

LAW NO. 6.134 of 2 JUNE 1988

On the preservation of natural groundwater deposits in the State of São Paulo and other provisions.

The Governor of the State of Sao Paulo:

Makes known that the Legislative Assembly hereby decrees and promulgates the following Law:

Article 1. Without prejudice to the provisions of specific acts of legislation in force, the preservation of the natural groundwater deposits of the State of Sao Paulo shall be governed by the provisions of the present Law and regulations derived therefrom.

Sole Paragraph. For the purposes of the present Law, groundwater means the waters that occur naturally or artificially in the ground, in a manner such that they are capable of being abstracted and used by man.

Article 2. In the regulations and standards deriving from the present Law, the interrelationship between groundwaters and surface waters and the interactions observed in the hydrological cycle shall always be taken into account.

Article 3. Repealed.

Article 4. Groundwater must have a permanent preservation and conservation program, with a view to the best utilization thereof.

1. The preservation and conservation of such water involves rational use, adoption of measures against its pollution and maintenance of the physical, chemical and biological equilibrium with respect to other natural resources.

2. The competent state agencies shall maintain the services necessary for the assessment of groundwater resources, inspect their utilization and adopt measures against the contamination of aquifers and the degradation of groundwaters.

3. For the purposes of the present Law, pollution shall mean any alteration of the physical, chemical and biological properties of groundwater, that may cause harm to the health, safety and welfare of the population, jeopardize their use for agricultural, industrial,

commercial and recreational purposes, and cause damage to natural flora and fauna.

Article 5. Liquid, solid and gaseous wastes coming from agricultural, industrial, commercial activities or any other type of activity, shall solely be channeled or discharged in such a way that they do not pollute groundwaters.

Sole paragraph. The discharge of pollutants, such as industrial wastewaters, that may degrade the quality of groundwater, and the noncompliance with the other provisions of this Law and regulations deriving therefrom shall subject the infractor to the penalties provided for in environmental legislation, without prejudice to justified criminal penalties.

Article 6. The installation of industrial districts and large irrigation and urbanization projects as well as other types of projects, relying on the use of groundwaters, must be preceded by hydrogeological studies for the assessment of the reserves and of the potential of water resources and for the proper supply capacity, subject to approval by the competent agencies, in the manner to be established in the regulation.

Sole paragraph. The provisions of Article 5 and the sole paragraph thereof must be taken into account in the studies referred to in this Article.

Article 7. Where, in the interest of the preservation, conservation and maintenance of the natural equilibrium of groundwaters, public water supply services, or due to geotechnical or ecological reasons, it becomes necessary to restrict the abstraction or use of such waters, the environmental control and water resources agencies may delineate areas intended for their control.

Article 8. Spring wells must be provided with adequate devices to prevent wastes, being subject to penalty those who are responsible and who do not take the necessary measures.

Sole paragraph. Abandoned wells and perforations made for purposes other than the extraction of water, must be sufficiently plugged in a manner such that prevents accidents, contamination or pollution of aquifers.

Article 9. Whenever necessary the Public Authorities may institute protected areas in the areas of abstraction of

groundwaters in order to facilitate the preservation and conservation of groundwater resources.

Article 10. The state environmental control and water resources agencies shall inspect the use of groundwaters, for the purposes of protecting them from pollution and prevent undesirable effects in surface waters.

1. The regulation of this Law shall institute a State register of deep tubular and groundwater captation wells.

2. Any person that perforates a deep well within the territory of the State, must register as stipulated in the regulation, submit the required technical information and allow access for the inspection of the well areas.

3. Existing captation areas for groundwater must be registered as from 180 (one hundred and eighty) days following the regulation of this law and new captation areas as from 30 (thirty) days after the conclusion of the respective works.

Article 11. This law shall be regulated by the Executive Branch within 90 (ninety) days of the date of publication of this law.

Article 12. This law shall enter into force on the date of its publication.

Palacio dos Bandeirantes, 2 June 1988.

ORESTES QUERCIA

Jorge Wilhelm, Secretary of the Environment

Antonio Carlos Mesquita, Secretary of Government

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