual and an employee specified by the Cabinet Order is a person specified in one of a. or b.
- 4 No person is allowed to undertake as a service the disposal of industrial waste without permission from the prefectural governor with the jurisdiction over the area in which the person is to conduct the service, except for a business (provided he/she is to dispose of the industrial waste by him/herself), a person who is to dispose of industrial waste solely for recycling as a business and anyone specified in the Ordinance of the Ministry of the Environment
- 5 The permission mentioned in the preceding Paragraph becomes invalid upon the lapse of a period not less than five years in length prescribed by a Cabinet Order unless the permission is renewed for another period.

- 6 The prefectural governors shall not grant the permission mentioned in Paragraph 4 of this Article unless they judge that the application for it satisfies the following requirements:
  - 1) The facilities used for the business and the ability of the applicant are sufficient for the proper and continuous conducting of the waste disposal service in the light of the standards specified by the Ordinance of the Ministry of the Environment.
  - 2) The applicant is none of the persons specified in a. to f. of Item 2) of Paragraph 3.
- 7 4 of this Article may be granted with conditions necessary for the conservation of the living environment attached to it.
- 8 A person who has procured the permission mentioned in Paragraph 1 of this Article (who will hereinafter be referred to as "industrial waste collection and transport contractor") and one who has procured the permission mentioned in Paragraph 4 of this Article (who will hereinafter be referred to as "industrial waste disposal contractor") shall perform their industrial waste collection and transport activities and industrial waste disposal activities respectively in conformance with the industrial waste management standards.
- 9 Any other persons than the industrial waste collection and transportation contractors, industrial waste disposal contractors and others specified by the Ordinance of the Ministry of the Environment, shall not have the collection, transportation or disposal of industrial waste entrusted.
- 10 The industrial waste collection and transport contractors and industrial waste disposal contractors shall not commission anyone to collect and transport or dispose of industrial waste, but they may re-commission someone to collect and transport or dispose of the industrial waste committed to them by a service, in conformance with the standards prescribed by a Cabinet Order, or commission someone to perform their collection and transport function or disposal function in accordance with the Ordinance of the Ministry of the Environment.
- 11 The provisions in Paragraph 11 and 12 of Article 7 also apply to the industrial waste collection and transport contractors and industrial waste disposal contractors. "Municipal solid waste" in Paragraph 11 thereof, however, shall be interpreted as "industrial waste".

### **(Permission for Change or the Like)**

#### **Article 14-2**

- An industrial waste collection and transport contractor or industrial waste disposal contractor shall obtain the prefectural governor's permission for any change of the scope of the collection and transport service or disposal service except discontinuation of part of the service.
- 2 The provisions of Paragraph 3 and 7 of the preceding Article also apply to the permission for a change of the scope of the collection and transport service mentioned in the preceding Paragraph, and the provisions of Paragraph 6 and 7 thereof apply to the permission for a change of the scope of the disposal service also mentioned in the preceding Paragraph.
  - 3 The provision of Paragraph 3 of Article 7-2 shall apply to the industrial waste collection and transport contractors and industrial waste disposal contractors. "Municipal solid waste" in the same Paragraph, however, shall be interpreted as "industrial waste", and "mayor of the municipality" as "prefectural governor". "Mayor of the municipality" in Article 7-3 shall be interpreted as "prefectural governor".

### **(Revocation of Permission or the like)**

#### **Article 14-3**

- In case a industrial waste collection and transport contractor or industrial waste disposal contractor becomes the one who falls under one of the following Items, the prefectural governor may revoke the permission or order that particular contractor to suspend the whole or part of the service for a prefixed period.
- 1) When the person violates laws, or demand or ask another person to act against laws, or indicate or help

another person to do so.

- 2) When the facility in which the person uses for the service or the capability of that person becomes not to satisfy the standards prescribed in Item 1) of Paragraph 3 or Item 1) of Paragraph 6 of Article 14.
- 3) When the person becomes to be one of a. to f. of Item 2) of Paragraph 3 of Article 14.
- 4) When the person violates the condition attached to the said permission specified in Paragraph 7 of Article 14.

### **(Prohibition of Nominal Transfer)**

#### **Article 14-3-2**

The industrial waste collection and transportation contractors and industrial waste disposal contractors must not have any other person perform collection or transportation or disposal of industrial waste as a trade under their own names.

## **Section 4 Specially Controlled Industrial Waste Management Service**

### **(Specially Controlled Industrial Waste Management Service)**

#### **Article 14-4**

No person is allowed to undertake as a service the collection and transport of specially controlled industrial waste without permission from the prefectural governor with the jurisdiction over the area in which the person is to conduct the service (or over the area in which the person is to load and unload specially controlled industrial waste if he is to conduct a transport service only), except for a service (provided he is to transport the specially controlled industrial waste by him/herself) or anyone specified in the Ordinance of the Ministry of the Environment.

- 2) The permission mentioned in the preceding Paragraph becomes invalid upon the lapse of a period not less than five years in length prescribed by a Cabinet Order unless the permission is renewed for another period.
- 3) The prefectural governor shall not grant the permission mentioned in Paragraph 1 of this Article unless he/she judges that the application for it satisfies the following requirements:
  - 1) The facilities used for the service and the ability of the applicant are judged sufficient for the proper and continuous conducting of the said service in the light of the standards set by the Ordinance of the Ministry of the Environment.
  - 2) The applicant is none of the persons specified in a. to f. of Item 2) of Paragraph 3 of Article 14.
- 4) No person is allowed to undertake as a service the disposal of specially controlled industrial waste without permission from the prefectural governor with the jurisdiction over the area in which that person is to conduct the disposal service, except for an business (provided he is to dispose of the specially controlled industrial waste by him/herself) and anyone specified in the Ordinance of the Ministry of the Environment.
- 5) The permission mentioned in the preceding Paragraph becomes invalid upon the lapse of a period not less than five years in length prescribed by a Cabinet Order unless the permission is renewed for another period.
- 6) The prefectural governor shall not grant the permission mentioned in Paragraph 4 of this Article unless he judges that the application for it satisfies the following requirements:

- 1) The facilities used for the service and the ability of the applicant are sufficient for the proper and continuous conducting of the waste disposal service in the light of the standards set by the Ordinance of the Ministry of the Environment.
- 2) The applicant is none of the persons specified in a. to f. of Item 2) of Paragraph 3 of Article 14.
- 7 The permission mentioned in Paragraph 1 or 4 of this Article may be granted with conditions necessary for the conservation of the living environment attached to it.
- 8 A person who has procured the permission mentioned in Paragraph 1 of this Article (who will hereinafter be referred to as "specially controlled industrial waste collection and transport contractor") and one who has procured the permission mentioned in Paragraph 4 of this Article (who will hereinafter be referred to as "specially controlled industrial waste disposal contractor") shall perform specially controlled industrial waste collection and transport activities and specially controlled industrial waste disposal activities respectively in conformance with the specially controlled industrial waste management standards.
- 9 Any other persons than the specially controlled industrial waste collection and transportation contractors, specially controlled industrial waste disposal contractors and others specified by the Ordinance of the Ministry of the Environment must not have the collection and/or transportation or disposal of industrial waste entrusted.
- 10 The specially controlled industrial waste collection and transport contractors and specially controlled industrial waste disposal contractors shall not commission anyone to collect and transport or dispose of specially controlled industrial waste, but they may re-commission someone to collect and transport or dispose of the specially controlled industrial waste committed to them by a service, in conformance with the standards prescribed by a Cabinet Order, or commission someone to perform their collection and transport function or disposal function in accordance with the Ordinance of the Ministry of the Environment.
- 11 Despite the provision in Paragraph 1 or 4 of Article 7, the specially controlled industrial waste collection and transport contractors, specially controlled industrial waste disposal contractors and some other persons specified by the Ordinance of the Ministry of the Environment may undertake as a service the collection and transport or disposal of special municipal solid waste in accordance with the Ordinance of the Ministry of the Environment. In that case, they shall conduct their waste collection and transport service or disposal service in conformance with the specially controlled municipal solid waste management standards.
- 12 The provisions of Paragraph 11 and 12 of Article 7 also apply to the specially controlled industrial waste collection and transport contractors and specially controlled industrial waste disposal contractors. "Municipal solid waste" in Paragraph 11 of Article 7, however, shall be interpreted as "specially controlled industrial waste (including specially controlled municipal solid waste in the case of a contractor conducting a specially controlled industrial waste collection and transport or disposal service under the provision of Paragraph 11 of Article 14-4)".

## **(Permission for Change or the Like)**

### **Article 14-5**

- A specially controlled industrial waste collection and transport contractor or specially controlled industrial waste disposal contractor shall obtain the prefectural governor's permission for any change of the scope of the collection and transport service or disposal service except discontinuation of part of the service.
- 2 The provisions of Paragraph 3 and 7 of the preceding Article also apply to the permission for a change of the scope of the collection and transport service mentioned in the preceding Paragraph, and the provisions of Paragraph 6 and 7 thereof apply to the permission for a change of the scope of the disposal service also mentioned in the preceding Paragraph.
  - 3 The provision of Paragraph 3 of Article 7-2 also applies to the specially controlled industrial waste collection and transport contractors and specially controlled industrial waste disposal contractors. "Municipal solid waste" in that provision, however, shall be interpreted as "specially controlled industrial waste", and "mayor of the municipality" as "prefectural governor".

## **(Application of Provisions of Other Articles)**

### **Article 14-6**

The provision of Article 14-3 also applies to specially controlled industrial waste collection and transport contractors and specially controlled industrial waste disposal contractors. In this case, "Item 1) of Paragraph 3 or Item 1) of Paragraph 6 of Article 14-3" in Item 2) of the same Article shall be interpreted as "Item 1) of Paragraph 3 or Item 1) of Paragraph 6 of Article 14-4", and "Paragraph 7 of Article 14" in Item 4) of the same Article as "Paragraph 7 of Article 14-4".

## **(Prohibition of Nominal Transfer)**

### **Article 14-7**

The specially controlled industrial waste collection and transportation contractors and specially controlled industrial waste disposal contractors must not have any other person perform the collection or transportation or disposal of specially controlled industrial waste as a trade under their own names.

## **Section 5 Industrial Waste Disposal Facility**

### **(Industrial Waste Disposal Facility)**

#### **Article 15**

Any person desiring to install an industrial waste disposal facility (referring to those waste plastics treatment facilities, final disposal site for industrial waste and other industrial waste disposal facilities which are specified by the Cabinet Order; same in the following) must obtain the permission of the prefectural governor with the jurisdiction over the place of installation of said industrial waste disposal facility.

- 2 The person desiring to obtain the permission of the preceding Paragraph must file an application stating the matters listed below, as provided by the Ordinance of the Ministry of the Environment.
  - 1) Name or title and address, and in the case of a legal parson, name of its representative
  - 2) Place of installation of the industrial waste disposal facility
  - 3) Type of the industrial waste disposal facility
  - 4) Type of industrial waste disposed at the industrial waste disposal facility
  - 5) Disposal capacity of the industrial waste disposal facility (or, in the case of a final disposal site for industrial waste, area and landfill capacity of the site used for landfill disposal of industrial waste)
  - 6) Plan for installation including location, structure or the like of the industrial waste disposal facility
  - 7) Plan for operation and maintenance of the industrial waste disposal facility
  - 8) In the case of a final disposal site for industrial waste, plan for disaster prevention
  - 9) Any other matters specified by the Ordinance of the Ministry of the Environment.
- 3 The application of the preceding Paragraph must accompany a document stating the result of investigation of any effects of the installation of said industrial waste disposal facility on he living environment in the surrounding area, as provided by the Ordinance of the Ministry of the Environment.
- 4 The prefectural governor, when he received an application for permission of Paragraph 1 for an industrial waste disposal facility (limited to those specified by the Cabinet Order), must without delay publicly notify the matters cited in Items 1) through 4) of Paragraph 2 and the date of application and place of reference, and offer the application of the said Paragraph and the document of the preceding Paragraph for a period of one month from the day of said publication.
- 5 The prefectural governor, when he has made the notification according to the provision of the preceding Paragraph, must without delay notify to that effect to the heads of the municipalities concerned for conservation of the living environment with respect to installation of said industrial waste disposal facility

- and hear the opinions of said heads of municipalities from the standpoint of conservation of the living environment with a period specified.
- 6 Where there was the notification under the provision of Paragraph 4, any person who has interests in the installation of said industrial waste disposal facility may file a statement of opinion from the standpoint of conservation of the living environment with the prefectural governor by the day elapsing two weeks calculated from the day next to the day of expiration of the reference of the same Paragraph.

## **(Standards on Permission)**

### **Article 15-2**

- The prefectural governor shall not grant the permission specified in Paragraph 1 of the preceding Article, unless he judges that the application for that permission satisfies both of the following requirements:
- 1) A plan for installation of industrial waste disposal facilities shall satisfy the technical standards set by the Ordinance of the Ministry of the Environment (or by the ordinances of the Office of the Prime Minister and the Ministry of Health and Welfare in the case of a final disposal site for industrial waste).
  - 2) The plan for installation and the plan for operation and maintenance of industrial waste disposal facilities shall have adequate considerations incorporated for conservation of the living environment in the surrounding area of the said industrial waste disposal facilities as well as the surrounding area specified by the Ordinance of the Ministry of the Environment.
  - 3) The capability of the applicant is sufficient for the proper and continuous conducting of the installation and operation and maintenance of industrial waste disposal facilities in accordance with the plan of its installation and the plan of its operation and maintenance in the light of the standards set by the Ordinance of the Ministry of the Environment.
  - 4) The applicant is none of the persons specified in a. to f. of Item 2) of Paragraph 3 of Article 14.
- 2 The prefectural governors may not grant the permission of the Paragraph 1 of the preceding Article, when they judge that it may become difficult to satisfy the air environment standards, since refuse treatment facilities or industrial waste disposal facilities would become concentrated too much by installing the facility relating to the said permission.
- 3 The prefectural governor, before giving the permission of Paragraph 1 of the preceding Article (limited that which pertains to the industrial waste disposal facility specified in Paragraph 4 of the same Article), must hear the opinions concerning the matters specified in Item 2) of Paragraph 1 from the persons owning special knowledge on the matters specified by the Ordinance of the Ministry of the Environment with respect to conservation of the living environment.
- 4 The permission of Paragraph 1 of the preceding Article, may have necessary conditions attached for conservation of the living environment.
- 5 The person having the permission of Paragraph 1 of the preceding Article, granted (referred to as “installer of industrial waste disposal facility” in the following) shall not use the industrial waste disposal facility pertaining to said permission before it is recognized upon inspection by the prefectural governor that it is in conformity with the plan for installation stated in the application of Paragraph 2 of the preceding Article, pertaining to said permission.

## **(Operation and Maintenance of Industrial Waste Disposal Facility)**

### **Article 15-2-2**

The installer of an industrial waste disposal facility must operation and maintenance said industrial waste disposal facility in accordance with the technical standards specified in the Ordinance of the Ministry of the Environment and the plan for operation and maintenance stated in the application of Paragraph 2 of Article 15, pertaining to the permission of said industrial waste disposal facility (or, when the permission of Paragraph 1 of Article 15-2-4 is granted for the plan, the plan after change).

## **(Application by Analogy)**

### **Article 15-2-3**

The provision of Article 8-4 applies to a installer of an industrial waste disposal facility (only those who were granted the permission of Paragraph 1 of Article 15 on the industrial waste disposal facility prescribed in Paragraph 4 of the same Article), and the provision of Article 8-5 applies to the person who was granted the permission of the same Article for the final disposal site for industrial waste prescribed by the Ordinance of the Ministry of the Environment.” In this case, “the permitted municipal solid waste disposal facility” and “the municipal solid waste disposal facility” in Article 8-4 shall be interpreted as “the industrial waste disposal facility”, “a specific final disposal site for municipal solid waste” in Paragraph 1 of Article 8-5 as “a specific final disposal site for industrial waste”, “a final disposal site for municipal solid waste that is the municipal solid waste disposal facility” as “a final disposal site for industrial waste that is the industrial waste disposal facility”, “Paragraph 1 of Article 8” as “Paragraph 1 of Article 15”, “a specific final disposal site for municipal solid waste” in Paras.4 and 6 of Article 8-5 as “specific final disposal site for industrial waste”, “Paragraph 3 of Article 9-5, Paragraph 1 of Article 9-6 and Paragraph 1 of Article 9-7” in Paragraph 7 of Article 8-5 as “Paragraph 3 of Article 9-5, Paragraph 1 of Article 9-6 and Paragraph 1 of Article 9-7 which are applied in Article 15-4”, and “Paragraph 1 of Article 8” as “Paragraph 1 of Article 15”.

## **(Permission of Change or the like)**

### **Article 15-2-4**

The installer of an industrial waste disposal facility must obtain the permission of the prefectural governor, as provided by the Ordinance of the Ministry of the Environment when he desires to change any of the matters cited in Items 4) through 7) of Paragraph 2 of Article 15, pertaining to said permission. Provided, the preceding shall not apply when hr change is a minor change specified by the Ordinance of the Ministry of the Environment.

- 2 The provisions of Paragraph3 to Paragraph 6 of Article 15 and Paragraph 1 to Paragraph 4 of Article 15-2 also apply to the permission mentioned in the preceding Paragraph, and the provision of Paragraph 5 of the same Article applies to a person who has procured the said permission.
- 3 The provisions of Paragraphs 3 through 5, Article 9 shall apply by analogy to the installer of an industrial waste disposal facility. In this case, the wording, in Paragraph 3 of the same Article, “provisioin of Paragraph 1” shall be interpreted as “provision of Paragraph 1of Article 15-2-4,” “Item 1) of Paragraph 2 of the same Article” be interpreted as “Item 1) of Paragraph 2 of Article 15,” “municipal solid waste disposal facility pertaining to said permission” be interpreted as “said industrial waste disposal facility,” and “municipal solid waste” be interpreted as “industrial waste” and “municipal solid waste disposal facility” be interpreted as “industrial waste disposal facility” and, in Paragraphs 4 and 5 of the same Article, “municipal solid waste disposal facility pertaining to said permission” be interpreted as “said industrial waste disposal facility” and “municipal solid waste” be interpreted as “industrial waste.”

## **(Revocation of Permission or the Like)**

### **Article 15-3**

The prefectural governors may revoke the permission of Paragraph 1 of Article 15 pertaining to the said industrial waste disposal facility, or order the installer to make the necessary improvements of the said industrial waste disposal facility within a specified period of time or suspend its operation for a specified period of time, when there is a case which falls under one of the following Items.

- 1) Where the structure of industrial waste disposal facility pertaining to the permission of Paragraph 1 of Article 15 or its operation and maintenance is recognized as not complying with the technical standards provided in Item 1) of Paragraph 1 of Article 15-2 or Article 15-2-2 or the plan concerning installation or plan for operation and maintenance set forth in the application of Paragraph 2 of Article 15 pertaining to the said permission (or if the permission of Paragraph 1 of the preceding Article is granted for that plan, the modified plan is applied).
- 2) When the capability of the installer of industrial waste disposal facilities is recognized as not satisfying the standards specified by the Ordinance of the Ministry of the Environment in Item 3) of Paragraph 1 of Article 15-2.
- 3) When the installer of industrial waste disposal facilities takes actions which violate the Laws, or demands, asks or indicates another person to act against the Laws, or helps another person to do so.
- 4) When the installer of industrial waste disposal facilities becomes to be one of a. to f. of Item 2) of Paragraph 3 of Article 14.
- 5) When the installer of industrial waste disposal facilities violates the condition attached to the said permission under the provision of Paragraph 4 of Article 15-2.

### **(Application of Provisions of Other Articles)**

#### **Article 15-4**

The provision of Article 9-4 also applies to the installer of industrial waste disposal facilities, and the provisions of Article 9-5 to Article 9-7 apply to industrial waste disposal facilities. In this case, "municipal solid waste disposal facilities" in Article 9-4 shall be interpreted as "industrial waste disposal facilities", "Paragraph 1 of Article 8" in Article 9-5 as "Paragraph 1 of Article 15", and "Paragraph 1 of Article 8-2" in Paragraph 2 of the same Article and Paragraph 2 of Article 9-6 as "Paragraph 1 of Article 15-2".

## **Section 6 Special Provisions Pertaining to Recycling of Industrial Waste**

#### **Article 15-4-2**

As specified by the Ordinance of the Ministry of the Environment, any person performing or desiring to perform recycling of industrial waste specified by the Ordinance of the Ministry of the Environment may obtain approval of the Minister of the Environment for conformity with any of the following Items.

- 1) That the contents of said recycling comply with the standards specified by the Ordinance of the Ministry of the Environment as one not hazardous to conservation of the living environment.
  - 2) That the contents of said recycling comply with the standards specified by the Ordinance of the Ministry of the Environment as one not hazardous to conservation of the living environment.
  - 3) That the facility which the person specified in the preceding Item installs or going to install for use for said recycling complies with the standards specified by the Ordinance of the Ministry of the Environment.
- 2 The provision of Paragraph 2 of Article 9-8 shall apply to the approval of the preceding Paragraph, and the provisions of Paragraphs 3 and 4 of the same Article to the person having the approval of the preceding Paragraph granted. In such case, the wording in Paragraph 3 of the same Article "Paragraph 1 or 4 of Article 7 or Paragraph 1 of Article 8" shall be interpreted as "Paragraph 1 or 4 of Article 14 or Paragraph 1 of Article 15"; "municipal solid waste" be interpreted as "industrial waste"; "municipal solid waste disposal facility" be interpreted as "industrial waste disposal facility"; and in Paragraph 4 of the same Article "Paragraphs 9, 11 and 12 of Article 7" be interpreted as "Paragraphs 8, 9 and 11 of Article 14"; "municipal solid waste collection and transportation contractor" be interpreted as "industrial waste collection and

transportation contractor” and “municipal solid waste disposal facility” be interpreted as “industrial waste disposal facility”; and in Paragraphs 5 and 6 of the same Article “Paragraph 1” be interpreted as “Paragraph 1 of Article 15-4-2.”

## **Section 7 Export and Import of Industrial Waste**

### **(Permission for Import)**

#### **Article 15-4-3**

- A person intending to import waste (excluding navigational waste and carried-in waste; the same will apply to Paragraph 3 of this Article) shall procure the Minister of the Environment's permission.
- 2 The Japanese central government and other authorities/persons specified in the Ordinance of the Ministry of the Environment are not subject to the provision of the preceding Paragraph.
  - 3 The Minister of the Environment shall not grant the said permission unless he judges that the application for it satisfies the following requirements:
    - 1) It is judged that the waste to be imported (which will hereinafter be referred to as "foreign waste") are likely to be properly treated of in Japan in the light of the currently available equipment and technique for disposal of the said foreign waste.
    - 2) The applicant must fall under one of the following categories:
      - a. An industrial waste disposal contractor or specially controlled industrial waste disposal contractor with a scope of service including the disposal of the particular foreign waste
      - b. A person with an industrial waste disposal facility capable of disposing of the said foreign waste (excluding the contractor specified in a. hereof).
      - c. One specified by the Ordinance of the Ministry of the Environment
  - 4 The permission mentioned in Paragraph 1 of this Article may be granted with conditions necessary for the conservation of the living environment attached to it.

### **(Special Provision of Importer of Foreign Waste)**

#### **Article 15-4-4**

An importer of foreign waste (except a business) shall be regarded as a business subject to the provisions of Paragraph 1 of Article 11, Paragraph 1 to 4 of Article 12 and Paragraph 1 to 5 of Article 12-2.

### **(Application of Provisions of Other Articles)**

#### **Article 15-4-5**

- The provision of Article 10 also applies to anyone exporting industrial waste. "Municipality" in Item 4) of Paragraph 1 of that Article, however, shall be interpreted as "business" (provided he exports the said industrial waste by him/herself). The other necessary replacements of terms in the provision of that Article are prescribed by a Cabinet Order.
- 2 The provisions of Paragraph 1 of Article 12-3 and Paragraph 1 of Article 12-5 will also apply to an importer of foreign waste (excluding a business who generates industrial waste as a result of his/her activities).

## **CHAPTER III-II WASTE MANAGEMENT CENTER**

### **(Designation)**

## **Article 15-5**

The Minister of the Environment is entitled to designate a legal person of dealing with investment and donation of the central government and local governments (limited to those specified by the Cabinet Order), or other legal person of being applied to be the said legal person specified by the Cabinet Order or the selected contractor specified in Paragraph 5 of Article 2 of the Private Finance Initiative Law (Law No. 117 of 1999), which is established for the purpose of support of proper, wide-area management of waste, in each prefecture in compliance with his/her application as a waste management center (which will hereinafter be referred to as "center") provided the said legal person is judged to be capable of performing the activities prescribed in the following Article.

- 2 When so designating a legal person as a center, the Minister of the Environment shall publicize the name and address of that center and the location of its office.
- 3 When intending to change its name or address or the location of its office, the center shall give the Minister of the Environment advance notice.
- 4 When receiving such advance notice prescribed in the preceding Paragraph, the Minister of the Environment shall publicize the particulars of the notice.

## **(Activities)**

## **Article 15-6**

A center shall perform all or some of the following activities in accordance with the Ordinance of the Ministry of the Environment:

- 1) Management of specially controlled municipal solid waste and installation, improvement, operation and maintenance of a facility for disposal of such waste on commission from municipalities.
- 2) Management of the municipal solid waste specified in Paragraph 1 of Article 6-3 and installation, improvement, operation and maintenance of a facility for disposal of such waste on commission from municipalities.
- 3) Management of the municipal solid waste, and the installation, improvement, operation and maintenance of a facility for disposal of such waste on commission from municipalities (excluding the activities prescribed in the preceding two Items).
- 4) Management of specially controlled industrial waste and installation, improvement, operation and maintenance of a facility for disposal of such waste.
- 5) Management of industrial waste and installation, improvement, operation and maintenance of a facility for disposal of such waste (excluding the activities prescribed in the preceding Paragraph).
- 6) Activities incidental to those prescribed in each of the preceding Paragraphs.

## **(Fund)**

## **Article 15-7**

A center shall raise a fund for its activities prescribed in Items 2), 4) and 5) of the preceding Article by collecting contributions from businesses and others on condition that those contributions will be spent to meet the expenses entailed by all or part of the said activities of the center.

- 2 The Minister of the Environment shall endeavor to secure the needed cooperation of businesses and others in the form of contribution to the fund mentioned in the preceding Paragraph through the minister with the supervisory power over the businesses and others.

## **(Operational Plan)**

## **Article 15-8**

- In each fiscal year, a center shall prepare an operational plan and a budgetary statement of income and expenditure and submit them to the Minister of the Environment in accordance with the Ordinance of the Ministry of the Environment. To revise its operational plan, the center shall prepare a revised operational plan and a revised income and expenditure budget and submit them to the Minister of the Environment.
- 2 After the end of each fiscal year, a center shall prepared an operation report and a year-end income and expenditure report and submit them to the Minister of the Environment in accordance with the Ordinance of the Ministry of the Environment.

## **(Separate Bookkeeping for Different Groups of Activities)**

### **Article 15-9**

A center shall keep books separately for the following groups of activities, establishing separate accounts for them:

- 1) Activities prescribed in Items 1) and 3) of Article 15-6 and or and those incidental to them
- 2) Activities prescribed in 2 of Article 15-6 and those incidental to them
- 3) Activities prescribed in Items 4) and 5) of Article 15-6 and those incidental to them

## **(Charges)**

### **Article 15-10**

A center shall collect charges not short of the reasonable cost incurred under efficient management for its installation of an industrial waste disposal facility and management of industrial waste.

## **(Granting of Subsidy or the Like)**

### **Article 15-11**

- When a center constructs or improves a municipal solid waste disposal facility on commission from municipalities under the provision of Article 15-6, the central government may grant to the center a subsidy for the expenses for the installation or improvement work which is to be granted to municipalities under the provision of Article 22 or a subsidy included in the budget.
- 2 If the subsidy originally intended for municipalities is granted to the center under the provision of the preceding Paragraph, the center shall be regarded as a subsidized business or the like under the Law Pertaining to Proper Appropriation of Funds for Subsidies and Others in Budget.

## **(Disposal of Assets and Other Matters)**

### **Article 15-12**

- A Cabinet Order shall prescribe the manner of management and the manner of disposal for the assets at the final disposal site for municipal solid waste (confined to a site for water area reclamation with municipal solid waste) installed on commission from municipalities and other necessary matters pertaining to the management and disposal of the said assets.
- 2 In case the assets mentioned in the preceding Paragraph are disposed of within a period specified in a Cabinet Order, the remainder, if any, after deduction of the expenses prescribed by a Cabinet Order from the total disposal price of the assets shall be distributed to the party who bore the cost of constructing or improving the final disposal site and to the party who subsidized that party. The same applies to the remainder, if any, after deduction of the cost prescribed by a Cabinet Order from the value of the assets kept

under management even after the said prescribed period as appraised upon lapse of that period.

### **(Report and Inspection)**

#### **Article 15-13**

The Minister of the Environment is entitled to have a center submit the necessary report on the activities prescribed in all the Paragraphs of Article 15-6 or the assets or have its officials inspect activities, books and documents or the like at the office of the center only to the extent necessary to ensure proper performance of the said activities.

- 2 The officials sent for the inspection under the provision of the preceding Paragraph shall carry with them an identification certificate and show it to the individuals concerned.
- 3 The power to make the inspection under the provision of Paragraph 1 of this Article shall not be understood as the right of criminal investigation.

### **(Supervisory Order)**

#### **Article 15-14**

The Minister of the Environment is entitled to issue a necessary supervisory order to a center with regard to the activities prescribed in any of the Paragraphs of Article 15-6 only to the extent necessary to ensure observation of a provision in this chapter.

### **(Revocation of Designation and Other Matters)**

#### **Article 15-15**

In any of the following cases, the Minister of the Environment may revoke the designation of Article 15-5 (which will hereinafter be referred to as "designation"):

- 1) The center is judged to be incapable of properly and adequately performing the activities prescribed in any Paragraph of Article 15-6.
  - 2) The center commits an illegitimate act regarding the designation.
  - 3) The center violates any provision in this chapter, disobeys an order based on such provision or defies a punishment based on such provision.
- 2 When he revokes the designation under the provision of the preceding Paragraph, the Minister of the Environment shall publicize the revocation.

### **(Administrative Works Conducted by Prefectural Governors)**

#### **Article 15-6**

A part of the administrative works given to the Minister of the Environment as its authority specified by this Chapter shall be conducted by prefectural governors as specified by the Cabinet Order.

## **CHAPTER IV MISCELLANEOUS REGULATIONS**

## **(Prohibition of Dumping)**

### **Article 16**

No person shall unnecessarily dump waste.

## **(Prohibition of Incineration)**

### **Article 16-2**

No one shall incinerate waste except the following methods.

- 1) Incineration of waste, which is conducted in accordance with the municipal solid waste disposal standards, the specially controlled municipal solid waste disposal standards, the industrial waste disposal standards and the specially controlled industrial waste disposal standards.
- 2) Incineration of waste, which is conducted in accordance with the other laws or disposal method based on these laws.
- 3) Incineration of waste, which has no other way to incinerate for the reason of the public good or the social custom, or which only has a slight impact to the living environment of the surrounding area as specified by the Cabinet Order.

## **(Restrictions on Use of Excreta)**

### **Article 17**

Excreta shall not be applied as a fertilizer unless the method of application is in accordance with the standard which is specified by the Ordinance of the Ministry of the Environment.

## **(Collection of Report)**

### **Article 18**

The prefectural governors and the mayors of municipalities are entitled to demand from businesses, municipal solid waste and industrial waste collection and transport contractors, municipal solid waste and industrial waste disposal contractors, installers of a municipal solid waste disposal facility (including the superintendents of facilities installed by municipalities for the purpose of disposal of municipal solid waste under Paragraph 1 of Article 6-2 ) and installers of an industrial waste disposal facility, and the information processing center the Necessary reports on storage, collection, transport or disposal of waste or the structure or operation and maintenance of a municipal solid waste or industrial waste only disposal facility only to the extent necessary for enforcement of this Law.

- 2 The Minister of the Environment is entitled to demand from a person who intends to import or has alinterpretedly imported foreign waste or one who intends to export waste the necessary report on the import of foreign waste or the export of waste, to the extent necessary for enforcement of this Law.

## **(Spot Inspection)**

### **Article 19**

The prefectural governors and the mayors of municipalities are entitled, only to the extent necessary for the enforcement of this Law, to have their officials enter the office or the place of business of a business, municipal solid waste or industrial waste collection and transport contractor or municipal solid waste or industrial waste disposal contractor or the land or building where a municipal solid waste or industrial waste disposal facility is located and inspect books and other documents related to the storage, collection, transport and disposal of waste or related to the structure or operation and maintenance of a municipal solid waste or industrial waste disposal facility or collect samples of the waste without paying any price only to the extent required for a test.

- 2 The Minister of the Environment is entitled, only to the extent necessary for the enforcement of this Law, to have his/her officials enter the office, the place of business or the like of a person who intends to import foreign waste or has alinterpretedly imported them or one who intends to export waste and inspect books and other documents or collect samples of the waste without paying any price only to the extent required for a test.
- 3 The officials making the said spot inspection under the provision of Paragraph 2 of this Article shall carry an identification certificate with them and show it to the individuals concerned.
- 4 The right of spot inspection under Paragraph 1 and 2 of this Article shall not be construed as the right of criminal investigation.

## **(Measure In Respect of Product or the Like)**

### **Article 19-2**

To ensure proper management of waste, the Minister of the Environment is entitled to demand from the minister with the regulative power over manufacturing, processing, sales and other business a measure to have those businesses place a mark indicating the material and the method of processing it on a product, container or the like manufactured, processed, sold or otherwise handled by the said businesses.

## **(Order for Improvement)**

### **Article 19-3**

To ensure proper management of municipal solid waste or industrial waste, the heads of the regional governments named in Paragraph 1 or 2 of this Article in the case specified are entitled to order a person storing, collecting, transporting or disposing of those waste (a business, municipal solid waste collection and transport contractor, municipal solid waste disposal contractor, industrial waste collection and transport contractor, industrial waste disposal contractor, specially controlled industrial waste collection and transport contractor or specially controlled industrial waste disposal contractor (who will be referred to as "contractor or the like" in the rest of this Article) or an importer of foreign waste (excluding a business) to change the method of storing, collecting, transporting or disposing of the waste or take some other necessary measure by a prefixed time limit.

- 1) The mayor of the municipality in case collection, transport or disposal of municipal solid waste nonconforming with the municipal solid waste management standards (specially controlled municipal solid waste management standards in the case of waste of that description) is performed by a person of whom conformance with the said standards is required.
- 2) The prefectural governor in case storage, collection, transport or disposal of industrial waste nonconforming with the industrial waste disposal standards or industrial waste storage standards (specially controlled industrial waste management standards or specially controlled industrial waste storage standards in the case of waste of that description) is performed by a person of whom

conformance with the said standards is required.

## **(Order for Actions)**

### **Article 19-4**

In the case where disposal of municipal solid waste nonconforming with the municipal solid waste disposal standards (the specially controlled municipal solid waste disposal standards in the case of specially controlled municipal solid waste) is conducted and it is recognized that there occurs or may occur a difficulty for conservation of the living environment, the mayor of the municipality may order, to the extent required, the person executing the said disposal (excluding a municipality executing the said disposal under the provision of Paragraph 1 of Article 6-2, and including, when the said disposal was made upon entrustment in violation of the provision of Paragraph 10 of Article 7, or Paragraph 3 or 4 of Article 12, the person assigned such entrustment, and he/she shall be referred to as “disposer or the like” in Article 19-7) to take necessary measures for removal or prevention of occurrence of the difficulty (referred to as “measures for removal or the like of difficulty” in the following) within a specified time.

- 2 When an order according to the provision of the preceding Paragraph is rendered, a statement of order setting forth the matters specified by the Ordinance of the Ministry of the Environment must be delivered.

### **Article 19-5**

In the case where disposal of industrial waste nonconforming with the industrial waste disposal standards (the specially controlled industrial waste disposal standards in the case of specially controlled industrial waste) is conducted and it is recognized that there occurs or may occur a difficulty for conservation of the living environment, the prefectural governor (in the case of the person conducted the said disposal is the one who imported the said industrial waste, the Minister of the Environment or the prefectural governors, and the same shall apply in the next Article and Article 19-8) may order, to the extent required, the person of the following (referred to as "disposer or the like" in the next Article and Article 19-8) to take necessary measures for removal of the difficulty within a specified time.

- 1) The person who conducted the said disposal (excluding the municipality or prefecture which conducted the said disposal as their work under the provision of Paragraph 2 or 3 of Article 11 ).
- 2) When the said disposal was made upon entrustment in violation of the provision of Paragraph 3 or 4 of Article 12, Paragraph 3 or 4 of Article 12-2, Paragraph 10 of Article 14 or Paragraph 10 of Article 14-4, the person assigned such entrustment.
- 3) The person, in the case which falls under one of the following, with regard to duties relating to control manifests in the whole process of disposal from generation of the said industrial waste to its disposal (including duties relating to the use of the electronic information processing system, in the case it is used).
  - a. In violation of the provision of Paragraph 1 of Article 12-3, the person who did not issue a control manifest, or issued a control manifest without entering the particulars specified by the same Paragraph or with entering the false information.
  - b. In violation of the provision of the former part of Paragraph 2 of Article 12-3, the person who did not send a copy of a control manifest, or sent a copy of a control manifest without entering the particulars specified by the former part of the same Paragraph or with entering the false information.
  - c. In violation of the provision of the latter part of Paragraph 2 of Article 12-3, the person who did not forward a control manifest.
  - d. In violation of the provision of Paragraph 3 or 4 of Article 12-3 or Paragraph 5 of Article 12-5, the person who did not send a copy of a control manifest, or sent a copy of a control manifest without entering the particulars specified by these provisions or with entering the false information.
  - e. In violation of the provision of Paragraph 5 of Article 12-3, the person who did not keep a copy of a control manifest.

- f. In violation of the provision of Paragraph 7 of Article 12-3, the person who did not take necessary measures.
  - g. The person who made the false registration when registering under the provision of Paragraph 1 of Article 12-5.
  - h. In violation of the provision of Paragraph 2 or 3 of Article 12-5, the person who did not report or report the false information.
  - i. In violation of the provision of Paragraph 10 of Article 12-5, the person who did not take necessary measures.
- 4) The person who conducted the said disposal, or the one who demanded or asked to the person who are specified in the preceding two Items to do the said disposal or to take actions which are against the provisions of the preceding two Items (hereinafter referred to as "the said disposal or the like"), or indicated or helped these persons to do the said disposal or the like.
- 2 The provision of Paragraph 2 of the preceding Article will also apply to the orders made under the provision of the preceding Paragraph.

### **Article 19-6**

In the case prescribed by Paragraph 1 of the preceding Article, when it is recognized that there occurs or may occur a difficulty for conservation of the living environment as well as that it falls under every of the following Item, the prefectural governor may order the business who generates the said industrial waste as a result of the business activities (in the case of the said industrial waste of being industrial waste of intermediate treatment, contractors in the whole process of disposal from its generation to the said disposal and contractors of intermediate treatment excluding disposers or the like, and they shall be referred to as "generator or the like" hereinafter) to take necessary measures for removal of the difficulty within a specified time. In this case, the said measures shall be ranged considerably from the points of the nature of the said industrial waste, its quantity, the way of disposal and the other circumstances.

- 1) From the points of resources or other circumstances of disposers or the like, it is difficult to take necessary measures to remove the difficulty by disposers or the like alone, or it would not be enough, even if they did so.
  - 2) Generators or the like are not paying the proper amount of money on disposal of the said industrial waste and they know or can know the said disposal will be conducted, or it is appropriate to make generators or the like take measures for removal of the difficulty in the light of the provision of Paragraph 5 of Article 12 or Paragraph 5 of Article 12-2.
- 2 The provision of Paragraph 2 of Article 19-4 will also apply to the orders made under the provision of the preceding Paragraph.

### **(Measures for Removal or the like of Difficulty for Conservation of Living Environment)**

### **Article 19-7**

In any of the cases cited in Items of Paragraph 1 of Article 19-4, where it is recognized that there occurs or may occur a difficulty for conservation of the living environment and that any of the following Items is applicable, the person specified in each Item may take by him/herself the whole or part of the measure for removal, etc of difficulty. In such case, if Item 2) is recognized to be applicable, he must publicly notify in advance and with a period specified that the measure for removal or the like of said difficulty should be taken and that when the measure for removal or the like of said difficulty is not taken, he would take by him/herself the measure for removal or the like of said difficulty and collect the expense required for said measure.

- 1) Under the provision of Paragraph 1 of Article 19-4, where disposers or the like ordered to take measures for removal of the difficulty do not act by the specified time pertaining to the said order, take

- but insufficiently or are not likely to take.
- 2) Where it is difficult, in giving the order to take measures for removal of the difficulty under the provision of Paragraph 1 of Article 19-4, to specify the disposer to whom measures for removal of the difficulty be ordered because of the absence of negligence.
  - 3) Where there is an urgent need to take measures for removal of the difficulty and there is no time to order to do so under the provision of Paragraph 1 of Article 19-4.
- 2 When the mayor of the municipality has taken, wholly or partly, measures for removal of the difficulty in the preceding Paragraph under the same Paragraph, he may have disposers or the like bear the expense required for measures for removal of the difficulty, as provided by the Ordinance of the Ministry of the Environment.
  - 3 For collection of the expense to be borne under the provision of the preceding Paragraph, the provisions of Articles 5 and 6, Administrative Acts Subrogation Law will be applied.

### **Article 19-8**

- In the cases specified by Paragraph 1 of Article 19-5, where it is recognized that there occurs or may occur a difficulty for conservation of the living environment and that any of the following Items is applicable, prefectural governors may take by themselves the whole or part of measures for removal of the difficulty. In this case, if Item 2 is recognized to be applicable, they must publicly notify in advance and with a specified period that measures for removal of the said difficulty should be taken and that when measures for removal of the said difficulty is not taken, they would take by themselves measures for removal of the said difficulty and collect the expense required for the said measures.
- 1) Under the provision of Paragraph 1 of Article 19-5, where disposers or the like ordered to take measures for removal of the difficulty do not act by the specified time pertaining to the said order, take but insufficiently or are not likely to take.
  - 2) Where it is difficult, in giving the order to take measures for removal of the difficulty under the provision of Paragraph 1 of Article 19-5, to specify the disposer to whom measures for removal of the difficulty be ordered because of the absence of negligence.
  - 3) Under the provision of Paragraph 1 of Article 19-6, where generator or like ordered to take measures for removal of the difficulty do not act by the specified time pertaining to the said order, take but insufficiently or are not likely to take.
- 4) Where there is an urgent need to take measures for removal of the difficulty and there is no time to order to do so under the provision of Paragraph 1 of Article 19-5 or Paragraph 1 of Article 19-6.
- 2 When the prefectural governors have taken, wholly or partly, measures for removal of the difficulty in the provision of the preceding Paragraph (excluding the cases relating to Item 3)) under the same Paragraph, they may have the said disposers or the like bear the expense required for measures for removal of the difficulty, as provided by the Ordinance of the Ministry of the Environment.
  - 3 When the prefectural governors have taken, wholly or partly, measures for removal of the difficulty in the provision of Paragraph 1 (In the case which may be concerned with Item 3 only)) under the same Paragraph, they may have the said generator or the like bear the expense required for measures for removal of the difficulty, as provided by the Ordinance of the Ministry of the Environment.
  - 4 When it is recognized that the prefectural governors have taken, wholly or partly, measures for removal of the difficulty in the provision of Paragraph 1 (In the case which may be concerned with Item 4 only) under the same Paragraph and that it falls under every of Item of Paragraph 1 of Article 19-6, they may have the said generator or the like bear the expense required for measures for removal of the difficulty, as provided by the Ordinance of the Ministry of the Environment. In this case, the amount to be borne to the said businesses who generate waste or the like shall be considerable from the points of the nature of the said industrial waste, its quantity, the way of disposal and the other circumstances.
  - 5 For collection of the expense to be borne under the provision of the preceding Paragraph, the provisions of Articles 5 and 6 of Administrative Acts Subrogation Law shall be applied.

## **(Cooperation of Appropriate Management Promotion Center)**

### **Article 19-9**

When the prefectural governor is to take the measure for removal or the like of a difficulty for conservation of the living environment under the provision of Paragraph 1 of preceding Article, he/she may request the Appropriate Management Promotion Center to cooperate for implementation of the measure for removal or the like of the difficulty as specified by the Ordinance of the Ministry of the Environment.

## **(Preparation of Record of Final Disposal Site and Other Matters)**

### **Article 19-10**

The prefectural governor shall prepare a record of final disposal sites of which he was notified under 4 of Article 9 (or according to Paragraph 10 of Article 9-3 or Paragraph 3 of Article 15-2-4 ) and keep that record.

- 2 The particulars to be entered in the record prescribed in the preceding Paragraph and other necessary matters associated with the preparing and keeping of the record are prescribed by the Ordinance of the Ministry of the Environment.
- 3 The prefectural governor shall show the record prescribed in Paragraph 1 of this Article or a copy of it to a party concerned in response to his/her request.

## **(Environmental Sanitation Supervisor)**

### **Article 20**

Prefectural governors shall appoint environmental sanitation supervisors from the staff who possess the qualifications specified by the Ordinance of the Ministry of the Environment for the purpose of inspection under Paragraph 1 of Article 19 or for the purpose of advising about waste disposal under Paragraph 2 of Article 53 of the Septic Tank Law.

## **(Waste Recycling Business)**

### **Article 20-2**

A person who undertakes waste recycling as a business is eligible for registration of his/her place of business by the prefectural governor with the jurisdiction over the place where the said of business is located, in accordance with the Ordinance of the Ministry of the Environment, provided the facilities used for the business and the ability of the applicant for the said registration are judged sufficient for the proper and continuous conducting of the service and therefore conform to the standards set by the Ordinance of the Ministry of the Environment.

- 2 The necessary matters pertaining to the registration mentioned in the preceding Paragraph are prescribed by a Cabinet Order.
- 3 Only the persons registered under the provision of Paragraph 1 hereof may use the name "registered waste recycling business".
- 4 The municipalities are entitled to demand from persons registered in accordance with the provision of Paragraph 1 hereof the necessary cooperation in recycling municipal solid waste in the respective municipalities.

## **(Technical Manager)**

## **Article 21**

The installer (or the superintendent in the case of a facility installed by a municipality for management of municipal solid waste under the provision of Paragraph 1 of Article 6-2 ) of a municipal solid waste disposal facility (except a night soil treatment facility and the final disposal site specified by a Cabinet Order) or the installer of a final disposal facility of industrial waste (except a final disposal site for industrial waste specified by a Cabinet Order) is required to place technical manager in charge of the technical work for the operation and maintenance of the municipal solid waste or industrial disposal facility. However, municipal solid waste and industrial waste disposal facilities which are managed by a superintendent who also serves as technical manager are excepted.

- 2 The technical manager shall supervise the other personnel engaged in the operation and maintenance of the municipal solid waste or industrial waste disposal facilities so as to ensure the conformance of the said municipal solid waste or industrial waste disposal facilities with the technical standards mentioned in Paragraph 3 of Article 8 or 2 of Article 15-2.
- 3 The technical manager mentioned in Paragraph 1 hereof shall possess the qualification prescribed by the Ordinance of the Ministry of the Environment.

## **(Government Subsidy)**

### **Article 22**

The central government is entitled to give a municipality a subsidy for part of the following expenses in accordance with a Cabinet Order:

- 1) Expenses incurred for installation of refuse treatment facilities and night soil treatment facility.
- 2) Expenses for the disposal of waste specially required due to a disaster or some other cause.

## **(Special Assistance)**

### **Article 23**

The central government shall endeavor to provide financial assistance or mediate such assistance for the installation of municipal solid waste or industrial waste disposal facilities or other disposal facilities for the purpose of conservation of the living environment and enhancement of public health.

## **(Promotion or the like of Information Exchange)**

### **Article 23-2**

The central government shall endeavor to promote the exchange of information between the central government and the prefectural governments and between the respective prefectural governments so that the office works pertaining to the industrial waste which the prefectural governors execute and take necessary measures according to the condition of execution of said office works.

## **(Getting Advice on Permission or the like)**

### **Article 23-3**

When prefectural governors are about to give permission specified in Paragraph 1 or 4 of Article 14, Paragraph 1 or 4 of Article 14-4, Paragraph 1 of Article 15, Paragraph 1 of Article 9-5 which is applied by

- being interpreted under Article 15-4 or Paragraph 1 of Article 9-6 which is applied by being interpreted under Article 15-4, they shall get advice from the Superintendent-General of the Metropolitan Police or the chief of prefectural police on whether or not there are cases applying to b. to f. of Item 2) of Paragraph 3 of Article 14 (in the cases applying to c., d. or f., limited to those only relating to b., and the same shall apply to the next Paragraph and the next Article).
- 2 When prefectural governors are about to conduct disposal specified Article 14-3 (including the cases applied by being interpreted under Article 14-6) or Article 15-3, they may get advice from the Superintendent-General of the Metropolitan Police or the chief of prefectural police on whether or not there are cases applying to b. to f. of Item 2) of Paragraph 3 of Article 14.

### **(Advice to Prefectural Governors)**

#### **Article 23-4**

The Superintendent-General of the Metropolitan Police or the chief of prefectural police may give advice to prefectural governors on industrial waste collection and transportation contractors, industrial waste disposal contractors, specially controlled industrial waste collection and transportation contractors, specially controlled industrial waste disposal contractors and installers of industrial waste disposal facilities (which will hereinafter be referred to as "industrial waste collection and transportation contractors or the like" in this Article) when it is judged to be needed that prefectural governors to take an appropriate action against that industrial waste collection and transportation contractors or the like because there are good reasons to suspect that there are cases applying to b. to f. of Item 2) of Paragraph 3 of Article 14.

### **(Inquiry to Administrative Organs Concerned or the like)**

#### **Article 23-5**

Prefectural governors may inquire for or ask for the corporation on administrative works specified by this Law besides those specified by Article 23-3 to administrative organs or local governments which are concerned.

### **(Request for Reexamination)**

#### **Article 24**

A person who is dissatisfied with the decision of the request for reexamination of the disposition (limited to those relating to the Item 1) statutory commissioned administrative service specified by Article 24-4) made by the mayor of a municipality or special ward having public health centers installed according to the provisions of this Law, may file a request for reexamination with the Minister of the Environment.

### **(Fee)**

#### **Article 24-2**

A person applying for the acknowledgment prescribed in Paragraph 1 of Article 10 (or applying for it under Paragraph 1 of Article 15-4-5 ) and one applying for the permission prescribed in Paragraph 1 of Article 15-4-3 shall pay a fee fixed by a Cabinet Order in accordance with the actual cost.

## **(Execution of Administrative Works by the Minister of the Environment under Emergency)**

### **Article 24-3**

The administrative works given to the prefectural governors as their authorities specified by Paragraph 1 of Article 18 or Paragraph 1 of Article 19 (limited to those relating to municipal solid waste disposal facilities) shall be conducted by the Minister of the Environment or prefectural governors when the Minister of the Environment recognizes that they are necessary for conservation of the living environment. In this case, the provisions relating to prefectural governors (limited to those relating to the said administrative works) under this Law shall be applicable to the Minister of the Environment as those relating to the said Minister.

- 2 In the case specified by the preceding Paragraph, when the Minister of the Environment or prefectural governors conduct the said administrative works, they shall cooperate closely each other to do so.

## **(Division of Administrative Works)**

### **Article 24-4**

Administrative works to be conducted by prefectures, municipalities or special wards having public health centers installed under the provisions of Paragraph 6 of Article 12-3, Paragraph 8 of Article 12-5, Article 12-6, Paragraphs 1 and 6 of Article 14 (including the cases applied in Paragraph 2 of Article 14-2), Paragraph 1 of Article 14-2, Paragraph 3 of Article 7-2 which is applied in Paragraph 3 of Article 14-2, Article 14-3 (including the cases applied in Article 14-6), Paragraphs 1, Paragraph 3 (including the cases applied in Paragraph 2 of Article 14-5), Paragraph 4 and Paragraph 6 (including the cases applied in Paragraph 2 of Article 14-5) of Article 14-4, Paragraph 1 of Article 14-5, Paragraph 3 of Article 7-2 which is applied in Paragraph 3 of Article 14-5, Paragraph 1 of Article 15, Paragraphs 4 to 6 of Article 15 (including the cases applied in Paragraph 2 of Article 15-2-4), Paragraphs 1 to 3 (including the cases applied in Paragraph 2 of Article 15-2-4) and Paragraph 5 of 15-2, Paragraph 4 of Article 8-5 which is applied in Article 15-2-3, Paragraph 1 of Article 15-2-4, Paragraphs 3 to 5 of Article 9, which are applied in Paragraph 3 of Article 15-2-4, Article 15-3, Paragraphs 1 and 2 of Article 9-5, Article 9-6 and Paragraph 2 of Article 9-7 which are applied in Article 15-4, Paragraph 1 of Article 18 (limited to the cases relating to industrial waste or industrial waste disposal facilities), Paragraph 1 of Article 19 (limited to the cases relating to industrial waste or industrial waste disposal facilities), Article 19-3 (limited to the cases relating to Item 2), Paragraphs 1 of Article 19-5, Paragraph 2 of Article 19-4 which is applied in Paragraph 2 of Article 19-5, Paragraphs 1 of Article 19-6, Paragraph 2 of Article 19-4 which is applied in Paragraph 2 of Article 19-6, Article 23-3 and Article 23-4, shall fall under the Item 1) statutory commissioned administrative service specified in Item 1) of Paragraph 9 of Article 2 of the Local Autonomy Law.

## **(Process Measures)**

### **Article 24-5**

When an order is decided on, improved or abolished in accordance with this Law, the order may, within the limits reasonable and necessary for that decision, improvement or abolishment, prescribe certain process measures (including process measures regarding punishment).

## **CHAPTER V PENAL REGULATIONS**

### **Article 25**

A person described in any of Items of this Article shall be imprisoned for five years or less or fined

10,000,000 yen or less, or subjected to both of these punishments.

- 1) One who undertakes as a service the collection and transport or disposal of municipal solid waste or industrial waste in violation of Paragraph 1 or 4 of Article 7, Paragraph 1 or 4 of Article 14 or Paragraph 1 or 4 of Article 14-4.
- 2) One who undertakes as a service the collection and transport or disposal of municipal solid waste or industrial waste in violation of Paragraph 1 of Article 7-2, Paragraph 1 of Article 14-2 or Paragraph 1 of Article 14-5.
- 3) One who disobeys the order specified in Article 7-3, Article 14-3 (including the cases applied in Article 14-6), Paragraph 1 of Article 19-4, Paragraph 1 of Article 19-5, or Paragraph 1 of Article 19-6.
- 4) One who commissioned another person to dispose of industrial waste in violation of Paragraph 3 of Article 12 or Paragraph 3 of Article 12-2.
- 5) A person who has had any other person perform the collection or transportation or disposal of municipal solid waste or industrial waste in violation of the provision of Article 7-4, Article 14-3-2 or Article 14-7.
- 6) One who constructs a municipal solid waste or industrial waste disposal facility in violation of Paragraph 1 of Article 8 or Paragraph 1 of Article 15.
- 7) A person who has changed the matters cited in Items 4) through 7) of Paragraph 2 of Article 8 or matters cited in Items 4) through 7) of Paragraph 2 of Article 15 in violation of the provision of Paragraph 1 of Article 9 or Paragraph 1 of Article 15-2-4.
- 8) One who dumps industrial waste in violation of Article 16.

## **Article 26**

A person described in any of Items of this Article shall be imprisoned for three year or less or fined 3,000,000 yen or less, or subjected to both of these punishments.

- 1) One who commissions someone to management and disposal municipal solid waste or industrial waste in violation of Paragraph 10 of Article 7, Paragraph 4 of Article 12, Paragraph 4 of Article 12-2, Paragraph 10 of Article 14 or Paragraph 10 of Article 14-4.
- 2) One who disobeys the order specified in Article 9-2, Article 15-3 or Article 19-3.
- 3) A person to whom municipal solid waste disposal facilities or industrial waste disposal facilities were transferred or borrowed in violation of Paragraph 1 of Article 9-5 (including the cases applied in Article 15-4).
- 4) A person who exported municipal solid waste or industrial waste in violation of Paragraph 1 of Article 10 (including the cases applied in Paragraph 1 of Article 15-4-5).
- 5) One who is commissioned to to management and disposal industrial waste in violation of Paragraph 9 of Article 14 or 9 of Article 14-4.
- 6) One who imports foreign waste in violation of Paragraph 1 of Article 15-4-3.
- 7) One who violates the conditions attached to the permission under Paragraph 4 of Article 15-4-3.
- 8) One who dumps municipal solid waste in violation of Article 16-2.

## **Article 27**

One who violates Article 13-7 shall be imprisoned for one year or less or fined 500,000 yen or less.

## **Article 28**

One who uses a municipal solid waste or industrial waste disposal facility in violation of Paragraph 5 of Article 8-2 (or the same provision applied in accordance with Paragraph 2 of Article 9) or Paragraph 5 of Article 15-2(or the same provision applied in accordance with Paragraph 2 of Article 15-2-4 ) shall be imprisoned for six months or less or fined 500,000 yen or less.

## **Article 29**

A person described in any of Items of this Article shall be fined 500,000 yen or less.

- 1) In violation of the provision of Paragraph 1 of Article 12-3 (including the cases applied in Paragraph 2 of Article 15-4-5), the person who did not issue a control manifest, or issued a control manifest without entering the particulars specified by the same Paragraph or with entering the false information.
- 2) In violation of the provision of the former part of Paragraph 2 of Article 12-3, the person who did not send a copy of a control manifest, or sent a copy of a control manifest without entering the particulars specified by the former part of the same Paragraph or with entering the false information.
- 3) In violation of the provision of the latter part of Paragraph 2 of Article 12-3, the person who did not forward a control manifest.
- 4) In violation of the provision of Paragraph 3 or 4 of Article 12-3 or Paragraph 5 of Article 12-5, the person who did not send a copy of a control manifest, or sent a copy of a control manifest without entering the particulars specified by these provisions or with entering the false information.
- 5) In violation of the provision of Paragraph 5 of Article 12-3, the person who did not keep a copy of a control manifest.
- 6) In violation of the provision of Article 12-4, the person who issued a control manifest with entering the false information.
- 7) The person who made the false registration when registering under the provision of Paragraph 1 of Article 12-5.
- 8) In violation of the provision of Paragraph 2 or 3 of Article 12-5, the person who did not report or report the false information.

## **Article 30**

A person described in any of Items 1) to 6) of this Article shall be fined 300,000yen or less:

- 1) One who fails to keep books or enter the prescribed particulars in them in violation of Paragraph 11 of Article 7 (or the same provision applied in accordance with Paragraph 11 of Article 12, Paragraph 12 of Article 12-2, Paragraph 11 of Article 14 or Paragraph 12 of Article 14-4 ), makes false entries or fails to store the said books in violation of Paragraph 12 of Article 7 (or the same provision applied in accordance with Paragraph 7 of Article 12, Paragraph 8 of Article 12-2 and Paragraph 12 of Article 14-4 ).
- 2) One who fails to make the report prescribed by Paragraph 3 of Article 7-2 (or the same provision applied in accordance with 3 of Article 14-2 or Paragraph 3 of Article 14-5 ), 3 of Article 9 (or the same provision applied in accordance with Paragraph 3 of Article 15-2-4 ), Paragraph 4 of Article 9 (or the same provision applied in accordance with 3 of Article 15-2-4 ) or Paragraph 2 of Article 9-7 (or the same provision applied in accordance with Article 15-4 ) or makes a false report.
- 3) One who fails to record, makes a false record or fails to prepare the said record in violation of Article 8-4( or the same provision applied in accordance with Article 15-2-3).
- 4) One who fails to appoint an industrial waste manager in violation of Paragraph 6 of Article 12 or a specially controlled industrial waste manager in violation of Paragraph 6 of Article 12-2.
- 5) One who fails to make the report (except for the matters concerning the information processing center, the same will apply hereinafter) prescribed by Article 18 or makes a false report.
- 6) One who denies access for the inspection or the collection of samples mentioned in Paragraph 1 or 2 of Article 19, or impedes or avoids the said inspection or sample collecting action.
- 7) One who fails to place technical manager in charge of the technical work in violation of Paragraph 1 of Article 21.

## **Article 31**

When coming under any of the following Items, the officer or personnel of the information processing center or waste management center committing the violating act shall be punished with a fine of 300,000 yen or less.

- 1) When discontinued all of the information processing works without obtaining the permission specified in Article 13-6.
- 2) When failed to provide books or enter in the books or entered false entries in violation of the provision of Article 13-8, or failed to keep the books in violation of the provision of Article 13-8.
- 3) When failed to make the report under the provision of Paragraph 1 of Article 13-9, Paragraph 1 of Article 15-13 or Article 18 or made a false report.
- 4) When refused, obstructed or evaded the inspection under the provision of Paragraph 1 of Article 13-9 or Paragraph 1 of Article 15-13.

### **Article 32**

When a representative of a legal parson or an agent, employee or any other worker of a legal parson or an individual did an act violating of the provisions cited in the following Items with respect to the works of the legal parson or individual person, the actual offender shall be punished, and further the legal parson shall have a fine specified in the applicable Item imposed, and the individual person shall have a fine under this Article imposed.

- 1) Item 8) of Article 25 (limited to the cases only relating to industrial waste): A fine of 100,000,000 yen or less.
- 2) Article 25 (except for the cases of the preceding Item), Article 26 or Articles 28 through 30: A fine under this Article.

### **Article 33**

One who attaches the qualification "registered waste recycling business" to his/her own name in violation of Paragraph 3 of Article 20-2 shall be fined 100,000 yen or less.