

INDUSTRIAL WATER LAW

Law No, 146 of 1956

Amended by Laws No. 99 of 1962, No. 161 of 1962,
No. 168 of 1964, No. 98 of 1966, No. 88 of 1971 and
No. 88 of 1972

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CHAPTER I GENERAL PROVISIONS

(Object)

Article 1

The purposes of this Law are to assure the rational supply of industrial water and to promote the conservation of underground-water resources in specified areas, with a view to contributing to sound industrial development and prevention of land subsidence in such areas.

(Definitions)

Article 2

1. In this Law "well" refers to a facility which uses power to draw undergroundwater (excluding hot spring water under the Hot Springs Law (Law No. 125 of 1948); hereinafter the same) the pump of which has an outlet of a sectional area (when there are two or more outlets, the total sectional area thereof; hereinafter the same) of greater than 6 square centimeters (excluding this within the river area of a river to which the River Law (Law No. 167 of 1964) applies or applies mutatis mutandis))

2. In this Law "industry" means the manufacturing industry (including the businesses processing or repairing articles), the electrical power supply industry, the gas supply industry and the heat supply industry.

CHAPTER II WELLS

(Approval)

Article 3

1. A person who wishes to draw undergroundwater from a well within an area designated by the Cabinet Order (hereinafter referred to as "designated area") and use such water for industrial purposes shall, for each well, specifying the position of the strainer of the well and the sectional area of the outlet of the pump thereof, obtain the permission of the prefectural governor.

2. The Cabinet Order of the preceding paragraph shall be issued with respect to a specific area wherein, because of the drawing of undergroundwater, the undergroundwater level has become extremely low, salt water or foul water has become mixed into the undergroundwater resources or the land has subsided, and when in such an area the amount of water required for industrial use is large, it is necessary to assure rational use of the undergroundwater in order to conserve the undergroundwater resources, and industrial waterworks have been constructed or construction work of such waterworks is expected to begin within one year in such an area.

3. The Prime Minister and the Minister of International Trade and Industry shall, when they intend to prepare a draft for the establishment, amendment or abolishment of the Cabinet Order of paragraph 1, hear the opinions of the prefectural governors and heads of cities, towns and villages having jurisdiction over the areas which, as a result of the establishment, amendment or abolition of such Cabinet Order, are to become designated areas or cease to be designated areas.

(Application for permission)

Article 4

1. A person who wishes to obtain the permission of paragraph 1 of the preceding Article shall submit a written application setting forth the following matters to the prefectural governor.

(1) The name or appellation and the address of the applicant and, in the case of a juristic person, the name and address of the representative.

(2) The site of the well.

(3) The position of the strainer and the sectional area of the outlet of the pump of the well.

2. A drawing indicating the site of the well and such other documents as are stipulated by the Ordinance of the Prime Minister's Office and the Ordinance of the Ministry of International Trade and Industry shall be attached to the written application of the preceding paragraph.

(Standards for approval)

Article 5

1. The prefectural governor shall not grant the permission of Article 3 paragraph 1 unless he finds that the position of the strainer and the sectional area of the outlet of the pump of the well under the application for permission of the same paragraph meet the technical standards stipulated by the Ordinance of the Prime Minister's Office and the Ordinance of the Ministry of International Trade and Industry.

2. Notwithstanding the provisions of the preceding paragraph, the prefectural governor may, in case where there is no danger of causing a major hindrance to the conservation of undergroundwater resources in the designated area concerned as a result of the drawing of undergroundwater using the well related to the application for the permission of Article 3 paragraph 1 and when the use of the undergroundwater drawn from such well for the purpose concerned is necessary and appropriate for carrying out the industrial activity concerned and it is extremely difficult to use other source of water in place of such undergroundwater, grant the permission of the same paragraph.

(Interim Measures)

Article 6

1. A person who, at the time a given area actually becomes a designated area, is drawing groundwater using a well within such an area, having the position of the strainer and the sectional area of the outlet of the pump which meet the technical standards stipulated by the Ordinance of the Prime Minister's Office and the Ordinance of the Minister of International Trade and Industry of paragraph 1 of the preceding Article, and is using such groundwater for industrial purposes shall, with respect to such a well, in respect of such position of the strainer and sectional area of the outlet of the pump, be deemed to have obtained the permission of Article 3 paragraph 1.
2. A person, who at the time a given area actually becomes a designated area, is drawing groundwater using a well within such an area other than a well prescribed in the preceding paragraph and is using such groundwater for industrial purposes shall, in respect of the position of the strainer and the sectional area of the outlet of the pump thereof, be deemed to have obtained the permission of Article 3 paragraph 1 with respect to such well only for a period of one year from the day which, for each area designated by the Ordinance of the Prime Minister's Office and the Ordinance of the Ministry of International Trade and Industry, is stipulated by the Ordinance of the Prime Minister's Office and the Ordinance of the Ministry of International Trade and Industry with consideration to the state of construction of industrial waterworks within such an area, the amount of water such industrial waterworks are capable of supplying and other conditions of industrial water supply by the industrial waterworks within such an area.
3. A person who has been deemed to have obtained the permission of Article 3 paragraph 1 in accordance with the provisions of the preceding two paragraphs shall submit to the prefectural governor a written notification setting forth the matters mentioned in the respective subparagraphs of Article 4 paragraph 1 within one month from the day on which the said area became a designated area.
4. A drawing indicating the site of the well and such other documents as are stipulated by the Ordinance of the Prime Minister's Office and the Ordinance of the Ministry of International Trade and Industry shall be attached to the written notification of the preceding paragraph.
5. In case where an Ordinance of the Prime Minister's Office and the Ordinance of the Ministry of International Trade and Industry amending the relevant Ordinance of the Prime Minister's Office and the Ordinance of the Ministry of International Trade and Industry of paragraph 1 of the preceding Article have been enforced, and when there is, within the designated area to which such amendments relate, a well which has obtained the permission of Article 3 para-

graph 1 (hereinafter referred to as "permitted well"; excluding permitted wells under the provisions of paragraph 2) and which does not meet the technical standards prescribed by the Ordinance of the Prime Minister's Office and the Ordinance of the Ministry of International Trade and Industry as amended, the permission of the same paragraph which relates to the said permitted well shall lose its effect after the lapse of one year from the day which, for each area designated by the Ordinance of the Prime Minister's Office and the Ordinance of the Ministry of International Trade and Industry, is stipulated by the Ordinance of the Prime Minister's Office and the Ordinance of the Ministry of International Trade and Industry with consideration to the state of construction of industrial waterworks within such an area, the amount of water such industrial waterworks are capable of supplying and other conditions of industrial water supply by the industrial waterworks within such an area.

(Permission of Change)

Article 7

1. A person who has obtained the permission of Article 3 paragraph 1 (hereinafter referred to as the "user") shall obtain the permission of the prefectural governor when he intends to change the position of the strainer of the well which obtained the permission of the same paragraph to a shallower one than that permitted or to change the sectional area of the outlet of the pump of said well to a larger one than that permitted.
2. The provisions of Article 5 paragraph 1 and paragraph 2 shall apply mutatis mutandis to the permission of the preceding paragraph.

(Conditions of Permission)

Article 8

1. Conditions may be attached to the permission of Article 3 paragraph 1 or paragraph 1 of the preceding Article approved in accordance with the provisions of Article 5 paragraph 2 (including the case where they are applied mutatis mutandis under paragraph 2 of the preceding Article).
2. The conditions of the preceding paragraph shall be limited to the minimum required for promoting the conservation of underground water resources in the designated area and for assuring the implementation of the matters relating to the permission, and shall not place unreasonable obligations on the user.

(Notification of Change of Name, etc.)

Article 9

The user shall, without delay, notify the prefectural governor of any change in his name, appellation or address.

(Succession of Permission)

Article 10

1. A person who has succeeded or leased a permitted well and uses the permitted well to draw groundwater which he uses for industrial purposes shall succeed to the position of the user with respect to the permitted well.
2. In case of any succession or amalgamation in respect of a user, the successor, the juristic person existing after the amalgamation or the juristic person established as a result of the amalgamation shall succeed to the position of the user.
3. A person who succeeded to the position of user in accordance with the provisions of the preceding two paragraphs shall notify the prefectural governor to such effect without delay.

(Notification of Abolishment)

Article 11

In any of the following cases, the user shall, without delay, notify the prefectural governor to such effect.

- (1) Upon ceasing to draw groundwater using the permitted well or to use the groundwater drawn by the permitted well for industrial purposes.
- (2) Upon ceasing to use power to drive the pump of the pumping facility of the well or upon making the sectional area of the pump outlet 6 square centimeters or less.
- (3) In other cases than the preceding two subparagraphs, upon abolishing the permitted well.

(Loss of Effect of Permission)

Article 12

When the user comes to fall under any of the subparagraphs of the preceding Article with respect to the permitted well, the permission of Article 3 paragraph 1 with respect to the permitted well shall lose its effect.

(Cancellation etc. of Permission)

Article 13

When the user has carried out a matter for which he is required to obtain permission in accordance with the provisions of Article 7 paragraph 1 without obtaining such permission or when he has violated a condition mentioned in Article 8 paragraph 1, the prefectural governor may cancel the permission of Article 3 paragraph 1, or order to the effect that the drawing from the permitted well of groundwater use for industrial purposes shall be discontinued within a period the specifies to be not more than one year.

(Urgent Measures in Respect of User)

Article 14

The prefectural governor may, when he recognizes that because of the occurrence of special and unforeseeable circumstances, it has become urgently necessary for the conservation of underground-water resources within the designated area, order the user to restrict the drawing of undergroundwater from the permitted well for an appropriate specified period.

CHAPTER III (DELETED) (Law No. 98 of 1966)

Article 15 to Article 21 (Deleted) (Law No. 98 of 1966)

CHAPTER IV MISCELLANEOUS PROVISIONS

(Entry to Land)

Article 22

1. The Director General of the Environment Agency and the Minister of International Trade and Industry or a prefectural governor may, when necessary for the purpose of enforcing this Law have his staff enter a third party's land to carry out land surveys or on site studies relating to undergroundwater resources or ground conditions.

2. When a staff is to enter a third party's land in accordance with the provisions of the preceding paragraph the Director General of the Environment Agency and the Minister of International Trade and Industry or the prefectural governor shall notify the occupant of the land to such effect at least 5 days prior to the said entry.

3. The staff who is to enter a third party's land in accordance with the provisions of paragraph 1 shall, prior to the actual entry, announce such effect to the occupant of the land.

4. The entry provided for by paragraph 1 shall not be effected before daybreak or after sunset without the consent of the occupant of the land.

5. The staff, who is to enter a third party's land in accordance with the provisions of paragraph 1, shall carry with him a certificate identifying his official status and produce the certificate the persons concerned.

6. If an entry in accordance with the provisions of paragraph 1 causes any loss, the State or the prefectural governor shall compensate the person who suffered the loss.

Article 23

The occupant of the land shall not, without a valid reason, refuse or obstruct the entry provided for by paragraph 1 of the preceding Article.

(Collection of Reports)

Article 24

The prefectural governor may, within the extent required for the enforcement of this Law and in accordance with what is prescribed by the Cabinet Order, require a user to submit a report on the structure of the permitted well and the status of use thereof.

(Inspection)

Article 25

1. The prefectural governor may, to the extent required for the enforcement of this Law, have his staff enter permitted well site, or a factory or place of business of the user relating to the permitted well to inspect the permitted well and other things.

2. The staff who is to enter a third party's land in accordance with the provisions of the preceding paragraph shall carry with him a certificate identifying his official status and produce the certificate to the persons concerned.

3. The authorization for the inspection provided for by paragraph 1 shall not be construed as being for the purpose of criminal investigation.

(Assistance by the State, etc.)

Article 25-2

As regards the establishment and improvement of facilities for the utilization of industrial waterworks in place of permitted wells, the State and local governments shall endeavor to provide assistance, including the securing of the necessary funds and the provision of technical advices.

(Hearing)

Article 26

1. The prefectural governor, when he intends to act in accordance with the provisions of Article 13, shall, after giving the user concerned an appropriate period of advance notice, hold a public hearing.

2. The advance notice of the preceding paragraph shall indicate the date, place and nature of the case.

3. At the hearing the user concerned and interested persons shall be given an opportunity to present evidence and express opinions on the case concerned.

(Hearing Relevant to Objection Procedure)

Article 27

The decision on a statement of objection with respect to a disposition made under the provisions of this Law shall, following the case of the preceding Article, be made after the holding of a public hearing.

CHAPTER V PENAL PROVISIONS

Article 28

A person to whom any of the following subparagraphs applies shall be liable to a term of penal servitude not exceeding 1 year or a fine not exceeding 100,000 yen.

- (1) A person who draws groundwater from a well in a designated area for use for industrial purposes without obtaining the permission mentioned in Article 3 paragraph 1.
- (2) A person who has violated an order under the provisions of Article 13 or Article 14.

Article 29

A person to whom any of the following subparagraphs applies shall be liable to a fine not exceeding 30,000 yen.

- (1) A person who does not submit the written notification provided for by Article 6 paragraph 3 or who submits a false written notification.
- (2) A person who does not make the notification under the provisions of Article 9, Article 10 paragraph 3 or Article 11 or who makes a false notification.
- (3) A person who violates the provisions of Article 23 by refusing or obstructing the entry to land provided for by Article 22 paragraph 1.
- (4) A person who does not make the report under the provisions of Article 24 or who makes a false report.
- (5) A person who refuses, obstructs or evades the inspection provided for by Article 25 paragraph 1.

Article 30

When a representative of a juristic person or an agent, employee or any other worker of a juristic person or of a natural person has, in connection with the business of such juristic person or natural person, committed a violation mentioned in the preceding two Articles, the person who committed the violation shall be punished and, in addition, the fine prescribed in each of the relevant Articles shall be imposed on such juristic person or natural person.