THE MINISTRY OF PUBLIC WORKS

Regulation of the Minister of Public Works
No. 45/PRT/1990 Dated July 30, 1990

R E

QUALITY CONTROL OF WATER
AT WATER RESOURCES

THE MINISTER OF PUBLIC WORKS,

Considering : a. that for the maximum use, both quantitatively and qualitatively, of water and water resources to meet the different needs of the people in all aspects of living, it is necessary to make efforts at protecting water and water resources, among other things by the quantitative and qualitative control of water at water resources;

b. that with a view to providing a legal basis for various sides in carrying out the above efforts, it is deemed necessary for the government to issue regulations concerning the quality control of water at water resources;

c. that in the basis of Article 5 paragraph (1) of Law No. 11/1974 on water resources, the minister in charge of water resources shall be given the powers & responsibilities to coordinate all regulations with regard to water resources such as with regard to protection of water and or water resources;

d. in view of the matters above, it is necessary to issue a Regulation of the Minister of Public Works on the quality control of water at water resources.

Bearing in mind : 1. Law No. 5/1974 on the principles of regional administration;

2. Law No. 11/1974 on water affairs;

3. Law No. 4/1982 on the principle on the management of the environment;

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4. Government Regulation No. 22/1982 on water management;
5. Government Regulation No. 23/1982 on irrigation;
6. Government Regulation No. 29/1986 on analysis of environmental impacts;
7. Government Regulation NO. 14/1987 on the transfer of part of government affairs in public works to the regional administrations;
8. Government Regulation No. 20/1990 on the control of water pollution;
9. Presidential Decree No. 64/M/1988 on the Fifth Development Cabinet;
10. Decree of the Minister of State for Population Affairs and Environment No. KEP.02/MENKLH/1/1988 on guidelines for the quality standards of the environment;
11. The Regulation of the Minister of Public Works No. 39/PRT/1989 on the division of river areas.

H A S D E C I D E D :

To stipulate : THE REGULATION OF THE MINISTER OF PUBLIC WORKS ON THE QUALITY CONTROL OF WATER AT WATER RESOURCES.

CHAPTER I.

M E A N I N G

Article 1.

Referred to in this Ministrial Regulation as :

1. The quality control of water is every effort at preventing and coping with the decrease in the quality of water caused by the entry or introduction of living organisms, substances, energy and or other components into water resources and or the change in water systems by human activities of by natural process, and or efforts at their restoration;
2. Water is all the water within and or originating from a water source , on the surface of the ground, including in this meaning is sea water being utilized on land;
3. Water resources are places and water holding means on or under the surface of the ground;
4. Waste is all waste matter disposed of to water resources which are liquid, solid or in the form of gas;

5. The Minister is the Minister of Public Works;

6. The Governor is the Governor, Head of first level region/special district;

7. The authorities in the Minister or Governor or leadership of a certain statutory body;

8. A region is first level region/special region (district).

9. Regional Government is first level regional administration/special region;

10. Service is the public works service of first level region/public works service of first level region;

11. Certain statutory body is a statutory body referred to in article 4 of Law No. 11/1974 having the status as state-owned trading company (BUMN) under the guidance of the Minister of Public Works, and having the main task of developing and exploiting water and or water resources in the interest of the society and maintaining the conservation of the capacity of the environment.

CHAPTER II.

THE AIMS AND PURPOSES AND SCOPE

Part One
Aims

Article 2.

The quality control of water at water resources is aimed at determining the utilisation of water and water quality standards at water resources.

Part Two

Purpose

Article 3.

The quality control of water at water resources is aimed at seeing that the water at water resources can be utilised to meet the different needs of man, and at conserving fauna and flora and micro - organisms in the water resources.

Part Three
Scope

Article 4.

(1). The scope of the quality control of water at water resources covers implementation and control.

(2). The implementation as referred to in paragraph (1) is carried out through the following activities :

a. Data collection;
b. Research and monitoring;
c. Arrangements in the disposal of waste to water resources;
d. The coping with a decrease in the quality of water;
e. Other activities in support of implementation efforts.

(3). Control as meant in paragraph (1) is carried out through the following activities :

a. The examination of the quality of water at water resources;
b. The collection of information relating to the decrease in the quality of water at water sources besides seeking the causes of pollution;
c. Making an evaluation and giving a recomendation to the governor concerning the decrease in the quality of water at water re - sources.

Part Four

Powers and Responsibility

Article 5.

(1). The powers and responsibilities for the control of the quality of water at water resources for determining the utilisation of water and the quality standards of water are in the hands of the Minister, and the actual work is done by the Director General of Water Affairs with assistance of certain statutory bodies or working units designated by the Director General of Water Resources

(2). The Director General of Water Resources carries out the authority and responsibilities as referred to in paragraph (1) of this ar - ticle with the cooperation of :

a. The Director General of Cipta Karya in the quality control of water that has been collected for use as clean water at the building of collection, and take care of the quality of water in the river branches having their mouth within urban residential areas.

b. The Head of Public Works Research and Development in research and the monitoring of the quality of water.

Article 6.

(1). The authority and responsibilities in quality control of water at water resources within river areas in a region, shall be delegated within the framework of assistance to the governor, except if otherwise decided upon by the Minister.

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(2). The implementation of the powers and responsibilities as referred to in paragraph (1) of this article shall be done by the service.

(3). The governor shall be responsible for the implementation of the powers as meant in paragraph (1) of this article to the Minister.

CHAPTER III.

EFFORTS OF IMPLEMENTATION

Part One
Data Collection

Article 7.

(1). For the quality control of water at water resources it is neces - sary to collect & process data on water quality and volume at the water resources concerned.

(2). The collection and processing of data on water quality as meant in paragraph (1) of this article on the basis of water quality standards fixed by the Minister of State for Population Affairs and the Environment.

(3). The collection and processing of data as meant in paragraph (1) of this article shall be carried out by the respective units as meant in Article 5 of paragraph (1) and Article 6 paragraph (2).

Article 8.

Data on the quality and volume of water as the result of the collection and processing of data as meant in Article 7 shall be used as:

a. The basis of consideration for water utilisation at the water resources concerned;

b. One of the bases of consideration for the licensing of waste disposal at the water resources concerned;

c. basis for the evaluation of the rate of water pollution at the water resources concerned.

Part Two

Research and Monitoring

Article 9.

(1). Research and monitoring of the quality of water at water resour - ces are done for determining the criterium of water quality stand ards at water resources and the quality standards of waste dis - posable to water resources.

(2). The monitoring as referred to in paragraph (1) of this article shall be done at any time or periodically.

Part Three

Arrangements for waste disposal to water resources

Article 10.

(1). It is forbidden to dispose of solid waste matter into water re sources.

(2). The disposal of waste matter other than solid waste matter into water resources must have permission from the authorities according to the laws.

(3). The procedure for the granting of permission for waste disposal into water resources follows the provisions laid down in Articles 23 and 24 of Government Regulation No. 22/1982 on water resources manage - ment, and its regulations of implementation.

(4). For monitoring, the governor shall submit a report periodically to the minister on the permit for waste disposal that has been issued.

Article 11.

(1). The waste to be disposed as meant in Article 10 paragraph (2) must first be processed.

(2). If the waste matter meant in paragraph (1) of this article cannot be processed, disposal must be done specifically according to the law.

(3). The construction of waste disposal must follow the technical direc - tives given by the technical working unit appointed by the Minister.

Part Four

The implementation of overcoming work

Article 12.

(1). The overcoming of the decrease in the quality of water at water re - sources is done by the authorised bodies.

(2). In case of a decrease in the quality of water as meant in paragraph (1) of this article exceeding the tolerated limit, the authorities may take actions by considering the stipulations laid down in permits for the use of water and or water resources, and permits for the disposal of waste matter, that have been issued

Part Five

Restoration

Article 13.

The restoration of the quality of water at water resources shall be done by the authorities.

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CHAPTER IV.

SUPERVISION

Article 14.

(1). Supervision in the control of quality of water at water resources shall be done by the authorities.

a. Supervision of water resources as meant in Article 6 paragraph (1) shall be done by certain statutory bodies or the working unit appointed by the Director General of Water Resources.

b. Supervision of water resources as referred to in Article 6 shall be done by the services.

(2). In the supervision of the holders of permits for waste disposal , it is required to submit reports on the quality of waste to the work units of supervision as meant in paragraph (1) of this article.

(3). The result of the supervision shall be reported to the authorities as material for consideration for further measures.

Article 15.

(1). Statutory bodies, social organisations and individuals are re - quired to give assistance to the performance of the tasks as meant in Article 13.

(2). Anybody may report on any decrease of the quality of water at water resources to the local water resources authorities.

CHAPTER V.

COORDINATION OF CONTROL

Article 16.

To achieve the aims of the control of quality of water at water at water resources it is necessary to conduct coordination by the Di - rector General of water Resources, with assistance of the Secretariat for coordination of water resources management (SPK-TPA).

Article 17.

The coordination as meant in Article 15 covers the following mat - ters :

a. Determining the plan and priorities for the protection of water resources and the decrease in the quality of water;
b. The drawing up of a list of water quality standards and a list of waste quality standards;
c. Procedures in waste disposal;
d. The coping of other problems which may arise.

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CHAPTER VI.

FINANCING

Article 18.

(1). The funds for the quality control of water at water resources shall be provided by the Minister or certain statutory bodies.

(2). Funds for overcoming a decrease in the quality of water at water resources caused by waste disposal shall be provided by those who have caused the decrease in the quality of water.

CHAPTER VII.

MISCELLANY

Article 19.

Control of decrease in the quality of water at water resources caused by natural causes shall be dealt with separately.

Article 20.

Now that this ministerial regulation is in effect, all sides concerned shall control the quality of water according to the stipulations in this ministerial regulation.

CHAPTER VIII.

SANCTIONS

Article 21.

Violation of the stipulations in this ministerial regulation especially those laid down in Article 10 paragraphs (1) and (2), Article 11, Article 14 paragraph (2), and Article 15, shall be liable to a penal sanction according to Article 15 of Law No. 11/1974, in conjunction with Article 43 of Government Regulation No. 22/1982.

CHAPTER IX.

TRANSITIONAL PROVISION

Article 22.

Statutory bodies, social organisations and individuals who without official permission have disposed of their waste matter into water resources as the result of the activities of their business, not later than in 6 (six) months as from the going into effect of this ministerial regulation, are required to apply for a permit for waste disposal to the authorities according to the law.

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Article 23.

The legal provisions in the quality control of water at water re - sources already in existence shall have to be adjusted to this ministerial regulation.

CHAPTER X.

CONCLUDING PROVISION

Article 24.

(1). This ministerial regulation shall take effect as from the date of stipulation.

(2). Matters that have not been sufficiently dealt with in this Ministerial Regulation shall be stipulated by Decree of the Minister or the decision of the Director General of Water Re - sources as directives for implementation.

(3). This ministerial regulation shall be distributed to those con - cerned for implementation.

Stipulated at J A K A R T A
On J u l y 30, 1990

THE MINISTER OF PUBLIC WORKS
signed

RADINAL MOOCHTAR

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