A-8

"Letter of demand for abatement of pollution caused by Shinkampo," to Hiroshi Okazaki, Kanagawa Prefectural Governor from Rear Admiral Michael D. Haskins, Commander, U.S. Naval Forces Japan, dated August 22, 1997

DEPARTMENT OF THE NAVY
COMMANDER U. S. NAVAL FORCES, JAPAN
PSC 473 BOX 12
FPO AP 96349-0051

5800
Ser N00J/ 339
22 August 1997

The Honorable Hiroshi Okazaki
Governor of Kanagawa Prefecture

RE: Letter of Demand for Abatement of Pollution Caused by Kabushiki Kaisha Jinkanpo Incinerator Complex [1]

1. Commanding Officer, U.S. Naval Air Facility, Atsugi submitted a letter of comment, dated 28 March 1997, requesting that the application for an amended license with respect to designated plants, which was submitted by Kabushiki Kaisha Jinkanpo on 24 February 1997, be denied. The above company had requested 24 hours a day operations and an increase in the daily amount of waste incinerated.

2. As stated in our letter of comment, the operation by Kabushiki Kaisha Jinkanpo (hereinafter referred to as "Jinkanpo") of the three incinerators seriously endangers the health of the U.S. Navy and Japanese Self-Defense Force personnel and their families who reside and/or work at the U.S. Navy's Atsugi Air Facility ("NAF Atsugi"), workers at the Ayase Industrial Park in the surrounding area, citizens of Ayase City, and others in the immediate area. We believe you can understand the reasons we stated our letter of comment referred to above.

3. The expiration date of Jinkanpo's license for its industrial waste disposal business is 31 August 1997. The company has submitted to you an application for the renewal of its license. Further, the company has requested that it be permitted to operate 24 hours a day and an that it be permitted to increase its daily incineration amount from 30 tons a day to 90 tons a day. However, in light of the risk of danger to health which I cited in our letter of comment referred to above, we strenuously object to any continuation of Jinkanpo's current operations, nor can we tolerate a tripling of the hours of operation or the amount of waste incinerated, in comparison to the present.

4. The U.S. Navy is seriously concerned about the dangerous health risks referred to above which are caused by Jinkanpo's operations. After dispatch of the letter of comment referred to above, we commissioned further detailed investigations of the effects of the emission of smoke by Jinkanpo within NAF Atsugi. The results of these investigations have heightened the Navy's concerns.

According to Japan's Waste Disposal and Clean-Up Law (hereinafter referred to as the "Waste Disposal Law"), considering the high risk of danger caused by Jinkanpo's operations and the fact that it has actually been conducting illegal operations, Jinkanpo's

1. For convenience, a translation of this letter was prepared by our Japanese attorneys retained in this matter, and is provided as an attachment.

application for the renewal of its license for its industrial waste disposal business should not be approved. The purpose of this letter of demand is to inform you of our conclusion after studying the operating conditions at Jinkanpo from a legal standpoint and to ask for your understanding and cooperation.

5. Our requests to you, stated concisely, are as follows:

(i) To deny Jinkanpo's application for renewal of the license for its industrial waste disposal business, which will expire at the end of August, 1997.

(ii) In the event that you determine that renewal of the license must be approved, to prohibit any and all operations by the company during the night and on holidays/weekends; and further, to impose, as a condition, that proper combustion be maintained (Article 14, section 7 of the Waste Disposal Law; Article 5 of Kanagawa Prefecture's Environmental Pollution Prevention Regulations).

(iii) To take appropriate enforcement action with respect to the company's numerous illegal acts and improper processing and to properly exercise your authority to issue administrative orders, such as orders to cease and desist operations (Article 14-3 and Article 7-3 of the Waste Disposal Law), order to make ameliorations (Article 19-3 of said Law), order to take measures (Article 19-4 of said Law), etc.

Grounds and Reasons for Requests:

1. Introduction

Jinkanpo is presently engaged in the operation of three incinerators on property adjacent to NAF Atsugi, pursuant to a license for an industrial waste disposal business.

In our 28 March 1997 letter of comment, we cited the circumstances surrounding Jinkanpo's operations, i.e., the air pollution caused by the emission of gas and the dangers posed to the health of residents within NAF Atsugi.

The matters which we subsequently investigated and studied in order to make this request are as follows:

(i) Investigation with respect to air pollution and soil contamination within the NAF Atsugi.

Dioxins, heavy metals, benzapyrene, phenol and other chemical substances.

(ii) Follow-up investigation of Jinkanpo's illegal operations.

(iii) Legal analysis of Jinkanpo's operations and renewal of its license.

Japan's Waste Disposal Law states the conditions under which industrial waste disposal businesses may be approved and you have the authority and duty to examine applications. Further, under Kanagawa Prefecture's Environmental Pollution Protection Regulations, Jinkanpo's incinerators are subject to licenses, revocations of licenses, etc. as a "designated plant" under the regulations.

Furthermore, the incinerators are "soot/smoke generating facilities" under the Air Pollution Prevention Law. Accordingly, the company has a duty to operate and manage the incinerators so that pollutants would not be discharged and you have the authority to direct, oversee, etc. the operation and management of the incinerators. This letter of demand is based on the result of a legal analysis of the above.

2. Risk of Air Pollution, Soil Contamination and Danger to Health Caused by Jinkanpo's Incinerators

Accounts of the risks of air pollution, soil contamination and health dangers involve complex, specialized, technical matters. Accordingly, we will refrain, to the extent possible, from going into the highly technical matters and will confine ourselves to the essential points thereof. Also, with respect to technical, detailed matters, please refer to EarthTech Corporation's Technical Report and the attached data which are enclosed and submitted with this letter.

(1) Conditions Regarding Emission and Dispersion of Gases Exiting Jinkanpo's Incinerators

Kanagawa Prefecture should already have a good grasp of the operating conditions at Jinkanpo's three incinerators, the terrain surrounding the incinerator complex and NAF Atsugi's location in relation to Jinkanpo's three incinerators. Nevertheless, we offer the following summary:

(i) Incinerating capacity of the three incinerators:

Jinkanpo has three incinerators, No. 1 through No. 3. Each of the incinerators has an incinerating capacity of 1,250 kilograms/hour. Therefore, combined, the three incinerators have an incinerating capacity of 3,750 kilograms/hour. Accordingly, if operated 8 hours a day, it would be 30 tons/day; if operated 24 hours, it would be 90 tons/day. Presently, Jinkanpo operates 24 hours, except on Mondays.

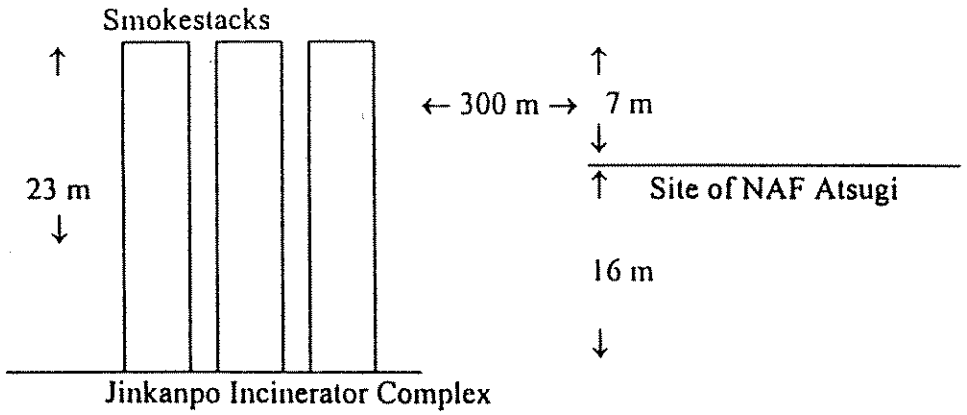
(ii) Relative locations of each of the smokestacks for the three incinerators:

The smokestacks of the three incinerators range in height from 23.0 to 23.6 meters. The smokestacks are situated within 30 meters of each other. Therefore, in considering the dispersion of the exiting gases and the effects thereof on the surrounding area, the smokestacks of the three incinerators were treated as a single stack. In analyzing the problem, it would be useful to consider the emission and dispersion of polluting gases in relation to the incineration of waste at an aggregate of 3,750 kilograms/hour from the central location among the three incinerators. Based on this concept, the three incinerators as a whole are sometimes referred to as the "Incinerator Complex".

(iii) Relative locations of the Incinerator Complex and NAF Atsugi:

The Jinkanpo Incinerator Complex is located on the riverbed along the Tade River. NAF Atsugi is in very close proximity to the Incinerator Complex, bordering the Incinerator Complex on its northwestern, northern, northeastern and eastern sides. The southern and western sides of the Incinerator Complex border on the Ayase Industrial Park. Within NAF Atsugi, there are residential buildings, an elementary school, school vegetable gardens, play areas, picnic areas, a day care center, office buildings, a golf course, etc., all within a distance of 1,000 meters from the Jinkanpo Incinerator Complex. The day-care center is around 500 meters away from Jinkanpo; elementary school is approximately 700 meters away; and principal residential buildings is 250 meters away.

The height of the smokestacks for the three incinerators are mentioned in subparagraph (ii) above. The Incinerator Complex is located on a low lying area in a valley and the site of NAF Atsugi is approximately 16 meters higher than the Incinerator Complex site. Therefore, the height of the smokestacks is only approximately 7 meters high, relative to the site of NAF Atsugi. It is rudimentary knowledge concerning air dispersion that the lower the smokestacks are, the thicker will be the polluting gases that are dispersed on the surrounding areas. However, it is important to note that, given the height of the surrounding terrain, the effective height of the smokestacks for the Incinerator Complex is only 7 meters. The practical situation is depicted in the following illustration.



(iv) Dispersion of gases emanating from the incinerators:

The residential buildings, adjacent play areas, picnic areas, the elementary school, the day care center, etc., on NAF Atsugi, are located principally to the northwest and west of the Incinerator Complex. Due to seasonal changes in the direction of the wind, the effects of the gases emanating from the Incinerator Complex are at their worst during the period from May through mid-October. During this period, the smoke emanating from the Incinerator Complex flows directly into NAF Atsugi. "Down wash" is a well-known phenomenon in which winds which strike against buildings or other structures create a downward swirl; as a result of this phenomenon, a downward flow of smoke occurs. The group of buildings at Jinkanpo and the structures in the Incinerator Complex are actually of the magnitude and height which would be sufficient to create a down wash. Therefore, it is likely that the down wash phenomenon is occurring.

This down wash, coupled with the fact that, as a practical matter, the effective height of the smokestacks is only 7 meters, causes the principal portion of the emanating smoke to strike NAF Atsugi and flow slowly through the site. Therefore, the people who reside or work at NAF Atsugi end up directly inhaling the thick, polluting gases. This phenomenon can be readily experienced by actually visiting NAF Atsugi , on any day when the Jinkanpo Incinerator Complex is in operation.

(2) Air Pollution and Soil Contamination

There are continuing investigations the results of which were not prepared in time for the submission of this letter. For detailed data, please refer to the data analysis which is submitted along with this letter. We have selected and summarized only those elements of the data which are regarded as being most significant. They are as follows:

(i) Dioxin Contamination in the Soil

It is quite well-known that dioxin has a very toxic characteristic. Its lethal toxic characteristics are not the only problem. Various other toxic characteristics are known, including its tendency to cause deformity, and oncogenicity; in addition, dioxin is known to posses generative toxic characteristics, skin-trouble-causing characteristics and toxic characteristic for liver. Dioxin, in the narrow sense, refers to polychlorinated dibenzo dioxin (PCDD). However, polychlorinated dibenzo furan (PCDF) which has a toxic nature similar to that of PCDD is also included when referring to "dioxins."

It is usual in Japan to assess the combined toxicity of PCDD and PCDF. Similar toxicity assessments were made in the Environmental Agency's "Interim Report by the Dioxin Risk Assessment Investigation Committee" and the Ministry of Health and Welfare's "Interim Report by the Dioxin Risk Assessment Research Group" and "Guidelines for the Prevention, Etc. of the Occurrence of Dioxins in Waste Disposal," which were published one after another last year and this year.

There are 75 isomers of PCDD, depending on the number of chlorine elements and the manner in which those elements are combined. Further, there are 135 isomers of PCDF. Therefore, PCDD is sometimes indicated as $PDCC_S$ and PCDF as $PCDF_S$.

Dioxins is the general term for a total of 210 compounds, with each compound having a different toxicity. Accordingly, using 2, 3, 7, 8 -TCDD, which has the greatest toxicity, as the criterion. The 2,3,7,8-TCDD Toxicity Equivalency Quantity ("TEQ") is calculated as follows. The concentrations of individual isomers are multiplied by the corresponding Toxicity Equivalency Factors ("TEF"s). The sum of these products is the TEQ. In this letter, the total TEQ for PCDD and PCDF is used as the criteria in making toxicity assessments.

Principal terminology regarding dioxins is listed on the following page.

Terminology and Units

PCDD:	Polychlorinated dibenzo dioxin.
TCDD:	A PCDD with four chlorine elements in one molecule.
PCDF:	Polychlorinated dibenzo furan.
TCDF:	A PCDF with four chlorine elements in one molecule.
Dioxins:	General term for PCDD and PCDF. (Also referred to as just "dioxin.")
Coplanar PCB:	A kind of PCB (polychlorinated biphenyl), possessing a toxicity similar to that of dioxin.
Nanogram:	ng; one billionth of a gram.
Picogram:	pg; one trillionth of a gram.
1 ppb:	One part per billion.
1 ppt:	One part per trillion.
2, 3, 7, 8 TCDD/TEQ:	Toxicity Equivalency Quantity; a methodology to estimate the toxicity of a suite of PCDD/PCDF isomers relative to 2,3, 7, 8-TCDD.
TDI:	Tolerable Daily Intake. The maximum quantity that may be ingested/absorbed, by an average person, on a daily basis, without unacceptable risk of adverse health effect. Expressed in a ratio to kilograms of body weight. For example, a TDI of 1 pg per 1 kilogram of body weight, for a particular chemical, would be indicated as 1 pg/kg bw/day (bw is body weight).
ADI:	Acceptable Daily Intake. A maximum quantity of a particular chemical, the ingestion/absorption of which is considered to be acceptable, in terms of the health effects for an average person. It has a similar meaning to TDI. However, TDI is used for substances, the ingestion/absorption of

which have no benefits, such as pollutants which are unintentionally mixed into foods, etc. ADI is used for substances, the ingestion/absorption of which has benefits, which are intentionally used and mixed into foods, etc.

NOAEL: No Observed Adverse Effect Level. The maximum dosage level at which no adverse health effects are observed.

LOAEL: Lowest Observed Adverse Effect Level. The lowest dosage level at which adverse health effects are observed.

internationally. Therefore, we will let the matter stand for the present.

Thirty-seven shallow soil samples were collected from NAF Atsugi, on 11 June 1997. The following is a summary of the analyzed data with respect to soil contamination caused by dioxins, both PCDD and PCDF combined. All concentration levels are expressed in terms of the TEQ.

(a) Golf course at NAF Atsugi.
(This place is the farthest off from the Incinerator Complex, and is therefore believed to have less of an effect from the emanating gases.)

Average dioxin concentration level: 15.86 pg/g TEQ

(b) Day care center within NAF Atsugi.

Sample Numbers 7 through 11. (Number of samples: 5)

Range of dioxin concentration levels: 19.14-83.78 pg/g TEQ
Average dioxin concentration level: 38.87 pg/g TEQ

☞ It is important to note that the maximum level at this location reached 83.78 pg/g TEQ. The average level, 38.87 pg/g TEQ, is also high, clearly because of the effects from the Jinkanpo Incinerator Complex.

(c) Picnic area.

Sample Numbers 12 through 16. (Number of samples: 5)

Range of dioxin concentration levels: 6.28-56.03 pg/g TEQ
Average dioxin concentration level: 27.28 pg/g TEQ

☞ Maximum contamination levels up to 56.03 pg/g TEQ were found here.

(d) Play area.

Sample Numbers 17 through 22. (Number of samples: 6)

Range of dioxin concentration levels: 6.67-76.58 pg/g TEQ
Average dioxin concentration level: 20.58 pg/g TEQ

☞ By looking at the average level, one could say that, for a location within NAF Atsugi, it is relatively less contaminated. This area is a place newly established, approximately one year ago. At that time, the soil was transported from another place. Thus, the period within which dioxin accumulated was short. Nevertheless, 76.58 pg/g TEQ is a high level of contamination.

(e) Fence line closest to the Incinerator Complex.

Sample Numbers 23 through 31. (Number of samples: 9)

Range of dioxin concentration levels:27.37-185.94 pg/g TEQ
Average dioxin concentration level: 78.00 pg/g TEQ

☞ A maximum level of 185.94 pg/g TEQ and an average level of 78.0 pg/g TEQ indicate very high levels of contamination. Because this location is the closest to the Jinkanpo Incinerator Complex, this was to be expected. However, this indicates the gravity of the problem. Further, the different levels are believed to be due to the different directions in which the fence lines are located. Numbers 24-26, which had especially high levels of contamination, were all located approximately almost due north of the Incinerator Complex. Numbers 30 and 31, which had low levels of contamination, were located on the east side.

(f) Elementary school within NAF Atsugi.
(Including the vegetable garden.)

Sample Numbers 32 through 37. (Number of samples: 6)

Range of dioxin concentration levels: 6.88-21.36 pg/g TEQ
Average dioxin concentration level: 14.93 pg/g TEQ

☞ This case is similar to (a) which has a relatively low level of contamination. However, the soil was entirely replaced at this place as well approximately one year and six months ago, when the elementary school building was established. Nevertheless, as will be discussed hereinbelow, there are believed to be effects from the Incinerator Complex.

Standards for the Assessment of Dioxin Contamination:

Japan has yet to establish legal standards with respect to the concentration of dioxin in soil. However, the delay is merely in reviewing the standards and creating the legislation therefor; it would not be proper not to have legal standards for a substance so toxic as dioxin. In other words, the fact that we do not touch upon the legal standards has no relation to the existence or non-existence of the harmful nature. I will explain the degree of the above-mentioned dioxin contamination by referring to examples from Germany, etc.

i. The Environmental Agency has identified 2 pg/g as a benchmark soil standard for areas that have not yet been contaminated and 20 pg/g the benchmark for urban areas where contamination has already occurred. (Environmental Agency's Interim Report by the Dioxin Risk Assessment Investigation Committee, December 1996)

What is the concentration level at a location in the vicinity of NAF Atsugi which is not affected by the contamination (the background concentration level) caused by the Jinkanpo Incinerator Complex? Unfortunately, the locations where the current observations were made were all affected to some extent by the Incinerator Complex and it is not possible to get a clear answer. However, of the 37 samples taken, the lowest level was 6.28 pg/g and there were five samples with levels less than 8 pg/g. It is believed that these locations were largely unaffected by the Jinkanpo Incinerator Complex because of the terrain or neighboring structures, etc. Accordingly, it seems reasonable to regard 6-8 pg/g as the background concentration level for the vicinity of NAF Atsugi.

Therefore, we can estimate the dioxin contamination caused by the gases emanating from the Jinkanpo Incinerator Complex by subtracting the above background concentration level from each of the observations made.

ii. Namely, the level of contamination which is found at NAF Atsugi is, at its maximum, 93 times higher than areas compared to the level in areas where contamination has not progressed. The contamination level in many of the locations at NAF Atsugi significantly exceeds the level even in urban areas with increased levels of contamination.

iii. Germany has legal standards which require certain measures to be taken in the event of soil contamination, as indicated in the chart on the following page. Reference should be made thereto in studying the level of contamination. According to these German legal standards:

When the contamination level reaches 5-40 pg/g, vegetables should be rinsed prior to being eaten and there are restrictions on the use of grass. In the case of NAF Atsugi, all of the samples taken reach this level. (The lowest level was 6.23 pg/g.)

When the contamination level reaches 40 pg/g or more; approval is required to grow grains and fruit trees. Further, livestock may not be allowed to enter contaminated areas and emergency measures are required to be worked out. In the case of NAF Atsugi, of the 37 locations, in fact, it reaches this level at 10 locations.

When the contamination level reaches 100 pg/g or more, infants' soil contact is prohibited and replacement of soil, etc. is required. In the case of NAF Atsugi, it exceeds this level at two locations. Furthermore, there are five other locations where the level exceeds 70 pg/g. Levels in these locations may well reach 100 pg/g or more, if the polluting gases continue to be discharged in the future.

The dioxin pollution at NAF Atsugi has already been a level of emergency situation, at which point prompt measures are required to be taken.

Measures Taken in Germany in Areas with Dioxin Soil Contamination (pg TEQ/g)
(Source: Yamamoto, "Resources and Environmental Measures" 1994, page 623)

Contamination Level	Measures
Less than 5	No restrictions on land use.
5 - 40	Rinse vegetables and/or restrict the use of grass. Identify the origin and instruct regarding measures.
40 or more	Immediately investigate the origin and take measures. In growing vegetables, do not use leaves growing close to the surface. Approval required to grow grains and fruit trees. Do not allow livestock to enter the area.
100 or more	Prevent soil contact by infants. Replace soil. Cover soil.
1,000 or more	Replace soil in residential areas. Cover soil
10,000 or more	Replace all soil.

Dioxin contamination within NAF Atsugi is at a state of emergency and already at a level where emergency measures must be worked out.

(ii) Soil Contamination Caused by Heavy Metals (Lead, Cadmium, Mercury, Arsenic)

Set forth below are summaries and assessments, area by area, of the results of investigations regarding these heavy metals, which would be similar to those summaries and assessments for dioxin.

First, the issue is what kind of heavy metal caused considerable contamination. However, as was the case with dioxin, it is difficult to determine the background level which has not been affected by the Jinkanpo Incinerator Complex. Accordingly, it would be

difficult to clearly set forth the "contamination levels." Therefore, we will calculate the ratio between the group with lower analyzed levels of contamination and the group with higher analyzed levels of contamination. The group with lower analyzed levels would be considered to have levels relatively close to the background level. Therefore, we will examine the contamination levels by using the group with lower analyzed levels as the standard.

Lead (Pb):			
Low Level:	8-9 μg/g (=mg/kg)	High Level:	120-190 μg/g
Cadmium (Cd):			
Low Level:	0.06-0.08 μg/g	High Level:	0.99-1.3 μg/g
Mercury (Hg):			
Low Level:	0.06-0.07 μg/g	High Level:	0.18-0.24 μg/g
Arsenic (As):			
Low Level:	0.8-0.9 μg/g	High Level:	4.1-4.2 μg/g

By examining the ratio between the low level and the high level, we know that the higher level is approximately 20 times the lower level for Pb, approximately 16 times for Cd, 3 times for Hg and approximately 4.5 times for As. Manifestly, the levels of lead and cadmium contamination appear to be quite significant and warrant immediate attention. Thus, the discussion below will focus on these two contaminants.

☞ It should be noted here that "high levels of contamination" of all of the heavy metals were all found in samples taken at the "fence line." Furthermore, of the samples taken at the fence line, contamination levels were especially high in the due northerly direction from the Incinerator Complex and were relatively low on the eastern side. These factors clearly indicate that all of the contamination from heavy metals is caused by the Jinkanpo Incinerator Complex.

It is known that there are considerable differences from area to area in the concentrations of lead and cadmium in the soil. Especially in the case of lead, ever since the Industrial Revolution, there has been an abrupt and sharp increase in concentration in the surface and near-surface soil. Therefore, the background levels differ depending on the level of development of industrial activity.

With respect to contamination assessments, we note that the high levels of concentration, all of which are 16 to 20 times the lower level, are caused by the Jinkanpo Incinerator Complex. Further, there is a legal standard for lead in the "Soil Environment Standards." However, in these standards, soil concentration itself is not at issue. Rather, it utilizes the standard for the concentration of lead which is dissolved in water, using the "elution test" of mixing the soil into water and shaking. The Japanese method of elution tests is to shake at 5.8-6.3 pH for six hours. Accordingly, even if there is a high concentration level, it is often not detected through the elution test. Therefore, the "standard" has little

significance. Thus, there is no legal standard to make a direct assessment of the concentration of lead in soil.

There are not as many regional differences for cadmium as there are for lead. Further, the soil environment standard obtained by the "elution test" is the only cadmium level provided.

Further, in the Law Concerning Prevention of Soil Contamination on Agricultural Land, there are standards with respect to concentration, etc. of cadmium, copper and arsenic. However, the standard regarding cadmium is for the amount of cadmium which is contained in the rice grown on the agricultural land; the "standard" is not for the concentration which is directly contained in the land.

Ultimately, it would be most logical to assess the level of contamination by using a background level for the area surrounding NAF Atsugi. In this case, it would be most appropriate to make an assessment of considerable contamination at 16 to 20 times the level of lower contamination. (The background level is believed to be even lower than this lower level.)

(iii) Other Soil Contamination

With respect to the investigation of soil contamination from benzopyrene and phenol, which are organic chemical substances, we were not able to obtain results which clearly indicate the contamination. However, we cannot deny the possibility of contamination caused by other chemical substances. That is because the dioxin, cadmium, lead, etc. clearly indicate a considerable amount of contamination caused by the Jinkanpo Incinerator Complex. Even if chemical substances are emanated as contaminants, because of the stability, ease of mobility (they volatilize in the air or move by dissolving in water), etc. of the chemical substances in the environment, there are some chemical substances which actually cannot be found through soil analysis.

(iv) Air Pollution Caused by Dioxin

We conducted investigations of air pollution within NAF Atsugi caused by dioxin on June 28, 1997 and August 2, 1997. However, there was not enough time to have the full results ready when this letter was prepared. Accordingly, at present, we only have in hand data which has not been converted into the TEQ which was discussed above. It is possible to get a general handle on the tendency of air pollution caused by dioxin, based on this data. Therefore, we will proceed with our discussion based on this data.

Background for Dioxin Pollution:

As with soil contamination, it is difficult to obtain an accurate background level for dioxin air pollution.

According to the Environmental Agency's Interim Report by the Dioxin Risk

Assessment Investigation Committee, the background levels in smaller urban areas are considered to be 0.25-0.71 pg TEQ/m^3. The average of two samplings taken at NAF Atsugi of the concentration levels at locations which are believed to have the least effect from the Jinkanpo Incinerator Complex is 21.92 pg/m^3. However, this is merely the total PCDD and PCDF, which has not been converted into the TEQ. Therefore, this level cannot be compared with the results contained in the Environmental Agency's report. There is data which indicates that, in the case of emission of gases caused by waste incineration, the ratio between the total PCDD and PCDF and the TEQ equivalent is approximately 50-100 ("Dioxin Concentration at Machida City Incinerator Facility," Dioxin Will Take Away Our Future, Anti-Agricultural Chemicals Series, 12). Therefore, we will obtain a simplified TEQ equivalence by using this method. Consequently, 21.92 pg/m^3 would be 0.22-0.44 pg TEQ/m^3. This agrees more or less with the level in the Environmental Agency's report above. However, according to this report, the background level in areas where artificial pollution is almost inconceivable is 0.02 pg TEQ/m^3, and, in comparison to this level, the above level at NAF Atsugi is approximately twenty times higher.

Dioxin Air Pollution Caused by the Jinkanpo Incinerator Complex:

With respect to the areas which have high levels of pollution, according to samplings taken at NAF Atsugi, the simple total of PCDD and PCDF are as follows, in descending order.

(PCDD + PCDF) pg/m^3	Sampling Location No.	Simplified Equivalence pg TEQ/m^3
1670	5	16.7 - 33.4
699	7	6.99 - 13.98
641	4	6.41 - 12.82
573	9	5.73 - 11.46
564	5	5.64 - 11.28
480	8	4.80 - 9.60
138	6	1.38 - 2.76

As indicated above, this data only considers the raw data gathered prior to the time this letter was prepared. Therefore, this is not an exhaustive list of the data. We have indicated as examples, for now, of data of high levels of pollution. However, these levels indicate serious pollution. First, we will compare the above chart with data from a investigatory monitoring of dioxin in the atmosphere conducted annually the Environmental Agency. (We will use the data included in the Interim Report referred to above.) According to the Interim Report, the "maximum levels" among the numerous data obtained from areas throughout the nation are as follows. (The unit is pg TEQ/m^3.)

	1990	1991	1992
Residential Areas in Vicinity of Industrial Areas	0.90	1.03	1.30
Larger Urban Areas	1.76	1.15	1.10
Smaller Urban Areas	1.16	1.36	0.59

One glance to compare these levels and the sample levels observed at NAF Atsugi and it is obvious that high levels of pollution occur daily at NAF Atsugi, levels which far exceed the "maximum levels" obtained from the Environmental Agency's investigation conducted as far north as the Tohoku area and as far south as the Kyushu area.

We will compare these levels indicated in the above chart with the level of gases which emanate from the incinerators. Gas emission levels are obtained from samplings taken at the exit of the smokestacks or sampling holes. Accordingly, this differs completely from the surface concentration level (ground level concentrations). That is because dioxin is ordinarily estimated to be diluted approximately several thousand to several hundred thousand times, depending upon many factors, including distance from the stack.

Japan does not yet have a legal standard for dioxin gas emission. (There is a possibility that one will be established in the near future.) However, according to the Environmental Agency's "Guidelines to Prevent Dioxin Production in Waste Disposal," issued on January 23, 1997, the standard under the guidelines for existing continuous-combustion incinerators for urban waste is 0.5 ng TEQ/Nm^3 and 0.1 ng TEQ/Nm^3 for new incinerators. This would come to 100 to 500 pg TEQ/Nm^3 (100pg=ng). As indicated above, the highest dioxin concentration levels at NAF Atsugi are 16-33 pg TEQ/m^3 using the simplified conversion. We are aware, of course, that the data from NAF Atsugi are ambient concentrations, while the new guidance concentrations are intended to be applicable within the stack, prior to dilution. However, the observed ambient concentrations at NAF Atsugi and the Environmental Agency's recommended "inside-the-stack" concentrations only differ by a factor of approximately ten. When one contemplates this, the level of pollution can only be described as serious, and causes concern. (Incidentally, m^3 and Nm^3 are not the same; however, the dioxin concentration level would increase if it were expressed in Nm^3.)

Based on the above, we can state that every day, people who reside or work at NAF Atsugi are breathing the poorest, and the worst, dioxin-polluted air in Japan.

(v) Air Pollution Caused by Heavy Metals

We took two samplings with respect to air pollution caused by heavy metals, as we did with dioxin, on June 28, 1997 and August 2, 1997. For heavy metals, we investigated regarding arsenic (As), cadmium, chromium, lead, copper, etc. Lead, cadmium, etc., which indicated considerable contamination with respect to soil contamination, also

appear to require attention in regard to air pollution.

We will divide the discussion into an examination of the background level and the problem of high pollution levels. We will use the data of July 28 and August 1, which have been arranged.

Background Level for Air Pollution Caused by Heavy Metals:

As with other pollutants, it is only natural that there are regional differences in the background levels for air pollution caused by heavy metals. In air pollution observations, observations of heavy metals are ordinarily not made. (In performing observation of emission gases, observation of heavy metals may be necessary.) Therefore, it would be time-consuming and difficult to obtain the background level for the area surrounding NAF Atsugi, based on existing data.

Of the data investigated, we will list those which are considered to have lower levels of pollution, in ascending order of pollution. Depending on the substance, the data is not in proper order. However, we will give special attention to the order for lead and cadmium. It is as follows.

☞ The unit for the concentration level of heavy metals is $\mu g/m^3$.

Sampling Location No.	Lead (Pb)	Cadmium (Cd)	Chromium (Cr)	Copper (Cu)
9	(1) 0.0398	0.00122	0.0132	0.185
1	(2) 0.0417	(2) 0.00081	(2) 0.0026	(1) 0.0427
8	(3) 0.0426	0.00103	0.0148	0.221
9	0.0447	(1) 0.00069	(3) 0.00528	(2) 0.0577
6	0.0461	0.00168	0.00829	0.125
8	0.0513	0.00120	(1) 0.00247	0.0896
1	0.0559	(3) 0.00101	0.0191	(3) 0.0755

The numbers, (1), (2) and (3), in the chart refer to the three lowest, in ascending order of the level of concentration for each heavy metal. We believe the levels which are numbered would serve as criteria for the background level in the vicinity of NAF Atsugi. In other words,

For lead: $0.04\mu g/m^3$
For cadmium: $0.0007\text{-}0.001\ \mu g/m^3$
For chromium: $0.0025\text{-}0.005\ \mu g/m^3$

For copper: 0.04-0.08 $\mu g/m^3$

Next, in order to examine the level of heavy metal pollution in the atmosphere which is considered to have been caused by the Jinkanpo Incinerator Complex, we will do the opposite of the previous chart. Of the data investigated, we will list those which have higher levels of pollution, in descending order of pollution, as indicated in the following chart.

Sampling Location No.	Lead (Pb)	Cadmium (Cd)	Chromium (Cr)	Copper (Cu)
5	(1) 3.82	(2) 0.192	(3) 0.042	(1) 1.400
5	(2) 2.79	(1) 0.352	(1) 0.092	(2) 1.280
4	(3) 2.41	(3) 0.094	(2) 0.088	(3) 1.120
5	0.77	0.016	0.026	0.508
3	0.74	0.0025	0.025	0.066
4	0.46	0.049	0.0047	0.348
3	0.36	0.0058	0.024	0.350

The numbers, (1), (2) and (3) in the chart refer, in descending order, to the locations with the highest concentration levels. In other words, the pollution level is as follows.

For lead: 2.4-3.8 $\mu g/m^3$
For cadmium: 0.09-0.35 $\mu g/m^3$
For chromium: 0.04-0.09 $\mu g/m^3$
For copper: 1.1-1.4 $\mu g/m^3$

If we compare these levels to the levels which are considered to have had little effect from the Incinerator Complex, the magnitude of the effects is clear. For example, it is 60-100 times in the case of lead, approximately twenty to several hundred times for cadmium, 10-20 times for chromium and 10-20 times for copper. Accordingly, the fact that "lead and cadmium contamination was especially severe," as indicated in the case of soil contamination, also proved to be true in the case of air pollution. Of course, the problems associated with chromium and copper pollution are also important.

We should note that, in the case of lead, the level at NAF Atşugi far exceeds the average level in urban areas in the U.S., referred to above. It would not be mistaken to state that "the atmosphere is highly polluted." The pollution level is several times as high as is the case in Miami, which, as mentioned above, is most polluted.

(vi) Air Pollution Caused by Nitrogen Oxides (NO_x) and Sulfur Oxides (SO_x)

Under the Air Pollution Prevention Law, there are restrictions on the concentration levels (250 ppm at the Jinkanpo Incinerator Complex) as a standard for the emission of nitrogen oxides and the so-called K-level restrictions on sulfur oxides. As discussed above, the "practical height" of the smokestacks at the Jinkanpo Incinerator Complex is only 7 meters. Therefore, for purposes of the K-level restriction, the "effective stack height" must be determined based on this height. Furthermore, because of the large number of people residing in close proximity, a K-level of at least 3, which is utilized for Yokohama, Kawasaki, etc., should be used.

Putting the above matter aside for the moment, since 1985, we have conducted continuing investigations of NO_x and SO_x at NAF Atsugi. These investigations concern the concentration levels in the atmospheric environment at NAF Atsugi, not the concentration levels in the gases emanating from the Incinerator Complex. Accordingly, we will combine those results with the results from the present investigation.

Based on the continuing investigations which we have been conducting of sulfur oxides and nitrogen oxides, we have learned of very high levels of pollution by these chemicals.

There are environmental standards, based on Article 16 of the Environmental Standard Law, of the concentration levels for sulfur oxides and nitrogen oxides in the atmospheric environment. For example, the environmental standard for sulfur oxides is "an average daily level at the hourly level of 0.04 ppm or less and an hourly level of 0.1 ppm or less." On the other hand, under the Air Pollution Prevention Law, there are provisions for "general emergency" situations, which is serious air pollution with the risk of harm to the health of people and the environment they live in (Article 23, sections 1 and 4), which prescribe for emergency measures to be taken in such situations by the prefectural governors. The requirements to be designated as an emergency are compiled in Article 11 of the Enforcement Ordinance for the Air Pollution Prevention Law and Attached Chart No. 5. Because of the gas emanating from the Jinkanpo Incinerator Complex, the air pollution in the surrounding area, of course, exceeds the "general emergency" situation and frequently exceeds the "serious emergency" situation.

We have attached, at the end of this letter, four diagrams which show, along the contours on the map, the number of times NO_x and SO_x have exceeded the "general emergency" and "serious emergency" levels, since observations at NAF Atsugi were commenced in 1985. It is clear from the formation of the contours that the Jinkanpo Incinerators are causing enormous effects on NAF Atsugi and the surrounding area. For example, the level of NO_x within NAF Atsugi exceeded the "general emergency" situation (at the northern fence line) more than 1,000 times. This is also the case with So_x.

The data for 1985 or thereafter shows similar tendency. The recent findings of a slight improvement with respect to SOx maybe attributable to more careful watch by NAF Atsugi. However, there is no change with respect to the fact that "serious emergency situation" has often been exceeded.

We cannot allow such a situation to be neglected when there is "considerable air pollution" as provided under the law, when there is "risk of harm" to the people's health and the environment we live in and when pollution frequently exceeds the level where "serious harm will occur."

On the basis of twelve years of investigation, the numbers of people who are frequently exposed to heavy pollution, in the form of nitrogen oxides (NOx) and sulfur oxides (Sox), corresponding to "general emergency situation" and "serious emergency situation" has become clear. The details (excluding the number of employees at Jinkanpo) are as follows:

(a) People exposed to the dangers of SOx at a "serious emergency situation" level:

I. 1000 Americans residing at NAF Atsugi;

II. 30 Japanese employees working at NAF Atsugi;

III. 150 employees at Ayase Industrial Park.

(b) People exposed to the dangers of NOx at a "serious emergency situation" level and to the danger of SOx at a "general emergency situation" level:

I. 4,300 Americans residing at NAF Atsugi;

II. 550 Self-defense Force personnel at the NAF Atsugi;

III. 800 Japanese employees working at NAF Atsugi;

IV. 250 employees at Ayase Industrial Park.

(c) People exposed to the dangers of NOx at a "general emergency situation" level:

I. 4,300 Americans residing at NAF Atsugi;

II. 1,800 Self-defense Force personnel at NAF Atsugi and 2,500 of their family members;

III. 870 Japanese employees working at NAF Atsugi;

IV. 800 employees at Ayase Industrial Park;

V. 900 pupils and teachers at Ayakita Junior High School;

IV. 16,000 citizens in Ayase (residing in the Fukaya District or nearby).

The foregoing statistics demonstrate that emission gases from the Jinkanpo Incinerator Complex pose a serious threat of health damage to a large number of people.

(3) Risks of Danger to Health

We have mentioned the "risk of danger to health," which we refer to at the beginning of this letter, in our letter of 28 March 1997. The results of the current investigations very clearly demonstrates the high level of air pollution and soil contamination caused within NAF Atsugi by the Jinkanpo Incinerator Complex. The level of contamination caused by dioxin, heavy metals, etc. is of great concern. We have already discussed this in detail; however, we would like to summarize our discussion above from the viewpoint of "risk of danger to health."

(i) Risks Caused by Dioxin

We believe it is not necessary to reiterate the various toxic natures of dioxin. We have already discussed the contamination level.

(a) Of the 37 locations, the dioxin contamination level in the soil exceeded 40 pg TEQ/g at more than 10 locations and the maximum level was 185 pg TEQ/g.

(b) High levels of pollution which far exceed the "worst" record in the Environmental Agency's nationwide investigatory monitoring is repeated daily.

The Environmental Agency's Interim Report by the Dioxin Risk Assessment Investigation Committee adopts the following method of estimation. If the air pollution concentration level is 0.6 pg/m^3, a 50 kilogram adult will take in 0.18 pg/kg a day. With respect to intake through soil contact, the estimates are classified into oral intake, skin intake, infancy intake and other estimated intakes.

Further, a level of 0.26-3.26 pg/kg a day is used for intake from food.

In this report, if the air pollution concentration level in the areas surrounding the waste incinerating facility is assumed to be 3-4 pg/m^3, the dioxin intake from the atmosphere would be 0.9-1.2 pg/m^3. If we were to apply this to NAF Atsugi, we would need to estimate at least a 10 pg/m^3 pollution level according to such data. Then, even assuming the intake through other means are the same as they are in the report, the daily intake of dioxin would be 3.89-6.89 pg/m^3 . This reaches or exceeds the tolerable daily intake of 5 pg/kg a day, as proposed by the Environmental Agency. This level of 3.89-6.89 pg/m^3 is several hundred times the level of the tolerable daily intake, proposed by the U.S. Environmental Protection Agency (USEPA). Japan's Environmental Agency denies the cancer-causing effects of dioxins on humans; thus, the discrepancy in the U.S. and Japanese tolerable daily intake.

Another problem is that there are many children and infants who live at NAF Atsugi. They have low levels of resistance against such toxic substances.

(ii) Risk Caused by Heavy Metal Contamination

We have already discussed the especially high level of air pollution and soil contamination caused by lead and cadmium. However, there is no direct standard to determine the concentration level thereof in the soil; there is only the standard based on the "elution test." Nonetheless, people in their everyday life are constantly inhaling and orally taking in minute particles of soil. This alone creates danger to children because they have numerous opportunities to come into contact with soil.

Unfortunately, the only air pollution standard which exists for lead and cadmium is the emission standard. Not even an environmental standard exists. Although we cannot make comparisons with the legal standard, there are many reference materials with respect to the toxic nature and toxic symptoms of heavy metals. However, we would require a tremendously voluminous number of pages to discuss the medical aspects of the risks.

(iii) Dangers Caused by Sulfur Oxide and Nitrogen Oxide Pollution

The fact that these levels of pollution caused by sulfur oxides and nitrogen oxides frequently reach the "general emergency" and "serious emergency" levels provided under the law conclusively indicates the risk of health dangers. This is also clear from a comparison of these levels with the environmental standards.

	Environmental Standard	General Emergency	Serious Emergency
NO_x	Average daily level at hourly level: 0.04 ppm or less Hourly level: 0.1 ppm or less	Hourly level: 0.2 ppm or more: Continue for 3 hours. 0.3 ppm or more: Continue for 2 hours. Average 48-hour level: 0.15 ppm or more	Hourly level: 0.5 ppm: Continue for 3 hours. 0.7 ppm: Continue for 2 hours.
SO_x	Average daily level at hourly level: 0.04-0.06 ppm	Hourly level: 0.5 ppm or more	Hourly level: 1 ppm or more

(iv) Investigation Results Concerning the Health Damage Related to Pollutants from the Incinerator Plants

Lastly, we will state the results of the investigation concerning the health damage, at NAF Atsugi, related to pollutants emanating in the form of emitted gases from the Jinkanpo Incinerator Complex. The listed pollutants are those which, on the basis of an

investigation conducted in August 1985 and continuous investigations subsequent thereto, are deemed to have exceeded U.S. health guidelines.

The following is a summary of the main symptoms, the pollutants to which they are attributable (we will limit our summary to those pollutants emitted from the Jinkanpo Incinerator Complex at emission levels which exceed U.S. health standards) and the results of the investigations:

(a) Miscarriage: Lead

The rate of miscarriage among women who lived at NAF Atsugi from June 1996 through June 1997 and who use Atsugi Medical Clinic, at NAF Atsugi, is 27% higher than the rate among women living away from NAF Atsugi.

(b) Asthma: Cadmium, Mercury, Hydrogen Chloride, SOx, NOx

The amount of medicine used by the asthmatics who visited NAF Atsugi, between May 1996 and February 1997, was two to four times as high as their previous dosages, according to the medication records of Atsugi Medical Clinic.

(c) Diseases of Upper Respiratory Tract (e.g., Bronchitis): Hydrogen Chloride, SOx, NOx

In 1994, the number of patients suffering from bronchitis at the Atsugi Medical Clinic was 130% of the number of patients afflicted with the same disorder at the Yokosuka Navy Hospital, during the same period. In particular, from August to December 1994, that rate reached 220%. Furthermore, 19 out of 150 monitored patients showed signs of chronic disease.

(d) Skin Diseases (e.g., rash and pimples): Arsenic, Chromium, Mercury, Nickel, Benzene, Carbon Tetrachloride, Dioxin

Of the previously mentioned 150 monitored patients, 7 showed symptoms of skin diseases.

(e) Dyspnea, Pain in Chest: Arsenic, Cadmium, Chromium, Mercury, Hydrogen Chloride, SOx, NOx

Of the 150 monitored patients, 44 showed signs of this disease.

(f) Headache: Cadmium, Mercury, Nickel, Benzene

Of the 150 monitored patients, 91 complained of strong and continuous headaches.

(g) Smarting and Other Pain of Eyes: Chromium, Lead, Mercury, Benzene, Hydrogen Chloride, SOx, NOx

Of the 150 monitored patients, 70 showed evidenced these symptoms.

(h) Nausea: Arsenic, Cadmium, Nickel, Benzene, Carbon Tetrachloride

Of 150 monitored patients, 48 showed evidenced this symptom

(i) Weariness, Susceptibility to Fatigue: Lead, Mercury, Nickel, Benzene, Carbon Tetrachloride

Of the 150 monitored patients, 6 complained of these symptoms.

(j) Cough: Arsenic, Cadmium, Chromium, Mercury, Nickel, Benzene, Hydrogen Chloride, SOx, NOx

Of the 150 monitored patients, 23 non-smoking people developed a "cough that was hard to stop."

Even though the aforementioned investigation is not yet complete, it appears to sufficiently prove the health damage caused by the Jinkanpo Incinerator Complex. To allow Jinkanpo to continue its operations, would certainly worsen such health damage.

The residents and workers at NAF Atsugi are being subjected to a highly concentrated level of pollution caused in combination by dioxin, heavy metals, SO_x and NO_x. We believe you will understand that the contents of the complaints and responses to questionnaires from workers at NAF Atsugi and residents of the surrounding area, which were quoted in the previously submitted letter, dated 28 March 1997, were in no way exaggerations of fact, and conform to the empirical evidence of pollution.

3. Reality of Jinkanpo's Illegal Operations

We have already recounted, in our letter of 28 March 1997, Jinkanpo's frequent violations of the Air Pollution Prevention and Waste Disposal Laws and its repeated illegal operations. Jinkanpo's illegal operations have not been corrected at all, despite the submission of our pervious letter. We intend to supplement the materials that we have already submitted, in this regard, with evidentiary material.

4. Opinions on Legal Issues

(1) Requirements for License Renewal and the Jinkanpo Case

Art. 14, Para. 5 of the Waste Disposal Law provides for the renewal of licenses for industrial waste disposal businesses. It is commonly understood that the renewal of a license is legally indistinguishable from the granting of a new license. However, it is also understood that the documents to be attached to the application of renewal can be omitted, if the content scope of the license which is to be renewed is the same as that of the previous license. In practice, this is the procedure that is followed.

Thus, the conditions provided for in each item of Art. 14, Para. 3 of the Waste Disposal Law will apply to the renewal of a license. In light of the facts that smokestacks at the at Jinkanpo incinerator complex are, in effect, only seven meters high and that a great quantity of toxic substance is being emitted therefrom incessantly, it is impossible to regard the requirement specified in Item 1 of said Paragraph as being satisfied. It is clear that such requirement is not satisfied, when one considers the fact that lead in excess of the emission standard established under the Air Pollution Control Law has actually been emitted and in light of the highly polluted condition in our facilities.

Furthermore, the facts that Jinkanpo has continued to operate illegally, on a daily basis, and has not followed Prefectural guidance to improve seem to suggest a lack of any intention to comply with the Waste Disposal Law. In such a case, there is ample basis for concluding that "sufficient reasonable grounds exist to believe that the relevant business is likely to be conducted in bad faith and that an injustice is likely to occur," as provided for in Art. 7, Para. 3, Item 4-e, which shall apply *mutatis mutandis* to Art. 14, Para. 3, Item 2 of the Waste Disposal Law, and that the application for renewal of the license should be rejected.

(2) Revocation of License; so-called "Likelihood Clause"

We understand that the Ministry of Health and Welfare has issued a notice (February 25, 1993, Eisan No. 20, so-called Notice No. 20) concerning application of the above-mentioned "likelihood clause." We think that Jinkanpo's application for renewal of its license can and must be rejected, in complete conformity with the standards of applicability articulated in said Notice No. 20.

It seems that, in the case of each of the Items mentioned above, the Governor absolutely must reject the license renewal application. This is clear, because the Law provides that "the Governor shall not grant any license concerning a waste disposal business" "unless the requirements provided for in each Item of Art. 14, Para. 3 are considered to be satisfied." In this regard, rejection of a license/renewal application is different from a case involving the revocation of a license.

(3) Request for the Issuance of Affirmative Administrative Orders, Such As a Business Suspension Order and an Action Order

Art. 7-3 of the Waste Disposal Law, which shall apply *mutatis mutandis* to the requirements of Art. 14-3 of such law, provides that if an industrial waste disposal entity violates such law or administrative orders, the Governor may order a suspension of its business. Jinkanpo has clearly violated and continues daily to violate the law. We request that you take affirmative action.

Art. 15-3, Para. 1 of the Waste Disposal Law provides that if either the structure or the maintenance of the waste disposal facilities does not comply with technical standards, the Governor may revoke the license pertaining to the establishment of the facilities and may issue orders to improve the facilities or to suspend the use thereof. We believe that the Jinkanpo incinerators clearly should be subject to such orders.

Articles 19-3 and 19-4 give the Governor the power to issue an improvement order to accelerate the appropriate treatment of waste and an action order to eliminate any obstruction or nuisance, in order to protect the living environment. It is also evident that Jinkanpo's operation should be subject to such orders.

Art. 14 of the Air Pollution Control Law empowers the Governor to issue an "improvement order" or "suspension order" concerning the relevant facilities, when a facility which emits soot and smoke is deemed likely to continuously emit soot and smoke which does not comply with emission standards and "is regarded as causing damage to human health and the living environment" by such continuous emissions. As a matter of fact those who reside or work in our facilities suffer damage to their health every day. We request that said powers be exercised in an affirmative manner.

(4) Concerning "in a general emergency" and "in a serious emergency"

According to Art. 23 of the Air Pollution Control Law, which we have cited, the Governor, "in a general emergency," has a legal obligation to notify people of the relevant facts and to request that the owner of facilities which emit soot and smoke decrease or abate the emission thereof; the Governor, "in a serious emergency," is obligated to take actions to decrease or abate the emission of soot and smoke and to restrict the use of the facilities, as against the entity which is involved in the emission of soot and smoke.

As we have stated, our facilities have often been placed in situations of general or serious emergency because of the operation of the Jinkanpo facilities. It is indispensable to take [appropriate] steps during such emergencies in order to avoid public danger. It is your responsibility to adopt prompt measures for that purpose. We request that you take prompt action in any "emergency."

(5) Conditions to Be Imposed to Protect a Living Environment

Art. 14, Para. 7 and Art. 15, Para. 3 of the Waste Disposal Law, concerning the licensing of waste disposal businesses and the licensing of the establishment of waste disposal facilities, respectively, provide that "certain conditions necessary for the protection of the living environment may be imposed."

As a matter of course, the imposition of such conditions will apply to the renewal of licenses for waste disposal businesses, as well. In light of the fact that the living environment in or near our facilities has been rendered unhealthy because of the Jinkanpo incinerator complex, even if you do license such facilities to operate, the time of their use and manner of their operation must be strictly controlled, as a matter of course.

Although we cannot even accept operation of the Incinerator Complex for 8 hours a day, as it is currently licensed to do, Jinkanpo actually operates the complex 24 hours a day. Judging from the current manner of its operation, operation of the complex should be completely prohibited or limited to around 3 hours per day, at most, and should be subject to a complete operating prohibition at night and on holidays/weekends.

5. Conclusion

We have learned, through our recent investigation, that the living environment within our facilities has deteriorated much more severely than we had expected. A considerable number of people have symptoms of health damage. If operation of the Jinkanpo Incinerator Complex is allowed to continue, it is obvious that a very serious situation will result. The situation is so serious that there is not a moment to lose. As we have stated, the renewal of Jinkanpo's license is legally impermissible. We request, on humanitarian grounds, that you deny Jinkanpo's application for renewal its license at this time and that Jinkanpo not be permitted to continue its operation. We trust that you will make decision with fairness and courage. Thank you for your understanding and cooperation.

Michael D. Haskins
Rear Admiral, United States Navy
Commander, U.S. Naval Forces, Japan