

**LAW CONCERNING SPECIAL MEASURES
FOR CONSERVATION OF THE
ENVIRONMENT OF
THE SETO INLAND SEA**

Law No. 110 of October 2, 1973
Amended by Law No. 35 of May 28, 1976,
Law No. 47 of June 1, 1976 and
Law No. 68 of June 13, 1978

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CHAPTER I GENERAL PROVISIONS

(Purpose)

Article 1

The purpose of this Law is to promote the conservatin of the environment of the Seto Inland Sea by stipulating matters necessary for the formulation, etc. of a plan for the conservation of the environment of the Seto Inland Sea in order to promote the implementation of effective measures in the conservation of the environment of the Seto Inland Sea and by providing special measures in connection with restrictions on the installment of specified facilities, the prevention of damage from the eutrophication and with the conservation of the natural seashore, etc.

(Definitions)

Article 2

1. The term "Seto Inland Sea" as used in this Law shall mean the sea area enclosed by the straight lines described hereinbelow and the shorelines, and other sea areas designated by Cabinet Order:

(1) Straight lines drawn from Kii Hinomisaki Lighthouse in Wakayama Prefecture to Ishima, Maejima of Tokushima Prefecture and then to Gamoda Misaki of the same prefecture;

(2) A straight line drawn from Sata Misaki of Ehime Prefecture to the Sekizaki Lighthouse in Oita Prefecture; and

(3) A straight line drawn from the Hinoyamashita Lighthouse in Yamaguchi Prefecture to the Mojizaki Lighthouse in Fukuoka Prefecture.

2. The term "prefectures concerned" shall mean Osaka Prefecture, Hyogo Prefecture, Wakayama Prefecture, Okayama Prefecture, Hiroshima Prefecture, Yamaguchi Prefecture, Tokushima Prefecture, Kagawa Prefecture, Ehime Prefecture, Fukuoka Prefecture, Oita Prefecture and other prefectures designated by Cabinet Order as being related to the environmental conservation of the Seto Inland Sea.

3. The term "governors of prefectures concerned" shall mean the governors of the prefectures concerned.

CHAPTER II PLAN FOR CONSERVATION OF THE ENVIRONMENT OF THE SETO INLAND SEA

(Basic Plan for Conservation of the Environment of the Seto Inland Sea)

Article 3

1. In view of the benefits of the Seto Inland Sea, both as a place of

scenic beauty unmatched by any in the country or elsewhere in the world and as a storehouse of rich fishery resources and of the fact that the Seto Inland Sea should rightly be enjoyed equally by all citizens of the nation and bequeathed to posterity, it behooves the national government to formulate basic plan (to be referred to as the “Basic Plan” hereafter in this Chapter) for the conservation of the environment of the Seto Inland Sea in respect of preservation of water quality, conservation of scenic beauty, etc. of the Seto Inland Sea in order to promote the implementation of effective measures.

2. In determining or altering the Basic Plan, the Prime Minister shall in advance hear the opinions of the Seto Inland Sea Environmental Conservation Council and the governors of prefectures concerned.

3. When the Basic Plan has been determined or altered, the Prime Minister shall, without delay, send the Basic Plan or the change therein to the governors of prefectures concerned and, in addition, publicly announce the same.

(Prefectural Plan for Conservation of the Environment of the Seto Inland Sea)

Article 4

1. The governors of the prefectures concerned shall, on the basis of the Basic Plan, establish prefectural plan for conservation of the Seto Inland Sea in respect of the measures to be implemented for the conservation of the environment of the Seto Inland Sea in the area of the prefectures concerned (to be referred to as the “Prefectural Plan” hereafter in this chapter).

2. The governors of the prefectures concerned shall, when they intend to establish the Prefectural Plan, report the content thereof to the Prime Minister in accordance with what is prescribed by Ordinance of the Prime Minister’s Office.

3. When the Prime Minister has received the report mentioned in the preceding paragraph, he may, upon consulting with the heads of the administrative organs concerned, issue necessary instructions regarding the drafting of the Prefectural Plan concerned.

4. When the governors of the prefectures concerned have established the Prefectural Plan, they shall, without delay, send it to the municipalities concerned and, in addition, publicly announce the same.

5. The provisions of the preceding three paragraphs shall apply *mutatis mutandis* to changes in the Prefectural Plan.

(Promotion of the Achievement of the Basic Plan and the Prefectural Plan)

Article 4-2

The State and local public bodies shall endeavor to take measures required for achievement of the Basic Plan and the Prefectural Plan.

CHAPTER III SPECIAL MEASURES FOR CONSERVATION
OF THE ENVIRONMENT OF THE SETO
INLAND SEA

Section 1 Restrictions, etc. on the Installation of Specified
Facilities

(Permit for the Installation of Specified Facilities)

Article 5

1. When a person who discharges effluents into a public water area [meaning a public water area stipulated in Article 2 paragraph 1 of the Water Pollution Control Law, Law No. 138 of 1970; the same hereinafter] from a factory or an establishment in the area of the prefectures concerned (excluding areas designated by Cabinet Order) plans to install a specified facility [meaning a specified facility stipulated in Article 2 paragraph 2 of the same Law but not including a specified facility installed in a factory or an establishment from which the maximum quantity of effluents (meaning the effluents stipulated in paragraph 3 of the same Article; the same hereinafter) discharged per day does not exceed fifty cubic meters or a specified facility prescribed by Cabinet Order; the same hereinafter], he shall obtain a permit from the governor of the prefecture in accordance with what is prescribed by Ordinance of the Prime Minister's Office.
2. A person seeking to obtain the permit mentioned in the preceding paragraph shall file with the governor of the prefecture an application describing matters set forth in the following sub-paragraphs:
 - (1) Name or appellation and address, and, in the case of a juridical person, the name of its representative;
 - (2) Appellation of the factory or establishment and its address;
 - (3) Kind of the specified facility;
 - (4) Structure of the specified facility;
 - (5) Method of operation of the specified facility;
 - (6) Method of treatment of sewage or waste liquid (hereinafter referred to as "sewage, etc.") discharged from the specified facility;
 - (7) Quantity of effluents (including the quantity for each drainage system);
 - (8) State of pollution of the effluents (including state of pollution of effluents by each drainage system) and such other matters as are stipulated by Ordinance of the Prime Minister's Office.
3. The application referred to in the preceding paragraph shall be accompanied by a statement describing matters concerning prior assessment based on the findings of investigation on the impact which the proposed installation of the specified facility is likely to have on the environment.
4. Upon receipt of an application for permit referred to in para-

graph 1, the governor of the prefecture shall, without delay, make an announcement of an outline thereof and shall make the statement referred to in the preceding paragraph open to the inspection by the public for three weeks from the date of such announcement.

5. When the governor of the prefecture has made the announcement referred to in the preceding paragraph, he shall, without delay, notify the governor(s) of those other prefectures concerned and the head(s) of those municipalities which are relevant on the ground of environmental preservation to the proposed installation of the specified facility and shall seek the opinions of the said governors of the prefectures concerned and the heads of the municipalities, fixing a period for their reply.

6. When the announcement referred to in paragraph 4 is made, any person who has interest in the proposed installation of the specified facility may file with the said governor of the prefecture a statement of opinion on matters regarding the prior assessment referred to in paragraph 3 any time up to the last day of the period for public inspection referred to in paragraph 4 hereof.

7. Matters to be dealt with in the statement of prior assessment referred to in paragraph 3 shall be prescribed by Ordinance of the Prime Minister's Office.

(Criteria for Permitting the Installation of Specified Facilities)

Article 6

1. The governor of the prefecture shall not issue the permit referred to in paragraph 1 of the preceding Article unless he finds that the proposed installation of the specified facility covered by an application filed under the provisions of said paragraph meets either of the following conditions:

- (1) That the proposed facility is concerning a factory or establishment the purpose of which is to treat waste; or
- (2) That the sewage, etc. discharged from the proposed facility present no serious hindrance to the conservation of the environment of the Seto Inland Sea.

2. Even when the specified facility covered by an application for permit filed under the provision of paragraph 1 of the preceding Article meets the condition set forth in sub-paragraph (1) of the preceding paragraph, the governor of the prefecture shall take into account the impact which the installation of such specified facility may have on the environment in relation to the permit referred to in paragraph 1 of the preceding Article.

(Transitory Measures Relating to Specified Facilities)

Article 7

1. A person who has a facility in the area designated by Article 5 paragraph 1 (including persons who are in the process of installing a facility) at the time the facility is designated as a specified facility

and who discharges effluents shall be deemed to have obtained the permit referred to in said paragraph with respect to the facility.

2. Persons who are deemed to have obtained the permit referred to in Article 5 paragraph 1 under the provision of the preceding paragraph shall file with the governor of the prefecture concerned a notification of the matters referred to in the sub-paragraphs of paragraph 2 of the same Article in accordance with the provisions of Ordinance of the Prime Minister's Office within thirty days from the date on which such facility was designated as a specified facility.

(Changes in the Structure, etc. of Specified Facilities)

Article 8

1. A person who has obtained the permit referred to in Article 5 paragraph 1 shall obtain a permit before he effects any change in the matters set forth in sub-paragraphs (4) through (7) inclusive of paragraph 1 of the same Article covered by such permit from the governor of the prefecture in accordance with the provisions of Ordinance of the Prime Minister's Office. This shall not apply to such minor changes as defined by Ordinance of the Prime Minister's Office.

2. Any person who seeks to obtain the permit referred to in the preceding paragraph shall file with the governor of the prefecture an application stating the matters prescribed in Ordinance of the Prime Minister's Office.

3. The provisions of paragraph 3 to paragraph 7 inclusive of Article 5 shall apply *mutatis mutandis* to an application for the permit mentioned in paragraph 1 of this Article (excluding those applications prescribed by Ordinance of the Prime Minister's Office) and provisions of Article 6 shall apply *mutatis mutandis* to an application for the permit mentioned in the same paragraph.

4. When a person who obtained the permit referred to in Article 5 paragraph 1 has effected any minor change defined by the Ordinance of the Prime Minister's Office referred to in the proviso of paragraph 1, the person shall file a notification of such effect with the governor of the prefecture within thirty days from the date of such change.

(Changes in Name, etc.)

Article 9

When a person who obtained the permit referred to in Article 5 paragraph 1 has effected any change in the matters set forth in sub-paragraphs (1), (2) or (8) of paragraph 2 of the same Article, or when a person has discontinued the use of a specified facility covered by a permit, such person shall file a notification of such effect with the governor of the prefecture within thirty days from the date of such change.

(Succession)

Article 10

1. A person who takes over or rents the specified facility covered by the permit referred to in Article 5 paragraph 1 from the person who has obtained such permit shall succeed to the status of such person with respect to the specified facility.
2. When inheritance or merger takes place in respect of a person who obtained the permit referred to in Article 5 paragraph 1, the successor or the juridical person which continues to exist after the merger or which is formed as a result of the merger shall succeed to the status of such person.
3. A person who has succeeded to the status of the person who obtained the permit referred to in Article 5 paragraph 1 under the provisions of the preceding two paragraphs shall file a notification of such effect with the governor of the prefecture within thirty days from the date of such succession.

(Order of Measures against Contravention)

Article 11

In the event that any person has installed a specified facility in contravention of the provisions of Article 5 paragraph 1, or that any person has effected any change in matters prescribed in Article 8 paragraph 1, in contravention of the provisions thereof, the governor of the prefecture may order the person to remove or discontinue the operation of the facility or take such other measures as may be necessary to remedy the situation caused by such contravention.

(Application of the Water Pollution Control Law, etc.)

Article 12

1. The provisions of Article 5 to Article 10 inclusive, Article 11 paragraph 1 to paragraph 3 inclusive and Article 23 paragraph 3 to paragraph 5 inclusive of the Water Pollution Control Law (only those parts of these provisions which are related to Articles 5, 7, 8, 8-2, 10 and 11 of the same Law), and those of Article 37 paragraph 1 of the Law relating to the Prevention of Marine Pollution and Maritime Disaster (Law No. 136 of 1970) shall not apply to the specified facilities installed in factories or establishments located in the area designated in Article 5 paragraph 1.
2. With respect to the application of the provisions of Article 22 paragraph 1 of the Water Pollution Control Law to the area designated in Article 5 paragraph 1, the term "this Law" appearing in the same paragraph shall read "this Law (Law concerning Special Measures for Conservation of the Environment of the Seto Inland Sea, Law No. 110 of 1973)."

(Reduction of Total Amount of Pollution Load)

Article 12-2

1. In order to prevent water pollution in terms of chemical oxygen

demand in the Seto Inland Sea, the Prime Minister shall, in respect of the area stipulated in Article 5 paragraph 1, establish the fundamental policy for reduction of areawide total pollutant load mentioned in Article 4-2 paragraph 1 of the Water Pollution Control Law relative to the reduction of the total amount of pollution load expressed in terms of chemical oxygen demand.

2. As regards the application of the provisions of the Water Pollution Control Law relative to the fundamental policy for reduction of areawide total pollutant load mentioned in the preceding paragraph and the reduction of the total amount of pollution load on the basis of the same policy, the parts of the provisions of the same Law which read “Pollution Load”, “Specified Water Areas”, “Specified Items” and “Specified Regions” shall read “pollution load expressed in terms of chemical oxygen demand”, “Seto Inland Sea as stipulated in Article 2 paragraph 1 of the Law concerning Special Measures for Conservation of the Environment of the Seto Inland Sea”, “chemical oxygen demand” and “area stipulated in Article 5 paragraph 1 of the Law concerning Special Measures for Conservation of the Environment of the Seto Inland Sea”, respectively.

Section 2 Prevention of the Occurrence of Damage from Eutrophication

(Guideline for Reduction of Specified Substances)

Article 12-3

1. When the Director General of the Environment Agency deems it necessary for the prevention of the occurrence of damage to the living environment by eutrophication in the Seto Inland Sea, he may, in accordance with what is prescribed by Cabinet Order, instruct the governors of the prefectures concerned to establish a guideline for reduction of specified substances (referred to as the “guideline” hereafter in this Section) relative to the reduction of phosphorus and other substances specified by Cabinet Order (referred to as “specified substances” hereafter in this Section) discharged into the public water areas in the area stipulated in Article 5 paragraph 1, indicating the reduction target, the target fiscal year and other necessary matters.

2. In the guideline, there shall be stipulated the policy for guidance relative to reduction of the specified substances and other matters for the purpose of realizing the aim of attaining the reduction target in the target fiscal year.

3. When the governors of the prefectures concerned intend to establish a guideline or make a change in the same, they shall, in accordance with what is prescribed by Ordinance of the Prime Minister’s Office, report to the Director General of the Environment Agency on the matters mentioned in the preceding paragraph.

4. When the governors of the prefectures concerned have estab-

lished a guideline or made a change in the same, they shall publicly announce the guidelines or the change therein.

(Guidance, etc.)

Article 12-4

The governors of prefectures concerned may, in accordance with the guideline, give a person who discharges a specified substance into a public water area in the area stipulated in Article 5 paragraph 1, any guidance, advice or recommendation which may be required.

(Collection of Reports)

Article 12-5

The governors of prefectures concerned may, when he deems it necessary for giving guidance, advice or recommendation under the preceding Article, request a person who, in connection with his business activities, discharges a specified substance into a public water area in the area stipulated in Article 5 paragraph 1, and who is designated by Cabinet Order, to submit a report on his method of treating sewage or waste liquid and any other necessary matters.

Section 3 Conservation of the Natural Seashore, etc.

(Designation of Natural Seashore Conservation Areas)

Article 12-6

The prefectures concerned may, in accordance with what is prescribed by an ordinance, designate as a natural seashore conservation area those parts of the seashore and its adjacent sea areas of the Seto Inland Sea which fall under either of the following subparagraphs:

- (1) Those parts where sand beaches, reefs or other similar natural conditions are maintained near the water-boundary line.
- (2) Those parts which are used by the public for sea bathing, gathering sea shells and other similar purposes and which are recognized as being suitable for such use both at present and in the future.

(Notification of Acts, etc.)

Article 12-7

The prefectures concerned may, in accordance with what is prescribed by an ordinance, require a person who intends to build a new structure, change the form or nature of the land, mine minerals, quarry stones or conduct other acts in a natural seashore conservation area to submit a notification and may give a person who submitted such a notification any recommendation or advice necessary to assure the conservation and proper utilization of the natural seashore conservation area.

(Special Consideration Given to Reclamation, etc.)

Article 13

1. In considering the license referred to in Article 2 paragraph 1 of

the Public Water Body Reclamation Law (Law No. 57 of 1921) or the approval referred to in Article 42 paragraph 1 of the same Law for projects undertaken in the Seto Inland Sea, the governor of the prefecture concerned shall take into account the peculiarities of the Seto Inland Sea referred to in Article 3 paragraph 1 hereof.

2. The basic policy of the application of the provision of the preceding paragraph shall be studied and considered by the Seto Inland Sea Environmental Conservation Council.

Section 4 Promotion of Projects for Conservation of Environment, etc.

(Construction of Sewerage Works and Waste Disposal Facilities, etc.)

Article 14

In view of the current state of water pollution of the Seto Inland Sea, the State and the local public bodies shall make endeavors to promote the construction of sewerage works and waste disposal facilities, the dredging of bottom deposit, the installation of facilities and equipments for monitoring and measuring the water quality, and other projects necessary for the conservation of water quality in the Seto Inland Sea.

(Financial Assistance, etc.)

Article 15

The State shall make endeavors to extend financial assistance to, arrange loans of necessary funds for and make other forms of assistance available to, those who undertake the projects referred to in the preceding Article.

(Formulation of Plans for Projects Designed to Purify the Seto Inland Sea)

Article 16

The national government shall make endeavors for the formulation of plans for large-scale projects designed to purify the polluted water of the Seto Inland Sea and in this regards shall promote the development of the technology, etc. necessary for such projects and take necessary financial measures.

(Prevention, etc. of the Spillage of Oil through Marine Disaster)

Article 17

In order to prevent the pollution of the Seto Inland Sea by Oil, the national government shall, in connection with the prevention of the spillage of large volumes of oil through marine disaster and the elimination of spilled oil, make efforts to strengthen its guidance and control, organize a system for the elimination of spilled oil and take any other necessary measures.

(Promotion for the Development of Technology, etc.)

Article 18

The national government shall promptly make efforts to clarify

the mechanism by which red tides occur and to develop technology for the prevention and elimination thereof and also make efforts to develop technology for treatment of oil in ships and other technology for the conservation of the environment of the Seto Inland Sea, and shall take necessary measures based on the result of such technological development.

(Relief for Persons Engaged in Fishery Suffering Damage Caused by Red Tides, etc.)

Article 19

In view of the large number of instances of fishery damage caused by red tides and oil spillage in the Seto Inland Sea, the national government shall promptly take necessary measures for the relief for persons engaged in fishery who are suffering such fishery damage.

CHAPTER IV MISCELLANEOUS PROVISIONS

(Recommendations or Advice)

Article 20

1. The Director General of the Environment Agency may, when he finds it necessary for ensuring proper and smooth implementation of this Law, give the governors of the prefectures concerned necessary recommendation or advice.
2. The Director General of the Environment Agency may request the governors of prefectures concerned to submit a report on the measures taken in compliance with the recommendation given to them under the provision of the preceding paragraph.

(Transitory Measures)

Article 21

In case that an order under the provisions of this Law is established, amended or repealed, certain transitory measures (including those relating to penal provisions) may be prescribed in the order to the extent that it is judged to be reasonably necessary for the provisions established, amended or repealed thereby.

(Delegation of Administrative Services, etc.)

Article 22

1. The administrative services which come under the authority of the governors of the prefecture under this Law may be delegated, in accordance with what is prescribed by Cabinet Order, to the mayors of cities designated by Cabinet Order.
2. The mayors of cities designated by the Cabinet Order mentioned in the preceding paragraph shall notify the governor of the prefecture of such matters necessary for the implementation of this Law as are stipulated by Ordinance of the Prime Minister's Office.

(The Seto Inland Sea Environmental Conservation Council)

Article 23

1. The Seto Inland Sea Environmental Conservation Council shall be established within the Environment Agency (hereinafter referred to as "Council").
2. The Council shall study and examine important matters relating to the conservation of the environment of the Seto Inland Sea upon request from the Director General of the Environment Agency or other ministers concerned.
3. The Council may present its opinions to the Director General of the Environment Agency or other ministers concerned on important matters relating to the conservation of the environment of the Seto Inland Sea.
4. The Council shall be composed of not more than thirty-four members appointed by the Prime Minister from among persons of learning and experience.
5. In addition to the matters referred to in the preceding two paragraphs, matters necessary for the organization and operation of the Council shall be prescribed by Cabinet Order.

CHAPTER V PENAL PROVISIONS

Article 24

Any person who falls under the following sub-paragraphs shall be imprisoned not more than one year or fined not more than five hundred thousand yen (¥500,000):

- (1) Any person who violates the provision of Article 5 paragraph 1 or Article 8 paragraph 1;
- (2) Any person who contravenes an order issued under the provision of Article 11.

Article 25

Any person who falls under either of the following sub-paragraphs shall be punished with a fine not more than one hundred thousand yen (¥100,000):

- (1) Any person who fails to file the notification mentioned in Article 7 paragraph 2, or who files a false notification under the same paragraph.
- (2) Any person who fails to submit the report mentioned in Article 12-5 paragraph 1, or who submits a false report under the same paragraph.

Article 26

When the representative of any juridical person, or an agent, servant or any other employee of a juridical person or a person commits an unlawful act referred to in the preceding two Articles with respect to the business of such juridical person or person, the

person who committed the act shall be punished, and in addition, the juridical person or person shall be imposed with a punishment.
Article 27

Any person who fails to file the notification referred to in Article 8 paragraph 4, Article 9 or Article 10 paragraph 3 hereof or who files false notification shall be fined not more than one hundred thousand yen (¥100,000).

SUPPLEMENTARY PROVISIONS

(Excerpts)

(Date of Enforcement)

Article 1

This Law shall be enforced on the day immediately following the expiration of one month from the date of its promulgation (October 2, 1973).

(Transitory Measures)

Article 2

1. In an area referred to in Article 5 paragraph 1 prior to the enforcement of this Law, any person who has filed a notification under the provision of Article 5 of the Water Pollution Control Law with respect to a specified facility and who is not subject to regulation imposed under the provisions of Article 9 of said Law at the time Law is enforced and who has filed a notification under the provisions of Article 6 of said Law shall be considered as having obtained the permit referred to in Article 5 paragraph 1 with respect to such specified facility.

2. In an area referred to in Article 5 paragraph 1 hereof, at the time this Law is enforced with respect to a specified facility any person who is subject to regulation under the provisions of Article 9 of the Water Pollution Control Law the provisions of Article 5 paragraph 1, Article 8 paragraph 1 and Article 12 paragraph 1 shall not apply to such person while such person is subject to such regulation.

3. If any person referred to in the preceding paragraph becomes no longer subject to regulation under the provisions of Article 9 of the Water Pollution Control Law, such person shall be considered as having obtained the permit referred to in Article 5 paragraph 1 or Article 8 paragraph 1 with respect to such specified facility.

Article 3

Application of penal provisions to acts done prior to the enforcement of this Law and to those done after the enforcement of this Law with respect to an order issued under the provision of Article 8 of the Water Pollution Control Law or the regulation imposed under the provision of Article 9 paragraph 1 thereof shall be as heretofore.