

# Sewerage Act (Tentative translation)

(Act No. 79 of April 24, 1958)

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## **Chapter I-1 General Provisions**

(Purpose)

Article 1 The purpose of this Act is to contribute to the sound development of cities and improvement of public health and to preservation of water quality in public water areas, by prescribing matters relating to comprehensive basin-wide planning of sewerage systems and standards, etc., on installation and other administrative operations of Public Sewerage Systems, Regional Sewerage Systems, and Urban Storm Drainage Systems to develop Sewerage Systems.

(Definitions of Terms)

Article 2 In this Act, the meanings of the terms listed in the following items are as prescribed respectively in those items:

(i) the term "Sewage" means wastewater caused by or incidental to human life or business (excluding business of cultivation) (hereinafter referred to as "Sanitary Wastewater") or rainwater;

(ii) the term "Sewerage System" means an aggregate of facilities including private sewers, drainers, and other drainage facilities (excluding irrigation drainage facilities) that are installed to remove Sewage; treatment facilities that are installed to be connected to such facilities to treat Sewage (excluding human excreta septic tanks); or pump facilities, storage facilities, and other facilities that are installed to supplement such facilities;

- (iii) the term "Public Sewerage System" means a Sewerage System that falls under any of the following items:
  - (a) a Sewerage System that is managed by a local government to remove or treat Sewage mainly in urban areas and has a Sewage Treatment Plant or is connected to a Regional Sewerage System, and a considerable part of drainage facilities which remove Sanitary Wastewater consists of covered conduits; or
  - (b) a Sewerage System that is managed by a local government only to remove rainwater mainly in urban areas and which discharges said rainwater into public water areas including rivers or sea areas or is connected to a Regional Sewerage System;
- (iv) the term "Regional Sewerage System" means a Sewerage System that falls under any of the following items:
  - (a) a Sewerage System that is managed by a local government mainly to accept, remove, and treat Sewage that was removed through Sewerage Systems managed by local governments and removes Sewage from two or more municipalities and which has a Sewage Treatment Plant; or
  - (b) a Sewerage System that is managed by a local government only to accept rainwater removed through Public Sewerage Systems (limited to those with Sewage Treatment Plants or those falling under (b) of the preceding item) to discharge said rainwater into public water areas including rivers or sea areas and removes Sewage from two or more municipalities, and which has a facility to adjust the flow volume of said rainwater;
- (v) the term "Urban Storm Drainage System" means a Sewerage System that is managed by a local government to remove Sewage mainly in urban areas (excluding Public Sewerage Systems and Regional Sewerage Systems) and the scale of which is beyond the scale specified by Cabinet Order and which is designated as such by said local government pursuant to the provisions of Article 27;
- (vi) the term "Sewage Treatment Plant" means a treatment facility that is established as a sewerage facility to finally treat and discharge Sewage into public water areas including rivers or sea areas and facilities supplementing said treatment facility;
- (vii) the term "Drainage Area" means an area where Sewage can be removed through a Public Sewerage System and which is publicly notified as such pursuant to the provision of Article 9, paragraph (1);
- (viii) the term "Treatment Area" means a Drainage Area where removed Sewage can be treated at a Sewage Treatment Plant and which is publicly notified as such under Article 9, paragraph (1), as applied mutatis mutandis pursuant to paragraph (2) of the same Article;
- (ix) the term "Flood Damage" means damage to the lives, bodies, and properties

of citizens incurred by flooding in a Drainage Area that is caused by inability to discharge rainwater into drainage facilities when a temporal and massive rainfall occurs or inability to remove said rainwater from drainage facilities into public water areas including rivers or sea areas.

## **Chapter I-2 Comprehensive Basin-Wide Plans of Sewerage Systems**

- Article 2-2 (1) A prefecture must set forth a comprehensive basic plan (hereinafter referred to as a "Comprehensive Basin-Wide Plan of Sewerage Systems") in accordance with the provision of Article 16, paragraph (1), of the Basic Environment Act (Act No. 91 of 1993) with regard to public water areas including rivers or sea areas for which standards on environmental conditions for water pollution that are desired to be maintained to preserve the living environment (hereinafter referred to as "Environmental Water Quality Standards") are prescribed and which fall under the requirements specified by Cabinet Order, in order to have its environmental conditions meet said Environmental Water Quality Standards, for the respective public water areas or sea areas.
- (2) The following matters must be included in a Comprehensive Basin-Wide Plan of Sewerage Systems pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism:
- (i) basic policy for developing Sewerage Systems;
  - (ii) matters concerning areas where Sewage needs to be removed and treated through Sewerage Systems;
  - (iii) matters concerning location, structure, and capacity of fundamental facilities of Sewerage Systems pertaining to the areas specified in the preceding item;
  - (iv) matters concerning the implementation order of development projects of Sewerage Systems pertaining to the areas specified in item (ii); and
  - (v) in the case of a Comprehensive Basin-Wide Plan of Sewerage System prescribed for public water areas or sea areas referred to in the preceding paragraph that fall under requirements specified by Cabinet Order as ones a nitrogen or phosphorus content of Sewage discharged into which should be reduced to preserve its water quality, matters concerning a target volume of reduction of the nitrogen or phosphorus content of Sewage discharged from Sewage Treatment Plants of the Sewerage Systems in the areas specified in item (ii) for every said Sewage Treatment Plant (hereinafter simply referred to as a "Reduction Target") and reduction methods.
- (3) A Comprehensive Basin-Wide Plan of Sewerage Systems must be prescribed considering the following matters:
- (i) topography, precipitation, river flow, and other natural conditions in said

- areas;
- (ii) prospects for land use in said areas;
  - (iii) prospects for use of water pertaining to said public water area;
  - (iv) prospects for the quantity and water quality of Sanitary Wastewater in said areas;
  - (v) conditions of waters into which Sewage is discharged; and
  - (vi) a cost-effectiveness analysis on development of Sewerage Systems.
- (4) A local government that manages a Sewage Treatment Plant for which a Reduction Target is specified in a Comprehensive Basin-Wide Plan of Sewerage Systems (hereinafter referred to as a "Specified Sewage Treatment Plant") with the structure that enables water quality pertaining to a nitrogen or phosphorus content of Sewage discharged to conform to standards specified by Cabinet Order (hereinafter referred to as an "Advanced Sewage Treatment Plant") may, when it reduces the nitrogen or phosphorus content more than the Reduction Target specified for said Advanced Sewage Treatment Plant, notify its prefecture to the effect that a certain part of the nitrogen or phosphorus content reduced more than the Reduction Target is to be reduced on behalf of another local government as the equivalent of a part of the Reduction Target specified for a Specified Sewage Treatment Plant managed by said another local government (limited to the one which is connected to the same Sewerage Systems as said Advanced Sewage Treatment Plant and which is in the areas specified in paragraph (2), item (ii)), with the prior consent of said another local government, as specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (5) The prefecture that was notified under the preceding paragraph may, in matters provided for in paragraph (2), item (v), include matters concerning the reduction method of the nitrogen or phosphorus content pertaining to said notification; the planned expenses required for administrative operations including installation, reconstruction, point repair, and maintenance of said Advanced Sewage Treatment Plant; and the cost borne by said another local government.
- (6) When a prefecture intends to set forth a Comprehensive Basin-Wide Plan of Sewerage Systems (except for the plans prescribed in the following paragraph) pursuant to the provision of paragraph (1), it must hear the opinions of the relevant municipalities in advance.
- (7) When a prefecture intends to set forth a Comprehensive Basin-Wide Plan of Sewerage Systems pursuant to the provision of paragraph (1) for all or a part of public water areas including rivers connected to a water system extending over two or more prefectures or sea areas in which water pollution is caused by Sanitary Wastewater generated in two or more prefectures, it must hear the opinions of the relevant prefectures and municipalities in advance and must

consult with the Minister of Land, Infrastructure, Transport and Tourism as specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

- (8) The Minister of Land, Infrastructure, Transport and Tourism must consult with the Minister of the Environment in the case of consultation under the provision of the preceding paragraph.
- (9) If a prefecture needs to change a Comprehensive Basin-Wide Plan of Sewerage Systems in the case where the Environmental Water Quality Standards specified in paragraph (1) are revised, matters specified in the items of paragraph (3) are changed, or, in other cases, it must change said Comprehensive Basin-Wide Plan of Sewerage Systems without delay. The provisions of paragraphs (2)–(8) apply mutatis mutandis to this case.

## **Chapter II-1 Public Sewerage Systems**

### **Section 1 Management of Public Sewerage Systems**

(Management)

Article 3 (1) Municipalities are to conduct installation, reconstruction, point repair, maintenance, and any other administrative operations of Public Sewerage Systems.

- (2) Notwithstanding the provision of the preceding paragraph, if two or more municipalities benefit from a Public Sewerage System and such Public Sewerage System is deemed difficult to be installed only by the relevant municipalities, the competent prefecture may consult with the relevant municipalities and conduct installation, reconstruction, repair, maintenance, and any other administrative operations of said Public Sewerage System. In this case, when the relevant municipalities intend to participate in the consultation, said consultation must be approved by the municipal assemblies in advance.

(Formulation of Implementation plans)

Article 4 (1) When a person that manages a Public Sewerage System pursuant to the provisions of the preceding Article (hereinafter referred to as a "Public Sewerage System Administrator") intends to install a Public Sewerage System, it must set forth an implementation plan in advance pursuant to the provisions of Cabinet Order.

- (2) When a Public Sewerage System Administrator intends to set forth an implementation plan pursuant to the provision of the preceding paragraph, it must consult with the relevant prefectural governor (the Minister of Land, Infrastructure, Transport and Tourism in case of an implementation plan of a Public Sewerage System installed by a prefecture) in advance pursuant to the

provisions of Cabinet Order.

- (3) When the Minister of Land, Infrastructure, Transport and Tourism is consulted under the provision of the preceding paragraph (excluding consultation pertaining to a Public Sewerage System, which falls under Article 2, item (iii), (b) (hereinafter referred to as a "Rainwater Public Sewerage System")), said minister must hear the opinions of the Minister of the Environment from the viewpoint of health and hygiene, except in the cases specified by Cabinet Order.
- (4) Notwithstanding the provision of paragraph (2), when a Public Sewerage System Administrator that is prefecture intends to set forth an implementation plan of a Public Sewerage System in an area where a Comprehensive Basin-Wide Plan of Sewerage Systems is prescribed, consultation under the provision of the same paragraph is not required. In this case, when said Public Sewerage System Administrator sets forth an implementation plan, the administrator must notify the Minister of Land, Infrastructure, Transport and Tourism to that effect without delay as specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
- (5) When the Minister of Land, Infrastructure and Transport receives the notification under the provision of the preceding paragraph (excluding ones pertaining to Rainwater Public Sewerage Systems), said minister is to notify the Minister of the Environment of the content of said notification except in the cases specified by Cabinet Order.
- (6) The provisions of preceding paragraphs apply mutatis mutandis to changes in an implementation plan of a Public Sewerage System (excluding minor changes specified by Cabinet Order).

(Matters that should be specified in an implementation plan)

Article 5 (1) The implementation plan referred to in paragraph (1) of the preceding Article must set forth the following matters:

- (i) location, structure, and capacity and the method and frequency of inspections of the drainage facilities (including facilities supplementing said facilities);
- (ii) location, structure, and capacity of the Sewage Treatment Plant if it is built;
- (iii) location, structure, and capacity of the treatment facilities other than the Sewage Treatment Plants (including facilities supplementing said facilities) if said facilities are built;
- (iv) if the Public Sewerage System prescribed in the implementation plan is connected to Regional Sewerage Systems, their connection points;
- (v) the planned Treatment Area (the planned Drainage Area pertaining to a Rainwater Public Sewerage System, the same applies in item (iii) of the

- following Article); and
- (vi) the scheduled dates of the commencement and completion of construction.
- (2) Matters necessary for preparing the implementation plan prescribed in the preceding paragraph including preparation methods of said plan are specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Requirements for the Implementation plan)

Article 6 The implementation plan referred to in Article 4, paragraph (1), must fall under the following requirements:

- (i) the location and capacity of the Public Sewerage System are prescribed properly considering precipitation, population, and other factors that are likely to affect the quantity and water quality of Sewage (including the conditions of water such as water temperature; the same applies hereinafter), topography and the status of land use in the relevant area, and conditions of waters into which Sewage is discharged;
- (ii) the structure of the Public Sewerage System conforms to technical standards prescribed in the following Article, and the method and frequency of the inspection of the drainage facilities conform to technical standards referred to in Article 7-2, paragraph (2);
- (iii) the planned Treatment Area corresponds to the location and capability of the drainage facilities and the Sewage Treatment Plant (drainage facilities in case of Rainwater Public Sewerage Systems);
- (iv) the implementation plan pertaining to a Public Sewerage System that is connected to a Regional Sewerage System (hereinafter referred to as a "Public Sewerage System Connected to Regional Sewerage System") corresponds to the implementation plan of the Regional Sewerage System;
- (v) the implementation plan conforms to the Comprehensive Basin-Wide Plan of Sewerage Systems concerning the relevant area if such plan is prescribed; and
- (vi) if a city plan is set forth concerning said area pursuant to the provisions of Chapter II of the City Planning Act (Act No. 100 of 1968) or if a city planning project is permitted or approved pursuant to the provisions of Article 59 of the same Act, the time of installation and construction of the Public Sewerage System conforms to the city plan or the city planning project.

(Standards on Structure)

Article 7-1 (1) The structure of a Public Sewerage System must conform to technical standards specified by Cabinet Order from the standpoint of avoiding occurrence of serious public health risks and significant effects on water quality of the public water area.

(2) In addition to what is provided for in the preceding paragraph, the structure of a Public Sewerage System must conform to technical standards specified by an ordinance of the local government which is the Public Sewerage System Administrator taking into consideration the standards specified by Cabinet Order.

(Maintenance or Repair of a Public Sewerage System)

Article 7-2 (1) Public Sewerage System Administrators shall maintain and repair Public Sewerage Systems to maintain a Public Sewerage System in good operating condition, thereby must endeavor to avoid occurrence of significant public health risks and effects on water quality of public water areas.

(2) Technical standards concerning the maintenance or repair of Public Sewerage Systems and other necessary matters are prescribed by Cabinet Order.

(3) Technical standards referred to in the preceding paragraph must include standards concerning implementation of inspections to repair Public Sewerage Systems efficiently and emergency measures to maintain functions of Public Sewerage Systems in the event of disasters.

(Standards on Water Quality of Final Effluent)

Article 8 The water quality of water discharged from Public Sewerage Systems to public water areas including rivers or sea areas (hereinafter referred to as "Final Effluent from Public Sewerage Systems") must conform to technical standards specified by Cabinet Order.

(Public Notice on Commencement of Services)

Article 9 (1) When a Public Sewerage System Administrator intends to commence services of a Public Sewerage System, it must make a public notice of the date when services should be commenced, the area where Sewage should be removed, and other matters prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and must make drawings indicating the Public Sewerage System available for public inspection at the office of the local government which is said Public Sewerage System Administrator. The same applies if it intends to change the matters that were publicly notified.

(2) The provision of the preceding paragraph applies mutatis mutandis to the cases in which a Public Sewerage System Administrator intends to commence the treatment of Sewage using a Sewage Treatment Plant or in which treatment of Sewage using a Sewage Treatment Plant of the Regional Sewerage System to which said Public Sewerage System is connected is commenced. In this case, the terms "date when services should be commenced," "area where Sewage should be removed," and "Ordinance of the Ministry of



Land, Infrastructure, Transport and Tourism" in the same paragraph are to be deemed to be replaced respectively with "date when treatment of Sewage should be commenced," "area where Sewage should be treated," and "Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Ordinance of the Ministry of the Environment."

(Installation of Private Sewers)

Article 10 (1) When services of a Public Sewerage System are commenced, owners, users, or possessors of land inside the Drainage Area of said Public Sewerage System must install drainage facilities including private sewers and drainers necessary to discharge Sewage of the land into the Public Sewerage System (hereinafter referred to as "Private Sewers") without delay in accordance with the following categories; provided, however, that this does not apply when they have received permission of the relevant Public Sewerage System Administrator due to special circumstances and in any other cases specified by Cabinet Order:

(i) if the land is a site of a building, the owner of said building;

(ii) if land is not a site of a building, the owner of said land (excluding land specified in the following item); and

(iii) if the land is the site of public facilities including roads (roads provided for by the Road Act (Act No. 180 of 1952)), a person that should manage said public facilities.

(2) Reconstruction or point repair of installed Private Sewers pursuant to the provisions of the preceding paragraph is to be performed by the person that should install them pursuant to the provisions of the same paragraph, and the possessor of said land (the person that should manage said public facility with regard to land provided for by item (iii) of the preceding paragraph) must perform cleaning and other maintenance operations.

(3) If laws and regulations including the Building Standards Act (Act No. 201 of 1950) are applicable, installation or structure of the Private Sewers provided for by paragraph (1) must comply with such laws and regulations in addition to technical standards specified by Cabinet Order.

(Obedience on Drainage)

Article 11 (1) When it is difficult for a person that should install Private Sewers pursuant to the provision of paragraph (1) of the preceding Article to discharge Sewage into a Public Sewerage System unless it uses land or Private Sewers of other persons, such a person may install Private Sewers in the land of other persons or use Private Sewers that other persons installed. In this case, such a person must choose a place or part and a method that cause minimum damage to the land or Private Sewers of other persons.

- (2) The person that uses Private Sewers of other persons pursuant to the provision of the preceding paragraph must bear the expenses required for installation, reconstruction, point repair, and maintenance in proportion to the benefit the person enjoys.
- (3) A person that may install Private Sewers in land of other persons pursuant to the provision of paragraph (1) or a person who must maintain said Private Sewers pursuant to the provision of paragraph (2) of the preceding Article may use land of other persons if it is unavoidable for such person to install, reconstruct, point repair, or maintain said Private Sewers. In this case, such a person must notify possessors of said land to that effect in advance.
- (4) If a person that used land of other persons pursuant to the provision of the preceding paragraph causes damage to other persons from said usage, such a person must compensate said other persons for losses that would normally occur.

(Notification of Commencement of Use)

Article 11-2 (1) A person that intends to use Public Sewerage Systems by continuing to remove Sewage with the quantity or water quality specified by Cabinet Order must notify the relevant Public Sewerage System Administrator of the quantity or water quality and the time of commencement of use as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism in advance. The same applies when such a person intends to change the quantity or water quality of Sewage pertaining to the notification.

- (2) A person installing a specified facility specified in Article 2, paragraph (2), of the Water Pollution Control Act (Act No. 138 of 1970) or a facility targeted for Effluent Emission Standards specified in Article 12, paragraph (1), item (vi), of the Act on Special Measures against Dioxins (Act No. 105 of 1999) (hereinafter simply referred to as a "Specified Facility") who intends to use a Public Sewerage System to continuously remove Sewage must notify the relevant Public Sewerage System Administrator of the time of commencement of use in advance as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism, unless such a person notifies pursuant to the provision of the preceding paragraph.

(Obligation of Remodeling to Flush Toilets)

Article 11-3 (1) A person that owns a building furnished with vault toilets in a Treatment Area must remodel the toilets into flush toilets (limited to ones connected to Public Sewerage Systems; the same applies hereinafter) within three years from the date when treatment of Sewage should be commenced, which is publicly notified pursuant to the provision of Article 9, paragraph (1),

as applied mutatis mutandis pursuant to paragraph (2) of the same Article with regard to said Treatment Area.

- (2) The provision of the preceding paragraph does not apply to an owner of a building furnished with a toilet that does not conform to the provision of Article 31, paragraph (1), of the Building Standards Act.
- (3) A Public Sewerage System Administrator may order a person that violates the provision of paragraph (1) to remodel said vault toilets into flush toilets specifying a reasonable period of time, provided, however, that this does not apply in cases where said building is planned to be disposed or transferred in the near future and where circumstances make it difficult to procure funds to remodel said toilets into flush toilets and in any other cases where reasonable grounds are found not to remodel said vault toilets into flush toilets.
- (4) The preceding paragraph applies to a person that acquired ownership of said building pertaining to violation of paragraph (1) after the period of time referred to in the same paragraph.
- (5) A municipality is to endeavor to provide the person that intends to remodel vault toilets into flush toilets with accommodation or mediation of necessary funds, arrangement of settlement when a conflict occurs between persons who are interested in the remodeling, or any other supports.
- (6) The State endeavors to provide a municipality with accommodation or mediation of necessary funds if the municipality accommodates funds as referred to in the preceding paragraph.

(Installation of Pretreatment Facilities for Discharge to Sewerage Systems)

- Article 12-1 (1) A Public Sewerage System Administrator may provide for, by prefectural/municipal ordinance, to the effect that a person that uses a Public Sewerage System by continuously removing Sewage that is likely to significantly disrupt functions of the relevant Public Sewerage System or Regional Sewerage System or to damage facilities of the relevant Public Sewerage System or Regional Sewerage System must install a facility necessary for eliminating obstructions caused by Sewage (hereinafter referred to as a "Pretreatment Facility for Discharge to Sewerage Systems") or take necessary measures in accordance with standards specified by Cabinet Order.
- (2) The prefectural/municipal ordinance referred to in the preceding paragraph must be the minimum necessary to preserve functions and structure of Public Sewerage Systems or Regional Sewerage Systems and must not impose undue obligations to persons who use Public Sewerage Systems.

(Restriction on Removal of Sewage from Specific Factories)

- Article 12-2 (1) A person that uses a Public Sewerage System (limited to one with a Sewage Treatment Plant installed or one connected to a Regional

Sewerage System with a Sewage Treatment Plant installed; the same applies to this Article, the following Article, Article 12-5, Article 12-9, Article 12-11 paragraph (1), and Article 37-2) to remove Sewage from a plant or factory furnished with a Specified Facility (excluding one specified by Cabinet Order; the same applies hereinafter except for Article 12-12, Article 18-2, and Article 39-2) (hereinafter referred to as a "Specified Factory") must not remove Sewage whose water quality does not conform to standards specified by Cabinet Order at the outlets to said Public Sewerage System, except in cases specified by Cabinet Order.

- (2) The standards specified by Cabinet Order referred to in the preceding paragraph are to provide for the quantity of substances contained in Sewage that is likely to cause damage to human health or living environment and which is difficult to treat at Sewage Treatment Plants, for each kind of said substances, to the extent necessary to make water quality of water discharged from Public Sewerage Systems or water discharged from Regional Sewerage Systems into the public water areas including rivers or sea areas (hereinafter referred to as "Water Discharged from Regional Sewerage Systems") conform to technical standards prescribed in Article 8 (including the cases where it is applied mutatis mutandis pursuant to Article 25-18; the same applies to paragraph (4) of this Article (including the cases where it is applied mutatis mutandis pursuant to Article 12-11, paragraph (2), and Article 13, paragraph (1)).
- (3) Other than the standards pertaining to substances specified by Cabinet Order referred to in the preceding paragraph, a Public Sewerage System Administrator may, in accordance with standards specified by Cabinet Order, provide for standards of water quality of Sewage discharged from Specified Factories into Public Sewerage Systems by a prefectural/municipal ordinance.
- (4) The prefectural/municipal ordinance referred to in the preceding paragraph must be the minimum necessary for water quality of final effluent from Public Sewerage Systems or final effluent from Regional Sewerage Systems to conform to technical standards specified in Article 8, and must not impose undue obligations to persons who use Public Sewerage Systems.
- (5) If a Public Sewerage System Administrator provides for standards of water quality in a prefectural/municipal ordinance pursuant to the provision of paragraph (3), a person that uses a Public Sewerage System removing Sewage from a Specified Factory must not remove Sewage whose water quality does not conform to the standards specified by said prefectural/municipal ordinance at outlets to said Public Sewerage System except in cases specified by Cabinet Order.
- (6) The provisions of paragraph (1) and the preceding paragraph do not apply to sewage discharged into a Public Sewerage System from plant or factory which

is installed with a facility by a person that installed it in fact at the time when it turned to be a Specified Facility (including a person that constructed the facility) for six months from the date when said facility turned to be a Specified Facility (for one year if said facility is a facility specified by Cabinet Order), provided, however, that this does not apply if said plant or factory has already been a Specified Factory when said facility turns to be a Specified Facility and if any provision of prefectural/municipal ordinances of the relevant local government that are applicable to said person and which are equivalent to the provisions set forth in paragraph (1) and the preceding paragraph with regard to water quality of Sanitary Wastewater discharged into public water areas including rivers or sea areas exists (except where there are no punitive provisions for the violation thereof).

(Notification of Installation of a Specified Facility)

Article 12-3 (1) If a person that uses a Public Sewerage System to continuously remove Sewage from a plant or factory intends to install a Specified Facility at said plant or factory, such a person must notify the relevant Public Sewerage System Administrator of the following matters as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism:

- (i) name and address of the person, as well as the name of the representative if the person is a juridical person;
- (ii) name and location of the plant or factory;
- (iii) type of the Specified Facility;
- (iv) structure of the Specified Facility;
- (v) method of use of the Specified Facility;
- (vi) method of treatment of Sanitary Wastewater discharged from the Specified Facility; and
- (vii) quantity and water quality of Sewage discharged into Public Sewerage Systems and any other matters prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) A person that installed a facility in fact when said facility turned to be a Specified Facility (including a person that constructed the facility) and that uses a Public Sewerage System to continuously remove Sewage from a plant or factory relating to said facility must notify Public Sewerage System Administrators of matters specified in each item of the preceding paragraph within 30 days from the date when said facility turned to be a Specified Facility as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) If a person that installed a Specified Facility has commenced to use a Public Sewerage System to continuously remove Sewage from a plant or factory with said Specified Facility installed, such a person must notify the relevant Public

Sewerage System Administrator of matters specified in each item of paragraph (1) as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism within 30 days from the date of the commencement of usage unless it has notified pursuant to the provisions of the preceding two paragraphs.

(Notification of Changes in Structure of a Specified Facility)

Article 12-4 When a person that notified pursuant to the provisions of the preceding Article intends to make any change with regard to matters specified in paragraph (1), items (iv) to (vii), of the same Article pertaining to notification, such a person must notify the relevant Public Sewerage System Administrator to that effect as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Order to Change a Plan)

Article 12-5 If a notification under the provisions of Article 12-3, paragraph (1) or the preceding paragraph, is made, and if a Public Sewerage System Administrator finds that the water quality of Sewage discharged from said Specified Factory to a Public Sewerage System does not conform to the standards specified by Cabinet Order referred to in Article 12-2, paragraph (1), or standards specified by prefectural/municipal ordinances under paragraph (3) of the same Article at the outlets to the Public Sewerage System, it may order the person that made the notification to change the plan concerning structure or method of use of the Specified Facility pertaining to the notification or the treatment method of Sanitary Wastewater discharged from the Specified Facility or to abolish the plan concerning installation of the Specified Facility pertaining to the notification under Article 12-3, paragraph (1), within 60 days from the date when the notification was accepted.

(Restriction on Implementation)

Article 12-6 (1) The person that made a notification under the provisions of Article 12-3, paragraph (1), or Article 12-4 must not install the Specified Facility pertaining to the notification or change structure or method of use of the method of the Specified Facility or the treatment method of Sanitary Wastewater discharged from the Specified Facility until 60 days have elapsed from the date when the notification was accepted.

(2) A Public Sewerage System Administrator may shorten the period referred to in the preceding paragraph if it finds that the contents of the matters pertaining to the notification under Article 12-3, paragraph (1), or Article 12-4 are reasonable.

(Notification of Changes in Names)

Article 12-7 When a person that made the notification under the provision of Article 12-3 makes changes in matters specified by paragraph (1), item (i) or item (ii), of the same Article pertaining to the notification or abolishes the use of a Specified Facility, such a person must notify the relevant Public Sewerage System Administrator to that effect within 30 days from the date of abolishment.

(Succession)

Article 12-8 (1) A person that accepts or borrowed a Specified Facility pertaining to the notification under the provision of Article 12-3 succeeds the status of the person that made said notification.

(2) If inheritance, merger, or split occurs with regard to the person that made a notification under the provision of Article 12-3 (limited to that makes the Specified Facility pertaining to the notification succeed), the juridical person that will survive after merger, that is established through merger, or that succeeds said Specified Facility through split succeeds the status of the person that made said notification.

(3) A person that succeeds the status of the person that made said notification under the provision of Article 12-3 pursuant to the provisions of the preceding two paragraphs must notify the relevant Public Sewerage System Administrator to that effect within 30 days from the date of the succession.

(Measures in Case of Accidents)

Article 12-9 (1) If an accident occurs and it is feared that sewage containing substance which is likely to cause damage to human health or living environment or containing what is specified as oil by Cabinet Order is discharged from the Specified Factory and flows into Public Sewerage systems, a person that uses a Public Sewerage System removing Sewage from a Specified Factory must take emergency measures to prevent said Sewage from being discharged immediately except in cases provided for by Cabinet Order, and must notify the relevant Public Sewerage System Administrator of the status of the accident and the outline of the measures taken.

(2) If the Public Sewerage System Administrator finds that the person that uses the Public Sewerage System removing Sewage from the Specified Factory has not taken the emergency measures referred to the preceding paragraph, it may order said person to take the emergency measures referred to in the same paragraph.

(Notice to Regional Sewerage System Administrators)

Article 12-10 (1) When an administrator of a Public Sewerage System Connected

to Regional Sewerage System receives a notification under the provisions of Article 12-3, Article 12-4, Article 12-7, or Article 12-8, paragraph (3), and when it orders pursuant to the provision of the Article 12-5, it must notify the administrator of the Regional Sewerage System pertaining to said Public Sewerage System Connected to Regional Sewerage System (excluding a Regional Sewerage System that falls under Article 2, item (iv), (b) (hereinafter referred to as a "Rainwater Regional Sewerage System")), without delay, of matters pertaining to said notification and of the content of said order in the respective cases.

- (2) When an administrator of a Public Sewerage System Connected to Regional Sewerage System receives a notification under the provision of paragraph (1) of the preceding Article and when it orders under the provision of paragraph (2) of the same Article, it must notify promptly the administrator of the Regional Sewerage System pertaining to said Public Sewerage System Connected to Regional Sewerage System of matters pertaining to said notification and of the content of said order in the respective cases.

(Installation of Pretreatment Facilities for Discharge to Sewerage Systems)

Article 12-11 (1) A Public Sewerage System Administrator may provide for in a prefectural/municipal ordinance to the effect that a person that uses a Public Sewerage System continuously discharging the following types of Sewage (excluding that which should not be discharged into Public Sewerage Systems pursuant to the provision of Article 12-2, paragraph (1) or paragraph (5)) must establish a Pretreatment Facility for Discharge to Sewerage Systems or take necessary measures:

- (i) whose sewage water quality does not conform to standards specified by Cabinet Order in terms of substances specified by Cabinet Order as provided for by Article 12-2, paragraph (2); and
  - (ii) whose sewage water quality conforms to standards specified by Cabinet Order (excluding that pertaining to substances specified by Cabinet Order as provided for by Article 12-2, paragraph (2)) but does not conform to standards prescribed in prefectural/municipal ordinances.
- (2) The provision of Article 12-2, paragraph (4), applies mutatis mutandis to the prefectural/municipal ordinance referred to in the preceding paragraph.

(Obligation to Measure Water Quality)

Article 12-12 Persons that use Public Sewerage Systems continuously removing Sewage with water quality as specified by Cabinet Order and that are specified by Cabinet Order as such and persons that install Specified Facilities that use Public Sewerage Systems continuously removing Sewage must measure the water quality of said Sewage and record the results as provided for by the



Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Inspection of Private Sewers)

- Article 13 (1) A Public Sewerage System Administrator may allow its officials to enter land or a building of other persons in the Drainage Area and to inspect Private Sewers, Specified Facilities, Pretreatment Facilities for Discharge to Sewerage Systems, or any other items, to the extent necessary to preserve functions and structures of Public Sewerage Systems or Regional Sewerage Systems and have the water quality of final effluent from Public Sewerage Systems or Regional Sewerage Systems conform to technical standards under Article 8, provided, however, that if such officials enter buildings used as a residence of any person, consent of the person must be obtained.
- (2) Pursuant to the provision of the preceding paragraph, the officials who perform inspection must carry identification proving their status and present them to any person concerned when requested.
- (3) The authority to conduct an on-site inspection pursuant to the provision of paragraph (1) must not be construed as that approved for the purpose of criminal investigation.

(Restriction of Use)

- Article 14 (1) When a Public Sewerage System Administrator executes construction concerning a Public Sewerage System or if it is notified under the provision of Article 25-15, paragraph (2), or if there is any other unavoidable reason, it may restrict use of said Public Sewerage System by designating all or a part of the Drainage Area.
- (2) When the Public Sewerage System Administrator intends to restrict use of the Public Sewerage System pursuant to the provision of the preceding paragraph, it must take a measure to notify persons concerned of the area and the dates it intends to restrict its use and the time if it intends to execute time restriction.

(Construction of Combination Structures)

Article 15-1 If facilities of a Public Sewerage System serve also as roads, embankment, or other public facilities or structures (hereinafter referred to as "Other Structures"), a Public Sewerage System Administrator may, after consulting with the administrator of said Other Structures, allow said administrator to execute construction or maintenance of said facilities of the Public Sewerage System.

(Conclusion of Agreements for Maintenance and Repair in Times of Disaster)

Article 15-2 If a Public Sewerage System Administrator deems it necessary to

prescribe in advance that persons other than the Public Sewerage System Administrator may execute construction for specified maintenance or repair of facilities of Public Sewerage Systems in times of disaster aiming at avoiding occurrence of significant public health risks or significant effects on water quality of public water areas, it may conclude agreements with a person that is deemed to have ability to execute construction for maintenance or repair of facilities of Public Sewerage Systems (referred to as a "Maintenance and Repair Executor in Times of Disaster" in item (ii)) providing for the following items (hereinafter referred to as an "Agreement for Maintenance and Repair in Times of Disaster"):

- (i) facilities of Public Sewerage Systems subject to the Agreements for Maintenance and Repair in Times of Disaster (hereinafter referred to as "Sewerage System Facilities under Agreement");
- (ii) the content of construction relating to maintenance or repair of the Sewerage System Facilities under Agreement that is executed by the Maintenance and Repair Executor in Times of Disaster according to the conditions of Public Sewerage Systems including the extent of damage on their facilities;
- (iii) the method of sharing expenses required for construction relating to maintenance or repair of the Sewerage System Facilities under Agreement specified in the preceding item;
- (iv) the effective period of the Agreement for Maintenance and Repair in Times of Disaster;
- (v) the measures to be taken when the Agreement for Maintenance and Repair in Times of Disaster is violated; and
- (vi) any other necessary matters.

(Construction Executed by a Person Other Than Public Sewerage System Administrators)

Article 16 In addition to the cases provided for in the preceding two Articles, a person other than Public Sewerage System Administrators may execute construction relating to facilities of a Public Sewerage System or maintenance of such facilities by obtaining the approval of the relevant Public Sewerage System Administrator, provided, however, that such approval is not required in case of minor maintenance of facilities of the Public Sewerage System specified by Cabinet Order.

(Expenses of Combination Structures)

Article 17 If facilities of a Public Sewerage System serve also as Other Structures, sharing of expenses required for management of said facilities is to be determined by agreement between the Public Sewerage System

Administrator and the administrator of said Other Structures.

(Burden Charges for Damage)

Article 18 A Public Sewerage System Administrator may have a person that incurred damage on a facility of a Public Sewerage System pay all or part of the expenses required for construction relating to said facility that is necessitated as a result of said person's act to damage said facility to the extent said construction is necessitated.

(Burden Charges on a Person That Caused Pollution)

Article 18-2 If a Public Sewerage System Administrator is collected a special charge pursuant to the provisions of Article 62, paragraph (1), of the Act on Compensation, Etc., of Pollution-Related Health Damage (Act No. 111 of 1973), it may have the installer of the Specified Facility that discharged a substance which caused the water pollution which has influence on designated diseases specified by Article 6 of the same Act pertaining to said special charge (including the installers in the past) into said Public Sewerage System pay all or part of the expenses required for payment of said special charge.

(Beneficiary's Contribution)

Article 19 When reconstruction of a Public Sewerage System is necessitated because Private Sewers that are capable of removing Sewage in the quantity more than that calculated pursuant to the provisions of Cabinet Order are installed, a Public Sewerage System Administrator may have the person that installs said Private Sewers pay all or part of the expenses required for said reconstruction to the extent said reconstruction is necessitated.

(Fees)

Article 20 (1) A Public Sewerage System Administrator may collect fees from persons using Public Sewerage Systems pursuant to the provisions of prefectural/municipal ordinances.

(2) The fees must be provided for pursuant to the following principles:

- (i) the fees are adequate according to the quantity of Sewage, water quality, and modes of use by the users;
- (ii) the fees do not exceed their proper costs under efficient management;
- (iii) the fees are clearly set as fixed rates or fixed amounts; and
- (iv) certain persons are not treated in an unfair and discriminatory manner.

(3) With regard to a Public Sewerage System of which an entrepreneur paid the expenses for installation in accordance with the provisions of the Act on Entrepreneurs' Bearing of the Cost of Public Pollution Control Works (Act No. 133 of 1970), fees that are to be collected from said entrepreneur and other

entrepreneurs must be prescribed considering the expenses paid by said entrepreneur in accordance with the provisions of the same Act, pursuant to standards specified by Cabinet Order.

(Water Quality Inspections of Final Effluent)

Article 21 (1) A Public Sewerage System Administrator must inspect the water quality of final effluent from Public Sewerage Systems and record the results pursuant to the provisions of Cabinet Order.

(2) A Public Sewerage System Administrator must maintain Sewage Treatment Plants pursuant to the provisions of prefectural/municipal ordinance by taking into consideration what is specified by Cabinet Order.

(Treatment of Generated Sludge)

Article 21-2 (1) A Public Sewerage System Administrator must treat accumulation such as sludge produced in sanitary chambers, Sewage Treatment Plants, or other facilities of Public Sewerage Systems, etc., specified by Cabinet Order (referred to as "Generated Sludge" in the following paragraph) properly in accordance with standards specified by Cabinet Order to maintain facilities of Public Sewerage Systems smoothly or to prevent toxic substances from being diffused.

(2) When treating Generated Sludge, a Public Sewerage System Administrator must endeavor to reduce its quantity through dehydration, incineration, etc., and have it recycled as fuel or fertilizers.

(Designer Qualifications)

Article 22 (1) If a Public Sewerage System is installed or reconstructed (excluding the cases specified by Cabinet Order), relevant Public Sewerage System Administrator must not have any person other than those qualified as specified by Cabinet Order perform design of the system (which means formulation of design drawings under its responsibility) or supervision and management of sewerage works (which means verification of construction with the design drawings under its responsibility to confirm if it is performed as specified in such design drawings).

(2) A Public Sewerage System Administrator must have no person other than those qualified as specified by Cabinet Order perform maintenance of Public Sewerage Systems concerning matters specified by Cabinet Order.

(Public Sewerage System Register)

Article 23 (1) A Public Sewerage System Administrator must prepare a register of Public Sewerage Systems it manages (hereinafter referred to as a "Public Sewerage System Register") and keep it in custody.

- (2) Items to be specified in the Public Sewerage System Register and matters necessary to prepare it and keep it in custody are provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and the Ordinance of the Ministry of the Environment.
- (3) A Public Sewerage System Administrator may not reject any request made for inspection of its Public Sewerage System registry.

(Assistance for Flood Control performed by Flood Control Management Associations)

Article 23-2 If matters that require cooperation of a Public Sewerage System Administrator are specified in a flood control plan prescribed in Article 2, paragraph (6), of the Flood Control Act (Act No. 193 of 1949) that is agreed as prescribed in Article 7, paragraph (3), of the same Act as applied mutatis mutandis pursuant to Article 7, paragraph (4), of the same Act (including cases where it is applied mutatis mutandis pursuant to Article 33, paragraph (4), of the same Act) (hereinafter referred to as an "Agreed Flood Control Plan"), a Public Sewerage System Administrator is to assist flood control performed by Flood Control Management Associations (referring to Flood Control Management Associations prescribed in paragraph (2) of the same Article).

(Restriction of Acts)

Article 24 (1) A person that intends to perform the following acts (excluding minor acts specified by Cabinet Order) must obtain permission of a Public Sewerage System Administrator to do so pursuant to the provisions of prefectural/municipal ordinance; the same applies if it intends to change matters for which it has obtained permission (excluding minor changes specified in prefectural/municipal ordinance):

- (i) installation of facilities, structures, and other items connecting or protruding from, across, or longitudinally over part of a structure that is an open conduit of a drainage facility of a Public Sewerage System (excluding cases where said part of installed items is connected to a drainage facility pursuant to the provision of Article 10, paragraph (1));
- (ii) installation of facilities, structures, and other items under the ground of part of a structure that is an open conduit of a drainage facility of a Public Sewerage System; and
- (iii) installation of a drainage facility connecting to part of a structure that is a covered conduit of a drainage facility of a Public Sewerage System (excluding cases where drainage facilities are installed pursuant to the provision of Article 10, paragraph (1)).
- (2) When an application for permission referred to in the preceding paragraph has been made and if the matters pertaining to the application are necessary

and unavoidable and conform to technical standards specified by Cabinet Order, the competent Public Sewerage System Administrator must grant permission.

- (3) A Public Sewerage System Administrator must not have anyone install any facility, structure, or any other items to part of a structure that is a covered conduit of a drainage facility of a Public Sewerage System, except:
- (i) if it installs a drainage facility connecting thereto;
  - (ii) if it consults with the administrator of the facility, structure, or other items in advance to install a covered conduit for common use; and
  - (iii) if it installs the following items and others specified by Cabinet Order as unlikely to impart any major hindrance on management of Public Sewerage Systems connecting to or protruding from, across, or longitudinally over part thereof:
    - (a) a water measure, etc. (which means a Water Measure, Etc., specified in Article 2, paragraph (7), of the Flood Control Act), installed by a flood controller specified in an Agreed Flood Control Plan (which means a Flood Controller specified in Article 2, paragraph (3), of the same Act) or a water measure administrator (which means a Water Measure Administrator specified in Article 10, paragraph (3), of the same Act);
    - (b) electric lines installed by the State, a local government, or a designated telecommunications carrier prescribed in Article 120, paragraph (1), of the Telecommunications Business Act (Act No. 86 of 1984) or any other persons specified by Cabinet Order; and
    - (c) a heat exchanger to exploit heat generated by Sewage installed by the State, a local government, or a heat supply operator prescribed in Article 2, paragraph (3), of the Heat Supply Business Act (Act No. 88 of 1972) or any other persons specified by Cabinet Order.

(Matters Specified by Prefectural/Municipal Ordinances)

Article 25 In addition to matters that are specified in this Act or orders based on this Act, matters necessary for installation and other management operations of facilities of Public Sewerage Systems are to be provided for by prefectural/municipal ordinances of the competent Public Sewerage System Administrator.

## **Section 2 Special Measures in Flood Damage Control Areas**

(Special Provisions Concerning Technical Standards of Private Sewers)

Article 25-2 If a Public Sewerage System Administrator finds that, in order to prevent Flood Damage in a Flood Damage Control Area (which means a Drainage Area that is specified by prefectural/municipal ordinances of the competent Public Sewerage System Administrator as an area where urban

functions are substantially accumulated thereby a significant Flood Damage is likely to occur and which is deemed difficult to prevent Flood Damage only with development of Public Sewerage Systems considering the situation of land use of said area; the same applies hereinafter), it is not sufficient for Private Sewers (which is only for drainage rainwater) to conform to the technical standards specified by Cabinet Order as referred to in Article 10, paragraph (3), thereby it is necessary to provide functions to store rainwater temporarily or have it infiltrate into the ground, it may provide for technical standards concerning temporal storage or infiltration of drainage and rainwater into the ground that should be applied to Private Sewers in lieu of technical standards referred to in the same paragraph, by prefectural/municipal ordinances, in accordance with standards specified by Cabinet Order.

(Conclusion of Management Agreements)

Article 25-3 (1) If a Public Sewerage System Administrator finds it necessary to manage by itself a rainwater storage facility locating inside a Flood Damage Control Area aiming at prevention of Flood Damage therein (limited to facilities the size of which exceeds what is specified by Cabinet Order to be useful to prevent Flood Damage; the same applies hereinafter), it may conclude a management agreement with owners of the rainwater storage facility, etc. (a person or persons that hold said rainwater storage facility or facilities belonging thereto, landowners who hold the site of said facility, or persons that have rights aiming at securing use of and profit from said land (excluding impromptu facilities or other facilities clearly built for temporary use; the same applies in paragraph (1) of the following Article); the same applies hereinafter), to manage said rainwater storage facility.

(2) Unanimous consent by owners of the rainwater storage facility, etc., is necessary to conclude the management agreement under the provision of the preceding paragraph.

Article 25-4 (1) If a Public Sewerage System Administrator finds it necessary to manage by itself a rainwater storage facility that is planned to be constructed or is currently under construction in a Flood Damage Control Area aiming at preventing Flood Damage in a Flood Damage Control Area, it may conclude a management agreement with persons to be owners of the rainwater storage facility, etc. (a person or persons that hold land that is the site of said rainwater storage facility or facilities belonging thereto, or persons that have rights aiming at securing use of and profit from said land; hereinafter referred to as "Planned Owners of a Rainwater Storage Facility, Etc."), to manage said rainwater storage facility after the construction.

(2) Unanimous consent by the Planned Owners of a Rainwater Storage Facility,

Etc., is necessary to conclude the management agreement under the provision of the preceding paragraph.

(Content of Management Agreements)

Article 25-5 (1) The following matters are to be provided for in a management agreement under the provision of Article 25-3, paragraph (1), or paragraph (1) of the preceding Article (hereinafter simply referred to as a "Management Agreement"):

- (i) the rainwater storage facility to be the subject of the management agreement (hereinafter referred to as a "Rainwater Storage Facility under Agreement");
- (ii) matters concerning the management method of the Rainwater Storage Facility under Agreement;
- (iii) the effective period of the Management Agreement; and
- (iv) measures when management agreement is violated.

(2) The content of the Management Agreement must conform to all of the following standards:

- (i) it is not to unduly restrict use of the facility under agreement (which means a Rainwater Storage Facility under Agreement or facilities belonging thereto; the same applies hereinafter);
- (ii) it is to conform to standards prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism concerning matters specified in items (ii)–(iv) of the preceding paragraph.

(Public Inspection of Management Agreements)

Article 25-6 (1) If a Public Sewerage System Administrator intends to conclude a Management Agreement, it must publicly notify to that effect as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and make said Management Agreement available for public inspection by interested parties for two weeks from said date of publication.

(2) When public notice provided for in the preceding paragraph is issued, the interested parties may submit written opinions to the Public Sewerage System Administrator with regard to said Management Agreement at any time before the expiration of the period of public inspection under the same paragraph.

(Public Notice of Management Agreements)

Article 25-7 When a Public Sewerage System Administrator concludes a Management Agreement, it must publicly notify to that effect pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and make copies of said Management Agreement available for public inspection at the office of the local government which is said Public



Sewerage System Administrator, and it must clearly indicate, in a place easily viewable by the public inside the facility under agreement or the land which is the site thereof, that said facility is a facility under management or that a facility under management locates in said land, respectively.

(Changes in Management Agreements)

Article 25-8 The provisions of Article 25-3, paragraph (2), Article 25-4, paragraph (2), Article 25-5, paragraph (2), and the preceding two Articles apply mutatis mutandis to changes in matters prescribed in the Management Agreement. In this case, the term "Planned Owners of a Rainwater Storage Facility, Etc.," referred to Article 25-4, paragraph (2), is deemed to be replaced with "Planned Owners of a Rainwater Storage Facility, Etc." (Owners of a Rainwater Storage Facility, Etc., after construction thereof).

(Effect of Management Agreements)

Article 25-9 The publicly notified Management Agreement under Article 25-7 (including cases where it is applied mutatis mutandis pursuant to the preceding Article) is to be effective to a person that became the owner of the rainwater storage facility of said facility under management or the Planned Owner of a Rainwater Storage Facility, Etc., after the public notice.

## **Chapter II-2 Regional Sewerage Systems**

(Management)

Article 25-10 (1) Prefectures are to perform administrative operations of Regional Sewerage Systems including installation, reconstruction, point repair, and maintenance.

(2) Notwithstanding the preceding paragraph, municipalities may consult with the competent prefecture and may perform administrative operations of Regional Sewerage Systems including installation, reconstruction, point repair, and maintenance.

(Formulation of Implementation plans)

Article 25-11 (1) A person managing a Regional Sewerage System pursuant to the provision of the preceding Article (hereinafter referred to as a "Regional Sewerage System Administrator") must set forth an implementation plan pursuant to the provisions of Cabinet Order in advance when it intends to install a Regional Sewerage System.

(2) If a Regional Sewerage System Administrator intends to set forth an implementation plan pursuant to the provision of the preceding paragraph, it must consult with the Minister of Land, Infrastructure, Transport and Tourism

- (the competent prefectural governor in case of an implementation plan of a Regional Sewerage System that is installed by a municipality and specified as such by Cabinet Order) pursuant to the provisions of Cabinet Order in advance.
- (3) The prefecture must hear the opinions of interested municipalities in advance if it intends to set forth an implementation plan referred to in paragraph (1).
  - (4) If a consultation under the provision of paragraph (2) (other than those pertaining to Rainwater Regional Sewerage Systems) is made, the Minister of Land, Infrastructure, Transport and Tourism must hear the opinion of the Minister of the Environment from the viewpoint of health and hygiene, except in the cases specified by Cabinet Order.
  - (5) Notwithstanding the provision of paragraph (2), if a Regional Sewerage System Administrator that is a prefecture intends to set forth an implementation plan of a Regional Sewerage System in an area where a Comprehensive Basin-Wide Plan of Sewerage Systems is prescribed, it needs not to make consultation under the same paragraph. In this case, if said Regional Sewerage System Administrator sets forth the implementation plan, it must notify the Minister of Land, Infrastructure, Transport and Tourism of this without delay as provided for by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.
  - (6) If notification under the preceding paragraph is made, the Minister of Land, Infrastructure, Transport and Tourism is to notify the content of said notification to the Minister of the Environment except in cases specified by Cabinet Order.
  - (7) The provisions of the preceding paragraphs apply mutatis mutandis to changes in implementation plans of Regional Sewerage Systems (excluding minor changes specified by Cabinet Order).

(Matters to Be Specified in an Implementation plan)

Article 25-12 (1) The following matters must be set forth in an implementation plan referred to in paragraph (1) of the preceding Article:

- (i) location, structure, and capacity of drainage facilities (including facilities supplementing said facilities) and the method and frequency of inspection;
- (ii) location, structure, and capacity of a Sewage Treatment Plant if it is established;
- (iii) connection points to the relevant Public Sewerage System Connected to Regional Sewerage System;
- (iv) the planned Treatment Area of the Public Sewerage System Connected to Regional Sewerage System (a planned Drainage Area with regard to those pertaining to the Rainwater Regional Sewerage System; the same applies in item (iii) of the following Article); and
- (v) the scheduled date of commencement and completion of construction.

(2) The method of preparation and other matters necessary for preparing the implementation plan referred to in the preceding paragraph are to be specified by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Requirements for an Implementation plan)

Article 25-13 The implementation plan as referred to in Article 25-11, paragraph (1), must satisfy the following requirements:

- (i) the location and capacity of the Regional Sewerage System are prescribed properly considering precipitation, population, and other factors that are likely to affect the quantity and water quality of Sewage, the topography and status of land use in the relevant area, and conditions of waters into which Sewage is discharged;
- (ii) the structure of the Regional Sewerage System conforms to technical standards under Article 7 as applied mutatis mutandis pursuant to Article 25-18, and the method and frequency of inspection of drainage facilities conform to technical standards under Article 7-2, paragraph (2), as applied mutatis mutandis pursuant to Article 25-18;
- (iii) the planned Treatment Area of the Public Sewerage System Connected to Regional Sewerage System corresponds to the location and capability of the drainage facilities and the Sewage Treatment Plant (drainage facilities in case of Rainwater Public Sewerage Systems);
- (iv) it conforms to the Comprehensive Basin-Wide Plan of Sewerage Systems if it is set forth concerning said area; and
- (v) if a city plan is prescribed pursuant to the provisions of Chapter II of the City Planning Act or if a city planning project is permitted or approved pursuant to the provisions of Article 59 of the same Act concerning said area, the time of installation and construction of the Regional Sewerage System conforms to the city plan or city planning project.

(Notice on Service Commencement)

Article 25-14 When a Regional Sewerage System Administrator intends to commence services of a Regional Sewerage System or treatment of Sewage at its Sewage Treatment Plant, it must notify in advance the administrator of the relevant Public Sewerage System Connected to Regional Sewerage System pertaining to said Regional Sewerage System of the date when the services or treatment are to be commenced and other matters prescribed by the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(Restriction of Use)

Article 25-15 (1) If a Regional Sewerage System Administrator executes

construction concerning a Regional Sewerage System or there is any other unavoidable reason, it may restrict use of said Regional Sewerage System by designating all or a part thereof.

- (2) When the Regional Sewerage System Administrator intends to restrict use of the Regional Sewerage System pursuant to the provision of the preceding paragraph, it must notify, in advance, the administrator of the relevant Public Sewerage System Connected to Regional Sewerage System of the facility and the period of which and for which, respectively, it intends to restrict use and the time if it intends to execute time restriction.

(Request for Investigation of Causes)

Article 25-16 (1) If Sewage that flows into a Regional Sewerage System from a Public Sewerage System Connected to Regional Sewerage System is likely to significantly disturb functions of facilities of said Regional Sewerage System or damage facilities of said Regional Sewerage System or is likely to make the water quality of final effluent from said Regional Sewerage System extremely difficult to conform to technical standards under Article 8 as applied mutatis mutandis pursuant to Article 25-18, the competent Regional Sewerage System Administrator may request the administrator of said Public Sewerage System Connected to Regional Sewerage System to investigate the cause and report the investigation result within a specified period of time.

- (2) If the Regional Sewerage System Administrator receives the report under the provision of the preceding paragraph and finds it necessary, it may request said administrator of the Public Sewerage System Connected to Regional Sewerage System to enact prefectural/municipal ordinances pursuant to the provisions of Article 12, paragraph (1), Article 12-2, paragraph (3), or Article 12-11, paragraph (1), or take any other necessary measures.

(Restriction on Installation of Other Facilities)

Article 25-17 A Regional Sewerage System Administrator must not allow anyone to install any facility, structure, or other item on a facility of a Regional Sewerage System, except:

- (i) when it connects a Public Sewerage System Connected to Regional Sewerage System thereto;
- (ii) if it in advance consults with the administrators of other facilities, structures, or other items to install a covered conduit;
- (iii) if it installs any item specified in Article 24, paragraph (3), item (iii), (a)–(c), or any item specified by Cabinet Order as unlikely to impart any major hindrance on management of Regional Sewerage Systems, by connecting to or protruding from, across, or longitudinally over said facility; and
- (iv) in cases specified by Cabinet Order as unlikely to impart any major

hindrance on management of Regional Sewerage Systems, in addition to the cases provided for in the preceding three items.

(Provisions Applied Mutatis Mutandis)

- Article 25-18 (1) The provisions of Articles 7 and 8, Article 11-2, Articles 12 to 12-9, Articles 12-11 to 13, Articles 15 to 18-2, Articles 21 to 23-2, and Article 25 apply mutatis mutandis to Regional Sewerage Systems (excluding Rainwater Regional Sewerage Systems). In this case, the term "to enter land or a building of other persons in the Drainage Area and to inspect Private Sewers, Specified Facilities" referred to in Article 13, paragraph (1), is deemed to be replaced with "to enter land or a building of other persons and to inspect Private Sewers, Specified Facilities connecting to a Regional Sewerage System (excluding Rainwater Regional Sewerage Systems)," and the term "Said Public Sewerage System" referred to in Article 18-2 is deemed to be replaced with "said Regional Sewerage System (excluding Rainwater Regional Sewerage Systems; the same applies hereinafter in this Article) or said Public Sewerage System Connected to Regional Sewerage System pertaining to said Regional Sewerage System."
- (2) The provisions of Articles 7 and 8, Articles 15–18, Article 21, paragraph (1), Articles 22 to 23-2, and Article 25 apply mutatis mutandis to Rainwater Regional Sewerage Systems.

### **Chapter III Urban Storm Drainage Systems**

(Management)

- Article 26 (1) Municipalities are to conduct installation, reconstruction, point repair, maintenance, and any other administrative operations of Urban Storm Drainage Systems.
- (2) Notwithstanding the provision of the preceding paragraph, if two or more municipalities benefit from an Urban Storm Drainage System and such Public Sewerage System is deemed difficult to be installed only by municipalities, the competent prefecture may consult with the relevant municipalities and conduct installation, reconstruction, point repair, maintenance, and any other administrative operations of said Urban Storm Drainage System. In this case, when the relevant municipalities intend to participate in the consultation, said consultation must be approved by the municipal assemblies in advance.

(Designation)

- Article 27 (1) When a person that manages an Urban Storm Drainage System pursuant to the provisions of the preceding Article (hereinafter referred to as an "Urban Storm Drainage System Administrator") designates a Sewerage System as an Urban Storm Drainage System, it must make a public notice of

the area of the Sewerage System to be the Urban Storm Drainage System and must make drawings indicating said area available for public inspection at the office of the local government that is said Urban Storm Drainage System Administrator. The same applies if it intends to change the matters that were publicly notified.

- (2) If an Urban Storm Drainage System Administrator intends to designate pursuant to the provision of the preceding paragraph and all or part of the area pertaining to said designation serves also as a drainage facility for irrigation, it must hear the opinions of people from land improvement districts relating to said designation (agricultural cooperatives and other groups related to irrigation in areas with no land improvement districts).

(Standards for Management)

Article 28 (1) Urban Storm Drainage System Administrators must manage said Urban Storm Drainage System to maintain their functions sufficiently.

- (2) Technical standards necessary for management of structure and maintenance of an Urban Storm Drainage System are provided for by prefectural/municipal ordinance of the competent local government that is the Urban Storm Drainage System Administrator taking into consideration the standards specified by Cabinet Order.

(Restriction of Acts)

Article 29 (1) A person that intends to perform the following acts (excluding minor acts specified by Cabinet Order) must obtain permission of an Urban Storm Drainage System Administrator to do so pursuant to the provisions of prefectural/municipal ordinance; the same applies if it intends to change matters for which it has obtained permission (excluding minor changes prescribed in prefectural/municipal ordinance):

- (i) installation of facilities, structures, and any other items by connecting to or protruding from, across, or longitudinally over an Urban Storm Drainage System; and
- (ii) installation of facilities, structures, and other items under the ground of an Urban Storm Drainage System.
- (2) When an application for permission referred to in the preceding paragraph has been made and if the matters pertaining to the application are necessary and unavoidable and conform to technical standards specified by Cabinet Order, the competent Urban Storm Drainage System Administrator must grant permission.
- (3) When an Urban Storm Drainage System is designated, persons that installed a facility, structure, or any other item pursuant to the provisions of the items of paragraph (1) concerning said Urban Storm Drainage System based on its

title to do so (including persons currently performing its construction) are deemed to have obtained the permission referred to in the same paragraph concerning installation of said facility, structure, or any other item in the same conditions as in the past.

(Structure of Specified Drainage Facilities Connected to Urban Storm Drainage Systems)

Article 30 (1) The structure of a drainage facility connected to said Urban Storm Drainage System of the following places of business must conform to technical standards specified by Cabinet Order, in addition to the provisions of the Building Standards Acts and other laws and regulations that are applicable:

- (i) factories and other places of business (including a housing complex, company houses, and any other facilities similar thereto; the same applies hereinafter in this Article) that remove Sewage in a quantity more than specified by Cabinet Order into one Urban Storm Drainage System; and
- (ii) factories and other places of business that remove Sewage with water quality as specified by Cabinet Order in a quantity more than specified by Cabinet Order or more into one Urban Storm Drainage System.

(2) The provisions of the preceding paragraph do not apply to drainage facilities that have been connected to said Urban Storm Drainage System when it is designated as such, unless large-scale expansion or reconstruction specified by Cabinet Order is made at places of business referred to in the same paragraph.

(Provisions Applied Mutatis Mutandis)

Article 31-1 The provisions of Articles 15–18, Article 23, Article 23-2, and Article 25 apply mutatis mutandis to Urban Storm Drainage Systems. In this case, the term "Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism and Ordinance of the Ministry of the Environment" referred to in Article 23, paragraph (2), is deemed to be replaced with "Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism."

## **Chapter IV Miscellaneous Provisions**

(Burden Charges by Municipalities)

Article 31-2 (1) Prefectures that manage Public Sewerage Systems or Regional Sewerage Systems pursuant to the provisions of Article 3, paragraph (2), or Article 25-10, paragraph (1), may have municipalities that have benefitted from said Public Sewerage Systems or Regional Sewerage Systems pay all or part of the expenses required for installation, reconstruction, point repair, maintenance, and any other administrative operations thereof to the extent such municipalities have benefitted.

(2) Among the expenses referred to in the preceding paragraph, the burden to be borne by municipalities must be approved by the prefectural assemblies after the opinions of said municipalities are heard.

(Burden Charges Pertaining to Reduction of Nitrogen or Phosphorus Contents)

Article 31-3 A local government that manages an Advanced Sewage Treatment Plant pertaining to matters specified in its Comprehensive Basin-Wide Plan of Sewerage Systems pursuant to the provisions of Article 2-2, paragraph (5), may have other local governments pay part of the expenses required for installation, reconstruction, point repair, maintenance, and any other administrative operations for said Advanced Sewage Treatment Plant as specified in said Comprehensive Basin-Wide Plan of Sewerage Systems.

(Council)

Article 31-4 (1) Two or more Public Sewerage System Administrators, Regional Sewerage System Administrators, or Urban Storm Drainage System Administrators may organize a council to have consultation necessary for efficient management of Sewerage Systems through wide-area cooperation between administrators of Sewerage Systems under their management (hereinafter referred to as a "Council").

(2) The Council may add the following persons as its members if it finds it necessary:

(i) the relevant local governments;

(ii) persons that may take measures contributing to efficient management of Sewerage Systems; and

(iii) persons with relevant knowledge and experience and any other persons whom the Council finds necessary.

(3) On matters for which agreement is made at the Council, the members thereof must respect the result of the deliberation.

(4) In addition to the matters provided for by the preceding three paragraphs, the Council provides for matters necessary for management thereof.

(Entry into or Temporary Use of Land)

Article 32 (1) If there is unavoidable necessity for the purpose of investigation, measurements, or construction concerning a Public Sewerage System, Regional Sewerage System, or Urban Storm Drainage System or maintenance thereof, a Public Sewerage System Administrator, a Regional Sewerage System Administrator, an Urban Storm Drainage System Administrator, or any person that is ordered thereby or to whom the authority has been delegated may enter land of other persons or temporarily use other persons' land not used especially as a storage place of materials or a workshop.



- (2) If a person intends to enter other persons' land pursuant to the provision of the preceding paragraph, it must notify possessors of said land to that effect in advance, provided, however, that this does not apply if it is difficult to notify in advance.
- (3) If a person intends to enter residential land or land enclosed by a hedge or fence, etc., pursuant to the provision of paragraph (1), it must notify the possessor of the land prior to entry.
- (4) Entry into the land provided for in the preceding paragraph before sunrise or after sunset must not be made, unless the possessor of the land has consented.
- (5) A person that intends to enter other person's land pursuant to the provision of paragraph (1) must carry an identification card and show it when requested by any person concerned.
- (6) When a person intends to temporarily use other persons' land not used especially as a storage place of materials or a workshop pursuant to the provision of paragraph (1), it must notify the possessor and owner of said land and hear their opinions.
- (7) The possessor or owner of the land must not refuse or prevent entry under the provisions of paragraph (1) unless there is a justifiable reason.
- (8) When entry or temporary use of land under the provision of paragraph (1) causes losses to other persons, the relevant Public Sewerage System Administrator, Regional Sewerage System Administrator, or Urban Storm Drainage System Administrator must compensate those persons for losses that would normally occur.
- (9) Regarding compensation for losses under the provision of the preceding paragraph, the Public Sewerage System Administrator, Regional Sewerage System Administrator, or Urban Storm Drainage System Administrator must consult with the persons that incurred the loss.
- (10) If the consultation referred to in the preceding paragraph does not result in an agreement, the Public Sewerage System Administrator, Regional Sewerage System Administrator, or Urban Storm Drainage System Administrator must pay the amount estimated by itself to the persons that incurred the loss. In this case, any person dissatisfied with said amount may, pursuant to the provisions of Cabinet Orders, file for a determination pursuant to the provisions of Article 94 of the Compulsory Purchase of Land Act (Act No. 219 of 1951) with the Expropriation Committee.

(Conditions for Permission or Approval)

- Article 33 (1) Conditions may be attached to permission or approval given pursuant to the provisions of this Act.
- (2) Conditions referred to in the preceding paragraph must be limited to the minimum required for ensuring successful implementation of the matters

concerning the permission or approval, and must not impose any unreasonable obligation on the person that obtained the permission or approval.

(Subsidies for Cost Concerning Public Sewerage Systems, Regional Sewerage Systems, and Urban Storm Drainage Systems)

Article 34 The State may, within the limits of budgetary appropriation, subsidize local governments that install or reconstruct Public Sewerage Systems, Regional Sewerage Systems, or Urban Storm Drainage Systems for part of the expenses necessary for the installation or reconstruction pursuant to the provisions of Cabinet Order.

(Accommodation of Funds Concerning Public Sewerage Systems and Regional Sewerage Systems)

Article 35 The State must endeavor to accommodate the local governments that install or reconstruct Public Sewerage Systems or Regional Sewerage Systems with funds necessary for this.

(Free Lending of National Land)

Article 36 Notwithstanding the provisions of Article 22 or Article 28 of the National Property Act (Act No. 73 of 1948), if national land as an ordinary property is used for Public Sewerage Systems, Regional Sewerage Systems, or Urban Storm Drainage Systems, said Public Sewerage System Administrator or Regional Sewerage System Administrator may loan for free of charge or transfer the national land to a local government as an Urban Storm Drainage System Administrator.

(Guidance of the Minister of Land, Infrastructure, Transport and Tourism or the Minister of the Environment)

Article 37 (1) The Minister of Land, Infrastructure, Transport and Tourism (prefectural governors in the case of Sewerage Systems specified by Cabinet Order) may give instructions necessary for construction or maintenance of Public Sewerage Systems, Regional Sewerage Systems, or Urban Storm Drainage Systems to Public Sewerage System Administrators, Regional Sewerage System Administrators, or Urban Storm Drainage System Administrators if said minister finds it urgently necessary to avoid occurrence of significant public health risks and effects on water quality of public water areas.

(2) The Minister of Land, Infrastructure, Transport and Tourism may instruct prefectural governors to give necessary instructions concerning Sewerage Systems on which prefectural governors should give instructions pursuant to the provision of the preceding paragraph.

(3) The Minister of the Environment (prefectural governors in the case of Sewerage Systems specified by Cabinet Order) may give necessary instructions concerning maintenance of Sewage Treatment Plants to Public Sewerage System Administrators or Regional Sewerage System Administrators if said minister finds it urgently necessary to avoid occurrence of significant public health risks and effects on water quality of public water areas.

(Order for Improvement)

Article 37-2 If a Public Sewerage System Administrator or Regional Sewerage System Administrator finds that a person that uses a Public Sewerage System or a Regional Sewerage System (limited to those with Sewage Treatment Plants installed) continuously removing Sewage from a Specified Factory is likely to remove Sewage whose water quality at the outlets to said Public Sewerage System or Regional Sewerage System does not conform to standards specified by Cabinet Order as provided for in Article 12-2, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to Article 25-18, paragraph (1)), or standards under Article 12-2, paragraph (3) (including cases where it is applied mutatis mutandis pursuant to Article 25-18, paragraph (1)), it may order such a person to improve the structure or usage method of the Specified Facility or the treatment method of Sanitary Wastewater being discharged from the facility within a specified period of time, or it may order such a person to stop using the Specified Facility or removing Sewage to said Public Sewerage System or Regional Sewerage System, provided, however, that this does not apply to persons subject to the provisions of the main clause of Article 12-2, paragraph (6) (including cases where it is applied mutatis mutandis pursuant to Article 25-18, paragraph (1)).

(Supervisory Dispositions by Public Sewerage System Administrators, Regional Sewerage System Administrators, or Urban Storm Drainage System Administrators)

Article 38 (1) A Public Sewerage System Administrator, Regional Sewerage System Administrator, or Urban Storm Drainage System Administrator may rescind permission or approval under the provisions of this Act against a person that falls under any of the following items or change conditions of such permission or approval, or may order stay or change of acts or constructions or any other necessary measures against such a person:

(i) a person that violates this Act (excluding the provisions of Article 11-3, paragraph (1), and Article 12-9, paragraph (1) (including cases where these provisions are applied mutatis mutandis pursuant to Article 25-18, paragraph (1))) or orders under this Act or the provisions of prefectural/municipal ordinance;

- (ii) a person that violates conditions attached to permission or approval under the provisions of this Act; or
  - (iii) a person that has obtained permission or approval under the provisions of this Act by deception or wrongful means.
- (2) In the case falling under any of the following items, a Public Sewerage System Administrator, Regional Sewerage System Administrator, or Urban Storm Drainage System Administrator may make a disposition specified in the preceding paragraph or order necessary measures specified therein against the person that has obtained permission or approval under the provisions of this Act:
- (i) if unavoidable necessity occurs due to construction concerning a Public Sewerage System, Regional Sewerage System, or Urban Storm Drainage System;
  - (ii) if a major hindrance occurs in preservation of Public Sewerage Systems, Regional Sewerage Systems, or Urban Storm Drainage Systems or in public use thereof; or
  - (iii) in addition to the cases specified in the preceding two items, if unavoidable necessity occurs on public benefit under reasons other than those about management of Public Sewerage Systems, Regional Sewerage Systems, or Urban Storm Drainage Systems.
- (3) When a Public Sewerage System Administrator, Regional Sewerage System Administrator, or Urban Storm Drainage System Administrator intends to order to take necessary measures pursuant to the provisions of the preceding two paragraphs, and if, without any fault, it cannot ascertain a person to whom the order to take measures is to be given, it may take the relevant measures by itself, or have the ordered or commissioned person take the measures. In this case, the Public Sewerage System Administrator, Regional Sewerage System Administrator, or Urban Storm Drainage System Administrator must set reasonable time limits and give public notice in advance to the effect that the relevant measures are to be taken and that, if such measures are not taken within the fixed time limit, the Public Sewerage System Administrator, Regional Sewerage System Administrator, or Urban Storm Drainage System Administrator or the person ordered or commissioned will take the measures.
- (4) A Public Sewerage System Administrator, Regional Sewerage System Administrator, or Urban Storm Drainage System Administrator must compensate the persons who incurred losses caused by the disposition or order under the provision of paragraph (2) for losses that would normally occur.
- (5) The provisions of paragraphs (9) and (10) of Article 32 apply mutatis mutandis to the compensation referred to in the preceding paragraph.
- (6) When the loss that caused the compensation pursuant to the provision of paragraph (4) was incurred because of the disposition or order under the

provision of paragraph (2), item (iii), a Public Sewerage System Administrator, Regional Sewerage System Administrator, or Urban Storm Drainage System Administrator may have the person that is the cause of said disposition or order pay said compensation.

(Collection of Reports)

Article 39 (1) The Minister of Land, Infrastructure, Transport and Tourism (prefectural governors in the cases specified by Cabinet Order) may collect necessary reports from Public Sewerage System Administrators, Regional Sewerage System Administrators, or Urban Storm Drainage System Administrators within the limit necessary to enforce this Act.

(2) The Minister of the Environment (prefectural governors in the cases specified by Cabinet Order) may collect necessary reports from Public Sewerage System Administrators or Regional Sewerage System Administrators within the limit necessary to enforce this Act concerning maintenance of Sewage Treatment Plants.

Article 39-2 A Public Sewerage System Administrator or Regional Sewerage System Administrator may collect necessary reports, within the limit necessary for managing Public Sewerage Systems or Regional Sewerage Systems (excluding Rainwater Regional Sewerage Systems; the same applies hereinafter in this Article) properly, from persons that use Public Sewerage Systems or Regional Sewerage Systems continuously removing Sewage with the water quality specified by Cabinet Order and that are specified by Cabinet Order and installers of Specified Facilities that use Public Sewerage Systems or Regional Sewerage Systems continuously removing Sewage concerning the status of factories removing the Sewage, Pretreatment Facilities for Discharge to Sewerage Systems, or the water quality of the removed Sewage.

(Delegation of Authority)

Article 40 (1) The authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed by this Act may be partially delegated to the Directors of Regional Bureaus or the Director of the Hokkaido Regional Development Bureau pursuant to the provisions of the Ordinance of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) Part of the authority of the Minister for the Environment prescribed in this Act may be delegated to the Director of the Regional Environmental Office pursuant to the provisions of the Ordinance of the Ministry of the Environment.

(Special Provisions Regarding the State)

Article 41 If the State or a local government intends to conduct an act prescribed

in Article 24, paragraph (1), or Article 29, paragraph (1), notwithstanding the provisions thereof, it is sufficient for it to consult with the competent Public Sewerage System Administrator or Urban Storm Drainage System Administrator in advance.

(Replacement Concerning Special Wards)

Article 42 (1) With regard to areas in which special wards are located, the term "municipalities" referred to in the provisions of this Act (excluding the provisions of Article 25-10, paragraph (2), Article 25-11, paragraph (2) and paragraph (3), and Article 31-2) is deemed to be replaced with "Tokyo Metropolis."

(2) Notwithstanding the provision of the preceding paragraph, special wards are to perform installation, reconstruction, point repair, maintenance, and other administrative operations of Sewerage Systems used mainly by residents in said special wards, consulting with Tokyo Metropolis.

(Transitional Measures)

Article 43 In the case of establishment, revision, or abolition of an order pursuant to this Act, necessary transitional measures (including transitional measures concerning penal provisions) may be set in that order to the extent considered reasonably necessary along with the establishment, revision, or abolition.

## **Chapter V Penal Provisions**

Article 44 (1) A person who has damaged facilities of Public Sewerage Systems, Regional Sewerage Systems, or Urban Storm Drainage Systems or caused interference with the functions of facilities thereof, thereby obstructing removal of Sewage, is subject to imprisonment with required labor for not more than five years or to a fine of not more than 1,000,000 yen.

(2) A person who has operated facilities of Public Sewerage Systems, Regional Sewerage Systems, or Urban Storm Drainage Systems without due cause, thereby obstructing removal of Sewage, is subject to imprisonment with required labor for not more than two years or a fine of not more than 500,000 yen.

Article 45 A person who violated the order of a Public Sewerage System Administrator or Regional Sewerage System Administrator under the provision of Article 12-5 (including the cases where it is applied mutatis mutandis pursuant to Article 25-18, paragraph (1)) or Article 37-2 or the order of a Public Sewerage System Administrator, Regional Sewerage System

Administrator, or Urban Storm Drainage System Administrator under the provision of Article 38, paragraph (1) or paragraph (2), is subject to imprisonment with required labor not exceeding one year or a fine not exceeding 1 million yen.

Article 46 (1) A person who falls under any of the following items is subject to imprisonment with required labor for not more than six months or a fine of not more than 500,000 yen:

(i) a person who violated the provisions of Article 12-2, paragraph (1) or paragraph (5) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 25-18, paragraph (1)); or

(ii) a person who violated the order under the provision of Article 12-9, paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 25-18, paragraph (1)).

(2) A person who committed the crime specified in item (i) of the preceding paragraph through negligence is subject to imprisonment without work for not more than three months or a fine of not more than 200,000 yen.

Article 47-1 A person who refused or obstructed entry or temporary use of the land in violation of the provisions of Article 32, paragraph (7), is subject to imprisonment with required labor for not more than six months or a fine of not more than 500,000 yen.

Article 47-2 A person who has failed to make the notification under Article 12-3, paragraph (1), or Article 12-4 (including the cases where these provisions are applied mutatis mutandis pursuant to Article 25-18, paragraph (1)) or has made false notification is subject to imprisonment with required labor for not more than three months or a fine of not more than 200,000 yen.

Article 48 A person who has violated the order under the provision of Article 11-3, paragraph (3) or paragraph (4), is subject to a fine of not more than 300,000 yen.

Article 49 A person who falls under any of the following items is subject to a fine of not more than 200,000 yen:

(i) a person who has failed to make the notification under the provision of Article 11-2 or Article 12-3, paragraph (2) or paragraph (3) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 25-18, paragraph (1)), or has made false notification;

(ii) a person who has violated the provision of Article 12-6, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article

- 25-18, paragraph (1));
- (iii) a person who failed to make records under the provision of Article 12-12 (including the cases where it is applied mutatis mutandis pursuant to Article 25-18, paragraph (1)) or made false records;
  - (iv) a person who has refused, obstructed, or avoided inspections under the provision of Article 13, paragraph (1) (including the cases where it is applied mutatis mutandis pursuant to Article 25-18, paragraph (1)); or
  - (v) a person who has failed to make a report under the provision of Article 39-2 or made a false report.

Article 50 When the representative of a juridical person, or an agent, employee, or other worker of a juridical person or individual has committed an act in violation of the provisions from Article 46 to the preceding Article inclusive with regard to the business of said juridical person or individual, not only the offender is subject to punishment, but also said juridical person or individual is subject to the fine prescribed in the respective Articles.

Article 51 A person who has failed to make a notification under the provisions of Article 12-7 or Article 12-8, paragraph (3) (including the cases where these provisions are applied mutatis mutandis pursuant to Article 25-18, paragraph (1)), or has made false notification is to be subject to a noncriminal fine not exceeding 100,000 yen.