

WATER POLLUTION CONTROL LAW ENFORCEMENT REGULATIONS

**Order No. 2 of June 19, 1971 of
The Prime Minister's Office and
The Ministry of International Trade and Industry
(Amended by Prime Minister's Office Orders
No. 41 of 1971, No. 69 of 1974, No. 2 of 1976,
No. 30 of 1979, No. 29 of 1985 and No. 67 of 1986)**

On the basis of Article 4-5 paragraph 1, paragraph 2, Article 5, Article 6, Article 7, Article 14 paragraph 1, paragraph 2 and Article 18 of the Water Pollution Control Law and for the implementation of the same Law, Water Pollution Control Law Enforcement Regulations are established as follows:

Water Pollution Control Law Enforcement Regulations

(Definitions)

Article 1

The terms used in this Order shall be as defined in the Water Pollution Control Law (Law No. 138 of 1970; hereinafter called the "Law") and the Cabinet Order for Implementation of the Water Pollution Control Law (Cabinet Order No. 188 of 1971; hereinafter called the "Order").

(Establishments to Engage in Researches Relating to Science and Technology)

Article 1-2

The establishments to be specified by Order of the Prime Minister's Office as mentioned in Table 1 Item (71)-2 of the Order shall be the following:

- (1) Laboratories of the national or local public entities (exclusive of those concerned with only social sciences);
- (2) Universities and colleges and their laboratories (exclusive of those concerned with only social sciences);
- (3) Research institutes which engage in scientific research (exclusive of those concerned with only the social sciences) or improvement, innovation or invention relating to product manufacture or technology (exclusive of those falling under the preceding two Items);
- (4) High schools, vocational high schools, specialist schools, various other schools, personnel training facilities and vocational training facilities providing specialized education including scientific education relating to agriculture, fisheries or engineering;
- (5) Public health centers;
- (6) Quarantine stations;

- (7) Animal quarantine stations;
- (8) Plant quarantine station;
- (9) Livestock hygiene and sanitation centers;
- (10) Establishments engaged in inspection;
- (11) Establishments engaged inspection of merchandise;
- (12) Establishments engaged in clinical examinations; and
- (13) Criminal identification centers.

(Circumstances Where There is the Possibility of a Substantial Increase of Vegetable Planktons in the Lakes and Marshes)

Article 1-3

1. Relative to phosphorus as specified in Article 3, Paragraph 1, Sub-paragraph 13 of the Prime Minister's Office, the circumstances shall be when water containing phosphorus is discharged from facilities or other workshops into the following public water areas:

- (1) Lakes or marshes where the water is stagnate for more than 4 days (excluding such cases where the chlorine ion content in the water exceeds 9,000 milligrams per 1 litre, a special dam is operated or there are other reasons).
- (2) Public water areas flowing into the lakes and marshes described in the preceding sub-paragraph.

2. Relative to nitrogen as specified in Article 3, Paragraph 1, Sub-paragraph 13 of the Prime Minister's Office, the circumstances shall be when water containing nitrogen is discharged from facilities or other workshops into the following public water areas:

- (1) Lakes and marshes described in Sub-paragraph 1 of the preceding paragraph with a value, obtained by dividing the chlorine content by the phosphorus content in the water, of less than 20, and furthermore, with a phosphorus content in the water of more than 0.02 milligram per 1 litre and for other reasons the nitrogen causes the increase of vegetable planktons in such lakes and marshes.
- (2) Public water areas flowing into the lakes and marshes described in the preceding sub-paragraph.

(Scale to be Specified by Order of Prime Minister's Office as Mentioned in Article 4-5 Paragraph 1)

Article 1-4

The scale to be specified by Order of the Prime Minister's Office as mentioned in Article 4-5 paragraph 1 of the Law shall be an average quantity of effluent per day (called "average daily effluent" hereinafter) of fifty (50) cubic meters.

(Regulation Standards for Total Pollution Load)

Article 1-5

Relative to the chemical oxygen demand, the regulation standards for the total pollution load mentioned in Article 4-5, Paragraph 1 of the Law, shall be established according to the formula,

$$L = C \cdot Q \times 10^{-3}$$

where L, C and Q represent the following values:

- L: Pollution load permissible for discharge (in kilograms per day)
- C: Fixed chemical oxygen demand specified by the prefectural governor (in milligrams per litre)
- Q: Quantity of specified effluents (meaning effluents used at a specified facility for its operation and other activities of persons but not used exclusively for cooling, depressurization or other purposes which do not increase its pollution load; hereinafter the same) (in cubic meters per day)

2. Relative to the chemical oxygen demand, the regulation standards for the total pollution load mentioned in Article 4-5, Paragraph 2 of the Law, shall be established according to the formula,

$$L = (C_j \cdot Q_j + C_i \cdot Q_i + C_o \cdot Q_o) \times 10^{-3}$$

where L, C_j, C_i, C_o, Q_j, Q_i and Q_o represent the following values;

- L: Pollution load permissible for discharge (in kilograms per day)
- C_j: Fixed chemical oxygen demand specified by the prefectural governor (in milligrams per litre)
- C_i: Fixed chemical oxygen demand specified by the prefectural governor (in milligrams per litre)
- C_o: Fixed chemical oxygen demand specified by the prefectural governor (same value as the fixed value for C to be used in the formula mentioned in the preceding paragraph) (in milligrams per litre)
- Q_j: Increased specified effluents due to the installation of specified facilities or changes in structures, etc. thereof after the date specified by the prefectural governor (quantity of specified effluents in case of installations within designated areas after the date specified by the prefectural governor) (in cubic meters per day)
- Q_i: Increased specified effluents due to the installation of specified facilities or changes in structures, etc. thereof after the date specified by the prefectural governor up to one day before the day specified by the prefectural governor as mentioned in Q_j (excluding Q_j) (in cubic meters per day)
- Q_o: Quantity of specified effluents (excluding Q_j and Q_i) (in cubic meters per day)

3. The values of C as specified in Paragraph 1 and C_j, C_i and C_o as specified in the preceding paragraph (hereafter referred to as "values of C, etc." in this paragraph) shall be determined in accordance with each type of industry and other classification (in case of further classification by the prefectural governor, then according to such classification, hereinafter referred to as "type of industry, etc.") and within the scope designated by the Director General of the Environ-

ment Agency. However, this provision shall not apply to workplaces within a specified area from where effluents are discharged into public water areas other than sea areas and lakes and marshes, and it is determined inappropriate to fix the value of C, etc. within the scope specified by the Director General of the Environment Agency and furthermore, when the values for C, etc. have been fixed by the prefectural governor according to each type of industry).

4. In case a facility within a specified area falls under the classification of more than 2 different types of industry, regulation standards for the total pollution load as specified in Article 4-5, Paragraphs 1 and 2 shall be the sum of the values calculated in accordance with the formula specified in Paragraph 1 or 2 for each type of industry.

(Number of Copies of Report Documents)

Article 2

A report made in accordance with the provisions of the Law shall be made by attaching one copy of the report document of the original thereof.

(Report of Installment of Specified Facilities)

Article 3

The matters to be stipulated by Order of the Prime Minister's Office as mentioned in Article 5 Item 8 of the Law shall be the service and waste water systems.

2. A report in accordance with the provisions of Article 5 of the Law shall be made by a report document in accordance with Form 1.

3. The particulars to be set forth in the report document mentioned in the preceding paragraph shall be as prescribed below:

(1) As regards the kind of specified facility, the number and designation shown in Table 1 of the Order shall be set forth.

(2) As regards the structure of the specified facility, the following matters shall be set forth:

a) The type, structure, main dimensions and capacity of the specified facility and the layout of the specified facility and of the main machinery and main apparatuses relating thereto;

b) The planned dates of commencement and completion of construction of the specified facility and the planned date of commencement of use of the specified facility; and

c) Other matters of reference regarding the structure of the specified facility.

(3) As regards the method of use of the specified facility, the following matters shall be set forth:

a) The place of installation of the specified facility;

b) The operation system inclusive of the specified facility;

c) The time intervals of use and the number of hours of use per day of the specified facility and, when there are seasonal variations in use, an outline thereof;

- d) The kind, method of use and amount used daily of the raw materials (inclusive of consumed materials) used in the industrial process including the specified facility,
 - e) The normal and maximum values of the state of pollution (limited to those matters fixed under the waste water standards applicable to the effluent from the specified factory concerned) of the polluted water, etc. discharged from the specified factory concerned and the normal and maximum quantities of such polluted water, etc., at the time the specified facility is in use; and
 - f) Other matters of reference regarding the use of the specified facility.
- (4) As regards the method of treatment of the waste water, etc., the following matters shall be set forth:
- a) The place of installation of the treatment facility for polluted water, etc.;
 - b) The planned dates of commencement and completion of construction of the treatment facility and the planned date of commencement of use of the treatment facility for polluted water, etc.;
 - c) The kind, type, structure, main dimensions and capacity of the treatment facility for polluted water and the method thereof for treatment of polluted water, etc.;
 - d) The system for treatment of polluted water, etc.;
 - e) The method of collecting the polluted water, etc. and conveying it to the treatment facility for polluted water, etc.;
 - f) The time intervals of use and the number of hours of use per day of the treatment facility for polluted water etc. and, when there are seasonal variations in use, an outline thereof;
 - g) As regards consumed materials used during use of the treatment facility for polluted water etc. for neutralization, coagulation, oxidation and other reactions, the amount used daily for each purpose;
 - h) The normal and maximum values of the state of pollution (limited to those matters fixed under the waste water standards applicable to the effluent from the specified factory concerned) of the polluted water etc. before treatment and after treatment by the treatment facility for polluted water etc. and the normal and maximum quantity of such polluted water etc., at the time the treatment facility for polluted water is in use;
 - i) The kinds of residual substance generated by treatment of the polluted water, etc., the amount of each kind generated per month and an outline of the method of disposal thereof;
 - j) The method of discharge of the effluent (inclusive of the position and number of the discharge outlets, and water bodies

- which the effluent flows into); and
- k) Other matters of reference regarding the method of treatment of the polluted water, etc.
- (5) As regards the state of pollution and the amount of the effluent, the following matters shall be set forth:
- a) The normal and maximum values of the state of pollution (limited to those matters fixed under the waste water standards applicable to the effluent from specified factory concerned) of the effluent at the discharge outlet of the specified factory concerned and the normal and maximum quantity of such effluent; and
 - b) Other matters of reference regarding the state of pollution and the quantity of the effluent.
- (6) As regards the state of pollution and the quantity of the effluent for each waste water system, the following matters shall be set forth:
- a) The normal and maximum values of the state of pollution relating to the amount of chemical oxygen demand of the specified effluent and the normal and maximum quantity of the specified effluent (in the case where two or more industrial sectors are involved, the values and quantity for each such industrial sector);
 - b) The normal and maximum values of the state of pollution relating to the amount of chemical oxygen demand of waste water other than the specified effluent and the normal and maximum quantity of the waste water other than the specified effluent; and
 - c) Other matters of reference regarding the states of pollution and the quantity of effluent of the respective waste water systems.
- (7) As regards the service water and waste water systems, the systems at the specified factory concerned shall be described and the quantity of service water used for each purpose shall be stated.

(Report Concerning Transitional Measures)

Article 4

- A report in accordance with the provisions of Article 6 paragraph 1 of the Law shall be made by a report document in accordance with Form 2.
2. A report in accordance with the provisions of Article 6 paragraph 2 of the Law shall be made by a report document in accordance with Form 2-2.
3. The provisions of paragraph 3 of the preceding Article shall apply with necessary changes to the particulars to be set forth in the report documents mentioned in the preceding two paragraphs.

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

Article 5

A report in accordance with the provisions of Article 7 of the Law shall be made by a report document in accordance with Form 3.

2. The provisions of Article 3 paragraph 3 shall apply with necessary changes to the particulars to be set forth in the report document mentioned in the preceding paragraph.

(Acceptance Receipt)

Article 6

When a prefectural governor or a mayor has accepted a report mentioned in Article 5 or Article 7 of the Law, he shall issue an acceptance receipt in accordance with Form 4 to the person who submitted the report.

(Report on Change of Name of Person, Etc.)

Article 7

The report in accordance with the provisions of Article 10 of the Law shall, when it relates to a change in a matter mentioned in Article 5 Item 1 or Item 2, be made by a report document in accordance with Form 5, and, when it relates to the discontinuance of use of a specified facility, be made by a report document in accordance with Form 6.

(Report on Inheritance)

Article 8

A report in accordance with the provisions of Article 11 paragraph 3 of the Law shall be made by a report document in accordance with Form 7.

(Measurement of State of Pollution of Effluent)

Article 9

The measurement of the state of pollution of effluent and the recording of the measured findings in accordance with the provisions of Article 14 paragraph 1 of the Law shall be conducted in accordance with the following items:

1. As regards matters fixed under the waste water standards applicable to the waste water of the specified factory concerned, the measurement shall be conducted in accordance with the testing method of the waste water standard concerned; and
2. The measured findings shall be recorded using a water quality measurement record table in accordance with Form 8 and such record shall be preserved for three years.

(Measurement of Pollution Load of Effluent, Etc.)

Article 9-2

The measurement of the pollution load of effluent and the recording of the measured findings in accordance with the provisions

of Article 14 paragraph 2 of the Law shall be conducted in accordance with the following items:

(1) The measurement of pollution load shall be conducted by metering the state of pollution relating to the chemical oxygen demand of the specified effluent, the amount of the specified effluent and other matters required for measurement of the pollution load, as stipulated by the Director-General of the Environment Agency, and calculating the pollution load per day of the specified effluent.

(2) The measurement mentioned in the preceding Item 1 shall be conducted every day during the period of waste water discharge in the case of a Specified Factory within a Specified Region having an average daily quantity of waste water of not less than four hundred (400) cubic meters, at least once for each period of waste water discharge not exceeding seven (7) days in the case of a Specified Factory within a Specified Region having an average daily quantity of waste water of not less than two hundred (200) cubic meters and less than four hundred (400) cubic meters, at least once for each period of waste water discharge not exceeding fourteen (14) days in the case of a Specified Factory within a Specified Region having an average daily quantity of waste water of not less than one hundred (100) cubic meters and less than two hundred (200) cubic meters and at least once for each period of waste water discharge not exceeding thirty (30) days in the case of a Specified Factory within a Specified Region having an average daily quantity of waste water of not less than fifty (50) cubic meters and less than one hundred (100) cubic meters. Provided, however, that in a case where it is recognized to be difficult to conduct the measurement at these frequencies because of the scale of the Specified Factory within the Specified Region, the state of the waste water system, the state of pollution and quantity of waste water of the respective systems or other conditions, when the prefectural governor has separately fixed waste water discharge periods, the measurement shall be conducted for each period fixed by the governor concerned;

(3) The measured findings shall be recorded using a recording table of measured pollution load in accordance with Form 9 and such record shall be preserved for three years.

2. A report in accordance with the provisions of Article 14 paragraph 3 shall, concerning the chemical oxygen demand, be made by a report document in accordance with Form 10, describing the matters mentioned below:

(1) The method of metering and the place of metering of the state of pollution relating to the chemical oxygen demand of the specified effluent, the quantity of the specified effluent and other

- matters required for measurement of the pollution load,
- (2) The method of calculating the pollution load per day of the specified effluent; and
 - (3) Other matters of reference regarding the method of measurement of the pollution load.

(Emergency Measures)

Article 10

The order under the provisions of Article 18 of the Law shall be made in writing, stating the particulars of the measures to be taken and other necessary matters.

(Identification Certificate for Inspection)

Article 11

The certificate mentioned in Article 22 paragraph 3 of the Law shall be in accordance with Form 11.

(Matters to be Notified by Chiefs of Designated Cities)

Article 12

The matters to be stipulated by Order of the Prime Minister's Office as mentioned in Article 28 paragraph 2 of the Law shall be those among the following which relate to a specified factory in a specified region:

- (1) The particulars of the reports in accordance with the provisions of Article 5, Article 6, Article 7, Article 10, Article 11 paragraph 3 and Article 14 paragraph 3 of the Law; and
- (2) The particulars of the notification in accordance with the provisions of Article 23 paragraph 3 of the Law.