

Offensive Odor Control Law

Law No. 91 of 1971

Amended by Law No. 71 1 June of 1995

Chapter I General Provisions (Article 1 and 2)

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CHAPTER I GENERAL PROVISIONS

(Purpose)

Article 1

This law is enacted for the purpose of preserving living environment and contributing to protection of the people's health by carrying out necessary regulations and by promoting other countermeasures to control offensive odors generated in the course of business activities at factories or at other places of business.

(Definition)

Article 2

1. "Specified offensive odor substances" as used in this Law means ammonia, methyl melcaptan and other substances as described in the cabinet order as likely to cause unpleasant odors and disrupt the living environment.

2. "Odor Index" as used in this Law is a value concerning the degree of the offensive odor in the gas or water and it shall be calculated, according to stipulations by the ordinance of the Prime Minister's Office, as a multiple of the dilution in the case where the gas or water has been diluted until offensive odor is no longer detectable by the human sense of smell.

CHAPTER II REGULATIONS

(Regulation Area)

Article 3

The prefectural governors shall designate densely populated areas or other areas, in which control of offensive odors is needed to preserve the living environment of the residents, as "regulation areas" in which the discharge (including leakage, hereinafter the same shall apply) of sources of offensive odors (gases or water which contain specified offensive odor substances and other gases and water which cause offensive odors, hereinafter referred to as "sources of offensive odors") generated in the course of business activities at factories or other places of business (hereinafter referred to as simply "place of business").

(Regulation Standards)

Article 4

1. The prefectural governors shall establish regulation standards for specified offensive odor substances as indicated in the following regulation standards items and for each regulation area or each division of regulation area which shall be made in consideration of natural and social conditions of the areas.

i) Regulation standards for gases, containing specified offensive odor substances generated in the course of business activities at a place of business, at the ground surface on the boundary line of the site of said place of business shall be established as standards of maximum permissible concentration of specified offensive odor substances in the air within the range stipulated by the ordinance of the Prime Minister's Office.

ii) Regulation standards for gases containing specified offensive odor substances generated in the course of business activities at a place of business and discharged from smoke stacks or other gas emission facilities, at the point of emission of said facilities shall be established, based on the permissible concentration of specified offensive odor substances established under the preceding Subparagraph, as standards of permissible flow rate of specified offensive odor substances or permissible concentration of specified offensive odor substances in the emitted gas according to the height of the stacks pursuant to the method provided for under the ordinance of the Prime Minister's Office.

iii) Regulation standards for water containing specified offensive odor substances generated in the course of business activities and discharged from a place of business, at the outside of said place of business shall be established based on the maximum permissible concentration of the Subparagraph i), as standards of permissible concentration of specified offensive odor substances in the effluent pursuant to the method provided for under the ordinance of the Prime Minister's Office.

2. Notwithstanding the provisions in the preceding Paragraph, in areas where the prefectural governor deems, judging by the natural or social conditions in the regulation area, that the provisions in the preceding Paragraph are not sufficient to preserve the living environment, he may establish regulation standards regarding the emission of sources of offensive odors in the said area, as indicated in the following regulation standards, instead of the regulation standards in the previous Paragraph.

i) Regulation standards for gases which are sources of offensive odors, generated in the course of business activities at a place of business, at the ground surface on the boundary line of the site of said place of business shall be established as standards of the maximum permissible value of the odor index in the air within the range stipulated by the ordinance of the Prime Minister's Office.

ii) Regulation standards for gases, which are sources of offensive odors, generated in the course of business activities at a place of business and discharged from smoke stacks or other gas emission facilities, at the

point of emission of said facilities shall be established, based on odor emission concentration (the value of which shall be calculated based on the odor index or the flow rate of the emitted gas) or the maximum permissible odor index value of the emitted gas, based on the maximum permissible value of the preceding Subparagraph, according to the height of the stacks and pursuant to the method provided for under the ordinance of the Prime Minister's Office.

iii) Regulation standards for water, which is the source of offensive odors, generated in the course of business activities and discharged from a place of business at the outside of said place of business, shall be established based on the maximum permissible value of the Subparagraph i), as standards of maximum permissible odor index value in the effluent pursuant to the method provided for under the ordinance of the Prime Minister's Office.

(Hearing of Opinion of Mayors of Municipalities)

Article 5

1. Should the prefectural governor intend to make a designation of a regulation area and stipulate regulation standards, he shall hear the opinions of the mayors of the municipalities (hereinafter including the mayors of special wards) having administrative jurisdiction over said regulation area. Such shall also apply to alteration, revocation of designation of regulation areas, or abolition of regulation standards.

2. In the case of the preceding Paragraph, the prefectural governor may hear the opinions of the mayors of municipalities having administrative jurisdiction over the area surrounding said regulation area if he deems it necessary.

(Public Notice of Designation of Regulation Area, etc.)

Article 6

Should the prefectural governor designate a regulation area or set regulation standards, he shall give public notice to this effect in accordance with the provisions of the ordinance of the Prime Minister's Office. Such shall also apply to alteration, revocation of designation of regulation area, or abolition of regulation standards.

(Duty to Observe Regulation Standards)

Article 7

A person establishing a place of business within a regulation area shall observe the regulation standards for said regulation area.

(Improvement Recommendation and Order)

Article 8

1. If the case is such that the prefectural governor deems that the discharge of sources of offensive odors generated in the course of business activities at a place of business in a regulation area does not conform to

the regulation standards, and that the living environment is disrupted because of this unpleasant odor, he may recommend the person who has established the said place of business to improve the operation of the facility which is generating the sources of the offensive odors, to improve the facility for preventing the discharge of sources of offensive odors, or to take other measures to diminish discharge of sources of offensive odors to the extent necessary for rectification of the situation and within a reasonable time to be set.

2. Should the person who is recommended under the preceding Paragraph not obey this recommendation the prefectural governor may order him to take the measures in said recommendation within a reasonable period to be set.

3. The measures under the stipulations of the preceding Paragraph shall not be taken against a person who has established his place of business within said regulation area within one (1) year of the date of its designation as a regulation area or against the discharge of sources of offensive odors by a person who has established his place of business within one (1) year of the new establishment of regulation standards for such sources of offensive odors generated at said place of business.

4. Should the regulation standards be made stricter with respect to discharge of sources of offensive odors generated at said place of business the measures provided for in Paragraph 2 may not be taken for one year from the date of revision if said discharge conforms to the regulation standards before their revision.

5. Should the prefectural governor intend to take actions provided for in Paragraph 1 or Paragraph 2 against the operator of a small business, he shall take into consideration the effects upon the said operator's business activities.

(Request to Governor of Prefectures, etc.)

Article 9

The mayor of a municipality may, if he deems it necessary to preserve the living environment of the residents, request the prefectural governor to designate a regulation area, or to make regulation standards or to strengthen them, or to take actions under Paragraph 1 or Paragraph 2 of the preceding Article with respect to the place of business from which the sources of offensive odors are discharged.

(Measures to be Taken in Case of Accidents)

Article 10

Should an accident occur at the place of business and thereby discharge sources of offensive odors inconsistent with or likely to be inconsistent with the regulation standards, the person who has established said place of business within the regulation area shall immediately take emergency measures to cope with said accident and to restore the original state before the accident.

(Measurement of Offensive Odor)

Article 11

The prefectural governor shall be required to measure the concentration of specified offensive odor substances or the odor index of the air within the regulation area in order to preserve the living environment of the residents.

CHAPTER III PROMOTION OF OFFENSIVE ODOR CONTROL COUNTERMEASURES

(Responsibilities of the People)

Article 12

Every person in a heavily populated area shall endeavor not to disrupt the living environment of residents in the vicinity by the generation of offensive odors through cooking of food or beverages, keeping of pets or other actions in daily life, and shall cooperate in the measures of the State and local public bodies regarding preservation of the living environment by prevention of offensive odors.

(Prohibition of Combustion of Things Generating Offensive Odors)

Article 13

No person shall burn in the open air in a heavily populated area without cause quantities of rubber, hides, synthetic resins, waste oil, or other things as will generate offensive odors during combustion.

(Prevention of Offensive Odors at Waterways, etc.)

Article 14

A person who assumes charge of a ditch, river, pond, swamp, harbor or other waterway or place into which sewage flows, shall take proper care of said waterway or place so that the living environment of residents in the vicinity is not disrupted by the generation of offensive odors from said waterway or place.

(Responsibilities of the State and Local Public Bodies)

Article 15

1. Local public bodies shall, according to the natural and social conditions of the area, endeavor to set and implement measures which are concerned with supporting resident's efforts to prevent offensive odors, providing necessary information, and other ways of preserving the living environment with regards to offensive odor control.

2. The State shall comprehensively set and implement measures which are concerned with enlightening or spreading knowledge of preventing offensive odors and other ways of preserving the living environment with regards to preventing offensive odors and shall endeavor to render necessary advice and other measures in order to promote the measures which the local public bodies implement to preserve the living environment with regards to preventing offensive odors.

(State Assistance)

Article 16

The State shall endeavor to use its good offices in financial arrangements, to give technical advice, and to render other assistance for the establishment or improvement of facilities necessary for preventing offensive odors generated at the place of business.

(Promotion of Studies, etc.)

Article 17

The State shall promote studies for improving facilities generating offensive odors, studies on the effects of offensive odors on the living environment and health, studies on methods of measuring offensive odors, and other studies related to preventing offensive odors, and shall endeavor to propagate the results of such studies.

CHAPTER IV MISCELLANEOUS PROVISIONS

(Report and Inspection)

Article 18

1. Should the prefectural governor deem it to be necessary with respect to the measures to be taken in accordance with the provisions of Paragraph 1 or Paragraph 2 of Article 8, he may require the person who has established said place of business to report on the circumstances of operation of the facility generating sources of offensive odors, conditions of establishment of the equipment for preventing discharge of sources of offensive odors, or other necessary matters relating to prevention of offensive odors or he may have his official enter said place of business and inspect the facility generating sources of offensive odors and other objects.

2. The official who enters and inspects in accordance with the provisions of the preceding Paragraph shall carry an identification card and present it to the person concerned.

3. The authority to enter and inspect under Paragraph 1 shall not be construed as authority for the purpose of a police search.

(Cooperation of Concerned Administrative Agencies, etc.)

Article 19

1. Should the prefectural governor deem it to be necessary in order to achieve the purpose of this Law, he may request the heads of concerned administrative agencies or the heads of concerned local public bodies to present data or information, to give their opinions, and to cooperate in other manners with respect to business activities at the place of business generating sources of offensive odors, techniques for preventing discharge of sources of offensive odors, and other matters necessary for preventing offensive odors.

2. For the purpose of harmonious and proper enforcement of this Law, the heads of administrative agencies

concerned shall endeavor to give advice and assist the prefectural governor with respect to the methods of measurement of concentration of specified offensive odor substances and odor index values of gases or water, techniques for preventing the discharge of sources of offensive odors, and other necessary matters relating to preventing offensive odors.

(Delegation of Measurement)

Article 20

The measurements necessary in order to make the recommendation for the stipulation in Article 8, Paragraph 1 and the measurements for the stipulation in Article 11 may be delegated to a person who can appropriately undertake the said measurements as stipulated by the ordinance of the Prime Minister's Office.

(Delegation of Administration)

Article 21

The administration within the authority of the prefectural governors authorized under this Law may be delegated to the mayors of municipalities in accordance with the provisions of the Cabinet Order.

(Relationship to Regulations)

Article 22

The provisions of this Law shall not prohibit local public bodies from enacting ordinances providing the necessary regulations for the discharge of sources of offensive odors in addition to those provided for under this Law.

CHAPTER V PENAL PROVISIONS

Article 23

Any person who violates the order issued in accordance with the provisions of Article 8 Paragraph 2 shall be sentenced to imprisonment not to exceed one (1) year or to a fine not to exceed five hundred thousand (500,000) yen.

Article 24

Any person who fails to report as required under the provisions of Article 18 Paragraph 1; who submits a false report; or who has refused, hindered, or avoided the inspection based upon the provisions of the same Paragraph shall be sentenced to a fine not to exceed two hundred thousand (200,000) yen.

Article 25

In case a representative of a juridical person or an agent, employee, or other worker of a juridical or natural person commits a violation as referred to in the preceding two Articles with respect to the business of said juridical or natural person, in addition to the punishment of the actual offender, said juridical or natural person shall also be subject to the penalty of fine under the relevant Article.

