

SAVE USE OF GROUND WATER

(Regulation of the Minister of Energy and Mineral Resource of R.I Number 15 Year 2012, dated May 29, 2012)

WITH THE BLESSING OF THE ONE AND ONLY GOD
MINISTER OF ENERGY AND MINERAL RESOURCE
OF THE REPUBLIC OF INDONESIA,

Considering:

In the context of implementing the provision in Article 42 (2) of Government Regulation Number 43 Year 2008 concerning Ground Water, it is necessary to stipulate Regulation of the Minister of Energy and Mineral Resource on Save Use of Ground Water;

In view of:

1. Law Number 7 Year 2004, concerning Water Resource (Statute Book of the State of the Republic of Indonesia Year 2004 Number 32, Supplement to Statute Book of the State of the Republic of Indonesia Number 4377);
2. Government Regulation Number 43 Year 2008, concerning Ground Water (Statute Book of the State of the Republic of Indonesia Year 2008 Number 83, Supplement to Statute Book of the State of the Republic of Indonesia Number 4859);
3. Presidential Decree Number 59/P Year 2011, dated October 18, 2011;

4. Regulation of the Minister of Energy and Mineral Resource Number 18 Year 2010, concerning Organization and Work Procedure of the Ministry of Energy and Mineral Resource (State Gazette of the Republic of Indonesia Year 2010 Number 552);

D E C I D E S:

To stipulate:

REGULATION OF THE MINISTER OF ENERGY AND
MINERAL RESOURCE ON SAVE USE OF GROUND
WATER.

CHAPTER I

GENEREAL PROVISION

Article 1

What is meant in this Regulation of the Minister by:

1. Ground Water shall be water found within the soil layer or the rocks below the land surface.
2. Permit for Use of Ground Water shall be permit to obtain right to use water from utilization of Ground Water.

3. Permit for Exploitation of Ground Water shall be permit to obtain right to use water from utilization of Ground Water.
4. State Building Construction shall be building for official requirements constituting property of the State/Region and which construction is financed and which source of fund originating from State Revenue and Expenditure Budget and/or Regional Revenue and Expenditure Budget or other legal acquisition.
5. Building Construction of State-owned Business Entity, Regional-owned Business Entity, and State-owned Legal Entity hereinafter referred to as BUMN, BUMD, or BHMN Building shall be building constructed for the purpose of official use belonging or controlled by BUMN and BUMD, including subsidiary company existing under its control, or BHMN.
6. Echelon I Management or equivalent official responsible in Ground Water use affairs in State-owned Building Construction within the respective environment.
7. Director of BUMN, Director of BUMD, or Deputy of BHMN shall be director or deputy responsible in Ground Water use affairs in BUMN, BUMD, or BHMN Building Construction within the respective environment.

8. Minister shall be minister coordinating administration affairs on energy and mineral resource.

Article 2

- (1) Save use of Ground Water is part of the effort in preserving Ground Water for the purpose of preserving uninterrupted existence, supporting power, and function of Ground Water.
- (2) Save use of Ground Water is exercised so as to maintain uninterrupted and continuous availability of Ground Water.
- (3) Save use of Ground Water shall be exercised efficiently and rationally.

CHAPTER II

OPERATION OF SAVE USE OF GROUND WATER

Article 3

This activity in save use of Ground Water shall be exercised by all parties utilizing Ground Water.

Article 4

- (1) Save use of Ground Water in State Building Construction, BUMN, BUMD, and BHMN Building Construction must be exercised with 10% (ten) percent final target calculated based on the comparison on the use of Ground Water in average six (6) months prior to this Regulation of the Minister comes to force.

(2) The final target referred to in paragraph (1) must be achieved within six (6) months effective as of this Regulation of the Minister comes to force.

(3) Save use of Ground Water after the final target must be maintained at least equivalent to the target referred to in paragraph (1).

Article 5

The holder of Permit for Ground Water Use holder of Permit for Ground Water Utilization is obliged to save use of Ground Water.

Article 6

Save Ground Water use by users of Ground Water shall be exercised by the following methods:

- a. effective and efficient use of Ground Water for various needs;
- b. minimize use of Ground Water;
- c. re-use of Ground Water;
- d. recycle use of Ground Water;
- e. take Ground Water as needed;
- f. use Ground Water as final alternative;
- g. develop and apply save water technology;
- h. give incentive to save Ground Water users; and/or
- i. give reminder to extravagant users of Ground Water.

Article 7

Effective and efficient use of Ground Water for various needs as referred to in Article 6 letter a

shall be exercised by the following methods:

- a. use the water according to need;
- b. avoid extravagant use of water;
- c. utilize save water equipment;
- d. use water meter to monitor Ground Water intake;
- e. maintain water installation equipment periodically and change equipment that fails to operate well.

Article 8

Reduce use of Ground Water as referred to in Article 6 letter b using the methods below:

- a. potable water from Ground Water may be used only to fulfill the principal daily need;
- b. open water tap just half from the total exposure when use;
- c. close water tap immediately when not in use;
- d. build water tank for water reserve for various needs.

Article 9

Re-use Ground Water as referred to in Article 6 letter c by the following methods:

- a. utilize used water for watering plants;
- b. utilize used water from washing to wash cars, and later flush it clean water;
- c. utilize used water for flushing.

Article 10

Recycling Ground Water as referred to in Article 6 letter d shall be conducted by the following methods:

- a. recycling waste water shall be conducted in water processing installation according to basic standard and later let it be absorbed into the ground or reuse it for other necessity.
- b. provide a tank to accommodate used water still having reasonable quality for re-use;
- c. build absorbing well to absorb rain water into the ground.

Article 11

Use of Ground Water according to need as referred to in Article 6 letter e shall be taken by the following methods:

- a. use water accommodating/storage system;
- b. use automatic system to take Ground Water based on the water accommodating capacity;
- c. for agriculture, use Ground Water particularly for save water plants.

Article 12

Ground Water use as the last alternative as referred to in Article 6 letter f shall be exercised by the following methods:

- a. prioritize use of surface water;
- b. utilize rain water;
- c. prioritize use of water supplied by Potable Water Company / Potable Water Regional Company for regions that can be reached by Potable Water Company / Potable Water Regional Company.

Article 13

Develop and apply save water technology as referred to in Article 6 letter g by means of the following:

- a. use shower for bathing;
- b. use automatic flush / drain;
- c. use save water tap;
- d. use other technology that is proven to be better save water.

Article 14

(1) Give incentive to user of save Ground Water as referred to in Article 6 letter h to the Holdre of Permit for Ground Water Use and Holder of Permit for Ground Water Exploitation.

(2) The Holder of Permit for Ground Water Use and Holder of Permit for Ground Water Exploitation referred to in paragraph (1) that have obtained approval after this Regulation of the Minister comes to force, may be granted incentive for at least 12 (twelve) months consecutively to exercise minimum 10% (ten percent) save use of Ground Water calculated by comparing average use of Ground Water within six (6) months after permit has been granted.

(3) The Holder of Permit for Ground Water use and Holder of Permit for Ground Water Exploittion

referred to in paragraph (1) that has obtained permit prior to this Regulation of the Minister comes to force, may be granted incentive if within at least 12 (twelve) months consecutively exercised minimum 10% (rwn) percent calculated by comparing with average use of Ground Water within six (6) months prior to this Regulation of the Minister comes to force.

- (4) If the Holder of Permit for Ground Water Use and Holder of Ground Water Exploitation referred to in paragraph (2) obtains permit within less than six (6) months prior to this Regulation of the Minister comes to force, this will be calculated by comparing it with average use of Ground Water within six months prior to this Regulation of the Minister comes to force, this is calculated by comparing the use of Ground Water within average six (6) months after obtaining permit.
- (5) The grant of incentive to Holder of Permit for Ground Water Use and Holder of Permit for Ground Water Exploitation referred to in paragraph (2), paragraph (3), and paragraph (4) shall be presented by the Regent/Mayor according to their respective authority every year in the form of award and announcement in the mass media

Article 15

- (1) Give warning to extravagant use of Ground Water referred to in Article 6 letter i to the Holder of

Permit for Ground Water use and Holder of Permit for Ground Water Exploitation.

- (2) The Holder of Permit for Ground Water Use and Holder of Permit for Ground Water Exploitation referred to in paragraph (1) that has obtained permit after this Regulation of the Minister comes to force, shall be given a reminder if within a period of one (1) year exercises three (3) times extravagant use of Ground Water, each month exceeding use of Ground Water of average six (6) months after the permit has been granted.
- (3) The Holder of Permit for Ground Water Use and Holder of Permit for Ground Water Exploitation referred to in paragraph (1) that has obtained permit prior to this Regulation of the Minister comes to force, may be given reminder if within a period of one (1) year using Ground Water extravagantly three (3) times, each month exceeding Ground Water use of average six (6) months prior to this Regulation of the Minister comes to force.
- (4) If the Holder of Permit for Ground Water Use and Holder of Permit for Ground Water Exploitation as referred to in paragraph (2) obtains permit within less than six (6) months prior to this Regulation of the Minister comes to force, this will be calculated by comparing the use of Ground Water use of average six (6) months after obtaining permit.

(5) The reminder given to the Holder of Permit for Ground Water Use and Holder of Permit for Ground Water Exploitation referred to in paragraph (2), paragraph (3), and paragraph (4) shall be presented by the Regent/Mayor according to their respective authority each year in form of announce in the mass media.

(6) Prior to announcing it in the mass media, the Regent/Mayor shall make written notification to the Holder of Permit for Ground Water Use and Holder of Permit for Ground Water Exploitation exercising extravagant use of ground water once or two (2) times in one (1) year.

Article 16

The incentive and reminder in the form of award and announcement in the mass media as referred to in Article 14 and Article 15 shall be exercised based on the result of evaluation of the report on the use of Ground Water and/or supervision in the field.

CHAPTER III

MANAGEMENT AND SUPERVISION ON EXERCISING SAVE USE OF GROUND WATER

Article 17

The Minister c.q. Head of Geological Agency shall exercise management and supervision in the implementation of save use of Ground Water on:

a. Echelon I Management or equivalent official, Sec-

retary of Provincial Region or Secretary of Regency/Municipality Region on the use of Ground Water in State Building Construction;

b. Director of BUMN, Director of BUMD, or Deputy of BHMN on the use of Ground Water in BUMN, BUMD, or BHMN Building Construction; and

c. The Regent/Mayor on the use of Ground Water by the Holder of Permit for Ground Water Use or Holder of Permit for Ground Water Exploitation.

Article 18

(1) Echelon I Management or equivalent official, Secretary of Provincial Region or Secretary of Regency/Municipality Region according to their respective authority shall exercise management and supervision on save use of Ground Water in State Building Construction within the respective environment.

(2) Director of BUMN, Director of BUMD, or Deputy of BHMN according to their respective authority shall exercise management and supervision on save use of Ground Water in BUMN, BUMD, or BHMN Building Construction in the respective environment.

(3) In exercising management and supervision referred to in paragraph (1) and paragraph (2), assisted by Task Force duly established by the

Minister, Supreme Council of the Republic of Indonesia, Commander of Indonesian National Army, the Head of Police Force of the State of the Republic of Indonesia, the Head of Non-Ministry Government Institution, Management of State Secretary, Governor, and Regent/Mayor according to their respective authority.

- (4) The Task Force referred to in paragraph (3) shall exercise supervision in the implementation of save use of Ground Water as referred to in Article 7 through Article 13 within the respective environment.

Article 19

- (1) Echelon I Management or equivalent official, Secretary of Provincial Region or Secretary of Regency/Municipality Region shall submit report on the implementation of save use of Ground Water in State Building Construction within the respective environment to the Minister c.q. Head of Geological Agency periodically in six (6) months in January and July.
- (2) Director BUMN, Director BUMD, or Deputy BHMN shall submit report on the implementation of save use of Ground Water in BUMN, BUMD, or BHMN Building Construction within the respective environment to the Minister c.q. Head of Geological Agency periodically once in six (6) months in January and in July.

- (3) The report on the implementation of save use of Ground Water referred to in paragraph (1) and paragraph (2) or the first and second time shall be exercised within three (3) months.

Article 20

Based on the report on the implementation of saver use of Tround Water referred to in Article 19, Minister c.q. Head of Geological Agency shall issue announcement on the result of evaluation on the implementation of save use of Ground Water.

Article 21

- (1) The Regent/Mayor according their respective authority shall exercise management and supervision on the implementation of save use of Ground Water to the Holder of Permit for Ground Water User and Holder of Permit for Ground Water Exploitation.
- (2) In excrising the supervision referred to in paragraph (1), the Regent/Mayor shall appoint a supervisor for supervising implementation of save use of Ground Water.

Article 22

The Regent/Mayor shall be obliged to submit report on the implementation of save use of Ground Water from the Holder of Permit for Ground Water Use and Holder of Permit for Ground Water Expoil-tation to the Minister c.q. Head of Geological Agency

at least once a year that is in January.

Article 23

The report on the implementation of save use of Ground Water referred to in Article 19 and Article 22 must be made according to the format as specified in the Attachment constituting inseparable part of this Regulation of the Minister.

CHAPTER IV

CLOSING PROVISION

Article 24

This Regulation of the Minister takes effect on July 1, 2012.

For public cognizance, tis Regulation of the Minister shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

dated May 29, 2012

MINISTER OF ENERGY AND MINERAL RESOURCE

OF THE REPUBLIC OF INDONESIA,

sgd.

JERO WACIK

Enacted in Jakarta

Dated May 30, 2012

MINISTER OF LAW AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA,

sgd.

AMIR SYAMSUDIN

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

YEAR 2012 NUMBER 558

ATTACHMENT

FORMAT OF REPORT ON IMPLEMENTATION OF SAVE USE OF GROUND WATER

Format of report is made to enable monitoring to which extent save use of Ground Water in exercising action on save use of Ground Water by Ground Water users has complied with the target of save use of ground water as fixed 10% (ten percent) of the average use of Ground Water in six (6) months.

A. Format of report of Echelon I Management or equivalent official, Secretary of Provincial Region or Secretary of Regency/Municipality Region, Director of BUMN, Director of BUMD, and Deputy of BHMN for save use of Ground Water in State Building Construction and BUMN, BUMD, and BHMN Building Construction.

Average Use of Ground Water during the last six (6) months	
Month	Use of Ground Water (m3)
January 2012	
February 2012	
March 2012	
April 2012	
May 2012	
June 2012	
Average (v)

Observance during the Current Year		
Period Report	Month	Use Ground Water (m3)
First (reported in month of October 2012)	July	
	August	
	September	
	Average	
Second (reported in Month January 2013)	October	
	November	
	December	
	Average	
2013 (reported in month July) etc..	January	
	February	
	March	
	April	
	May	
	June	
	Average	

$$\text{Use of ground water} = \frac{(x) - (v)}{(v)} \times 100\% = \dots\%$$

Example : Format of First and Second Report

Table of Ground Water Use

Average Use of Ground Water six (6) months Year 2012		Observation during the Current Year		
Month	Use Ground Water (m3)	Period Report	Month	Use of Ground (m3)
January 2012	250	First	July	225
February 2012	200		August	205
March 2012	225		September	200
			Average	210
April 2012	300	First	October	200
May 2012	275		November	230
June 2012	250		December	230
Average	250		Average	220
		etc..		

210 - 250

$$\text{Use of ground water during First period} = \frac{210 - 250}{250} \times 100\% = -16,00\%$$

220 - 250

$$\text{Use of ground water during second} = \frac{220 - 250}{250} \times 100\% = -12,00\%$$

Example: Format of Periodical Report evrey six (6) months

Table on Use of Ground Water

Average Use of Ground Water six (6) months Year 2012		Observation during the Current Year		
Month	Use of Ground Water (m3)	Period Report	Month	Use of Ground Water (m3)
January 2012	250	2013	January	225
February 2012	200		February	205
March 2012	225		March	200
April 2012	300		April	200
May 2012	300		Mayi	230
June 2012	275		June	230
Average	250		Average	215
		etc..		

215 - 250

$$\text{Use of ground water First period} = \frac{215 - 250}{250} \times 100\% = -14,00\%$$

Note:

- save use of ground water takes place in State Building Construction or BUMN, BUMD, or BHMN Building Construction if the result of calculation on us of ground water is smaller than 10% (ten percent).
- extravagant use of ground water takes place in State Building Construction or in BUMN, BUMD, or BHMN Building Construction if the result of calculation of use of ground water is positive.

B. Format of Report of Regent/Mayor for save use of Ground Water from the Holder of Permit for Ground Water Use and Holder of Permit for Ground Water Exploitation

No	Name of Holder of Permit	Average Use of Ground Water Averagely six (6) months	Month												Remarks *)	
			1	2	3	4	5	6	7	8	9	10	11	12		
1.																
2.																
etc																

*) fill-in incentive, reminder, or has exercised save use

MINISTER OF ENERGY AND MINERAL RESOURCE
OF THE REPUBLIC OF INDONESIA,

sgd.

JERO WACIK

(MA)