DEPARTMENT OF MINES AND ENERGY

REGULATION OF THE MINISTER OF MINES AND ENERGY NUMBER : 02.P/101/M.PE/1994 ; DATED : DECEMBER 26, 1994

RE

ADMINISTRATIVE ARRANGEMENT OF UNDERGROUND WATER

THE MINISTER OF MINES AND ENERGY,

Considering :

a. that the Administrative Arrangement of underground water and hot water sources as mineral and power source, in line with Article 5 paragraph (2) of Act Number 11 of 1974 juncto Article 6 of Government Regulation Number 22 of 1982 on authority and its responsibility is in the hands of the Minister, who is entrusted with the task in the field of mining;

b. that in the framework of supporting the Government policy in the field of deregulation and debureaucratization, especially with the taking and utilization of underground water, so it is considered necessary to revoke the Regulations of the Minister of Mines and Energy Number 03/P/M/Pertamben/83 and Number 08.P/03/M.PE/91;

Bearing in mind :

1. Emergency Act Number 12 of 1957 (State Gazette of 1957 Number 2037);

2. Act Number 5 of 1974 (State Gazette of 1974 Number 38, Supplement to State Gazette Number 2037);

3. Act Number 11 1974 (State Gazette of 1974 Number 65, Supplement to State Gazette No. 3046);

4. Law Number 4 of 1982 (State Gazette of 1982 Number 3215);

5. Government Regulation Number 22 of 1982 (State Gazette of 1982 Number 37, Supplement to State Gazette Number 3225);

6. Government Regulation Number 51 of 1993 (State Gazette of 1993 Number 84, Supplement to State Gazette Number 3538);

7. Presidential Decree Number 96/M of 1993 dated March 17, 1993;

8. Joint Decree of the Minister of Public Works and the Minister of Mines and Energy Number 04/Kpts/1991
0076 K/101/M.PE/1991
dated January 19, 1991;

HAS DECIDED :

By revoking the Regulation of the Minister of Mines and Energy Number 03/P/M/Pertamben/1983 dated December 15, 1983 and No. 08.P/03/M.PE/1991 dated December 14, 1991.

To stipulate : Regulation of the Minister of Mines and Energy on Administrative Arrangement of Underground Water.

CHAPTER I

General Provisions

Article 1

In this Ministerial Regulation, meant by :

a. Minister, is the Minister who is responsible in the field of mining and energy;

b. Director General, is the Director General of Geology and Mineral Resoaurces;

c. Governor, is the Governor in line with Act Number 5 of 1974;

d. Administrative arrangement of underground water, is the management in a broad sense, covering all efforts of inventory taking, regulation of utilization, licensing, promotion, controlling and supervision in the framework of underground water conservation;

e. Underground water, is all waters which are found in the layers containing water under the land surface, including the sources which appear naturally on the land surface;

f. Hydrogeology is the science studying the underground water which is related to the method of discovery, its spread, its flow, potential, and the chemical nature of underground water;

g. The taking of underground water is every activity of underground water, which is conducted by means of digging, drilling, or by means of making other plastering structures, where the water is utilized and/or for other purposes;

h. The adding of underground water, is every effort to add the underground water reserve, by means of entering water in the layers, containing water, through additional wells, which are especially made therefore;

i. Underground water drilling company, is an Undertaking Body, which has obtained a business permit to operate in the field of underground water drilling;

j. Inventory taking of underground water, is the activity of mapping, investigating, surveying, exploring, evaluating, collecting and managing data of underground water,

k. Underground water conservation, is underground water management to ensure its utilization wisely, and to ensure the continuation of its supply, by always preserving and improving its quality;

l. Monitoring well, is a well, which is made for monitoring the surface and quality of underground water at certain a quifer layers;

m. Underground water pollution, is the entrance or entering of elements substances physical components, chemical components or biological components into underground water and/or the change of the underground water system by human activities,or by natural processes, resulting in the underground water being decreased up to a certain level, so that it is no longer suitable with its designation;

n. Environmental Management Effort (UKL), is a document, containing the efforts of handling the impact on the environment, which is created is a result of the plan on the undertaking or activity;

o. Environmental Monitoring Effort (UPL), is a document, containing the effort of monitoring the environmental components, affected by the impact as the result of the plan on the undertaking or activity.

CHAPTER II

Principle

Article 2

The underground water administrative arrangement is based on the principle of the utilization, harmony and preservation of underground water.

CHAPTER III

Authority and Responsibility

Article 3

(1) The authority and responsibility of the underground water administrative arrangement, are in the hands of the Minister.

(2) The administrative arrangement of underground water as meant in paragraph (1), is implemented and arranged further by the Director General.

(3) The authority and responsibility as meant in paragraph (1), comprise :

a. Coordinating all activities of inventory taking of underground water, by observing the interests of the public and the Government;

b. Arranging the designation/utilization of the underground water;

c. Arranging the requirement of operating drilling permits and the taking of underground water;

d. Arranging and granting of business permits to underground water drilling companies;

e. Arranging the giving of assignments research survey and exploration permits of underground water;

f. Conducting promotion, control and supervision on the taking and adding of underground water, in the framework of granting permits for the taking and conservation of underground water;

g. Managing underground water data, to be collected as information source of underground water data.

CHAPTER IV

Inventory Taking Activity

Article 4

(1) The collection of data results of mapping, survey, research, exploration and evaluation of underground water data, shall cover :

a. the absorption, spread, potential (reserve) and quality of underground water;

b. digging wells, drilling wells and water sources;

c. Other data, related to the local hydrogeological condition;

(2) The result of the collected data are processed to be used as material for development planning and designing and conservation of underground water.

(3) All data as referred to in paragraph (2), are the property of the State, to be utilized for the public interest.

CHAPTER V

Designation of Utilization

Article 5

(1) Underground water for the requirement of drinking water, constitutes the main priority above all other requirements.

(2) The priority of the underground water designation is as follows :

a. Drinking water;
b. Water for household;
c. Water for Industry;
d. Water for simple Livestock-Breeding and Agriculture;
e. Water for Irrigation;
f. Water for Mining;
g. Water Urban Business;
h. Water for other requirements.

(3) The priority of the underground water designation as meant in paragraph (2), is determined, by observing the public interest and the local condition.

CHAPTER VI

Licensing

Article 6

(1) The taking of underground water, research, survey and exploration of underground water, can only be implemented, after obtaining a permit.

(2) The permits as meant in paragraph (1), consist of :

a. The permit for drilling underground water;

b. The permit for taking underground water;

c. The permit for research, survey and exploration of underground water to Private Undertaking Bodies;

d. Assignment to a Government Agency/Institution to conduct research, survey and exploration of underground water.

(3) The drilling of underground water can only be conducted by:

a. A company, which has a Business Licence for Underground Water Drilling Company (SIPPAT);

b. A Government Agency/Institution of which the implementation and the drilling equipment have obtained a accreditation from the Director General.

Article 7

The drilling licensing and the licensing for taking underground water for mining and energy undertaking activity, is regulated separately by the Minister.

Article 8

(1) The drilling permit and the permit for taking underground water outside the provisions in Article 7, are given by the Governor.

(2) The drilling permit and the permit for taking underground water given by the Governor, after obtaining a technical recommendation from the Director General.

(3) The permit for taking underground water is given by he Governor, after receiving a report on the drilling result from the applicant.

Article 9

(1) Every permit for drilling and permit for taking underground water must be re-registered within a certain period, in line with the respective Regional Regulations.

(2) Every re-registration is obligated to request a technical recommendation from the Director General.

Article 10

The undertaking business permit of an underground water drilling company and the accreditation as meant in Article 6 paragraph (3), are given by the Director General.

Article 11

The permit for research, survey and exploration of underground water to a Private Undertaking Body which has met the requirements, is given by the director General.

Article 12

The asignment to a Government Agency/Institution, which has met the requirements for conducting research, survey and exploration of underground water, is given by the Director General.

Article 13

(1) For taking of underground water for the requirement of drinking water and household water up to certain limits, no permit is required.

(2) The regulation of certain limits as meant in paragraph (1) is stipulated further by he Director General.

Article 14

(1) The requirements for completing the application letter for a drilling permit, the licence for taking and utilizing underground water as meant in Article 8 and Article 9, are stipulated by the Director General.

(2) The procedure of giving a permit as meant in Articles 10, 11 and 12, is stipulated further by the Director General.

Article 15

The Director general stipulates the requirements for permits of research survey and exploration of underground water, conducted by Private Undertaking Bodies and the asignment to a Government Agency/Institution.

CHAPTER VII

Levies

Article 16

(1) Every taking and utilization of underground water is subject to levies.

(2) The levies as meant in paragraph (1), consist of :

a. Levy for underground water drilling permits;

b. Levy for underground water taking permits, either new as well as re-registration;

c. Levy for the taking and utilization of underground water;

Article 17

(1) The amount of the levies as referred to in Article 16, is stipulated by the Regional Administration, in line with the prevailing provisions.

(2) A part of the levies as meant in Article 16, is used for promotion cost and controlling and supervision cost on taking of underground water, of which the amount is stipulated by the Minister of Home Affairs, after hearing the considerations of the Minister.

CHAPTER VIII

Data on Underground Water

Article 18

(1) Data on underground water, which are obtained in implementing the activities as referred to in Article 8, Article 9, Article 11 and Article 12, are obligated to be reported to the Director General.

(2) All data, which are found at the Government Agency/Institution and he Private Sector, which have never been submitted to the Directorate General of Geology and Mineral Resources, are obligated to be reported to the Director General.

(3) The data as referred to in paragraph (1) and paragraph (2), are collected by the Directorate General of Geology and Mineral Resources Nationally.

(4) The Directorate General of geology and Mineral Resources constitutes the centre of data and information on underground water, which is open for the public.

CHAPTER IX

Promotion and Control

Article 19

(1) The promotion and control of taking underground water are conducted and regulated by the Director General.

(2) Every Drilling License (SIP) and Licence for taking Underground Water (SIPA), are issued by the Governor and copies there-of are obligated to be submitted to the Director General.

Article 20

(1) Any application for drilling permit and for permit of taking underground water, is obligated to be attached with UKL and UPL.

(2) The technical guidelines for composing UKL and UPL as meant in paragraph (1), are stipulated by the Minister.

Article 21

The Governor at the request of the Director General, is obligated to postpone every taking of underground water, when disturbing the harmony of the local underground water and/or the occurrence of damage to the environment.

Article 22

(1) Every point of taking underground water, which his obtained a permit, is obligated to be furnished with a water meter.

(2) The permit holder is obligated to provide 1 (one) monitoring well for :

a. taking underground water of 5 (five) wells in an area of less than 10 (ten) hectares;

b. the taking of underground water of 50 liters/second or more, originating from more than 1 (one) well in an area of less than 10 (ten) hectares.

c. The taking of underground water of 50 (fifty) liters/second or more from 1 (one) well.

CHAPTER X

Supervision

Article 23

(1) The supervision on underground water is implemented by the Director General, in cooperation with the Governor and the related Agency of which the regulation is stipulated by the Director General.

(2) The supervision as meant in paragraph (1), shall comprise:

a. Supervising the implementation of the assignment and the permit for research, survey and exploration, conducted by a Government Agency/Institution and a Private Undertaking Body;

b. Supervising the implementation of the technical recommendation, which is binding, in taking underground water, either for implementing the making as well as improving/perfecting a drilling well;

c. Supervising the possibility of pollution and damage to the underground water environment;

d. Disciplining of the taking of underground water without permit;

e. Disciplining of underwater drilling companies without permit.

CHAPTER XI

Sanctions

Article 24

(1) The Director General can revoke the business permit of an underground water drilling company (SIPPAT) if the relative company violates the provision of Article 6 paragraph (1).

(2) The Governor can revoke the permit for the taking and utilization of underground water (SIPA), after hearing he recommendation of the Director General if the relative company violates the provisions of Article 18 and Article 22 paragraph (2).

(3) The procedure of imposing the sanction of permit revocation as referred to in paragraph (1), is regulated by the Director General.

CHAPTER XII

Transitional and Concluding Provisions

Article 25

The Drilling Permit and the Permit for Taking Underground Water, which have been given before the stipulation of this Ministerial Regulation, shall remain valid until its validity period has expired.

Article 26

This Ministerial Regulation shall become effective on the date of its stipulation.

Stipulated in : Jakarta
On : December 26, 1994

THE MINISTER OF MINES AND ENERGY,

signed by

I. B. S U D J A N A

2718

CAFI 122 / 21-10-1995.