

## USE OF WATER IN BUSINESS CENTER ZONE

(Regulation of Governor of Jakarta Capital City of Special Region Province

Number 129 Year 2010, dated June 30, 2010)

WITH THE BLESSING OF THE ONE AND ONLY GOD  
GOVERNOR OF JAKARTA CAPITAL CITY OF SPECIAL  
REGION OF PROVINCE,

Considering:

- a. that use of subsurface water in Business Center Zone, based on the principle of use, proportion, harmony, integration and preservation with due observance of and considering public interest, it is necessary to prepare regulation for implementation thereof stipulated by the Governor;
  - b. that to accomplish principles referred to in letter a in the use of subsurface water in Business Center Zone within Jakarta Capital City Special Region of Province, it is necessary to compile regulation for control the use of subsurface water in Business Center Zone;
  - c. that based on the consideration referred to in letter a and letter b, and to take follow up action of the provision in Article 19 paragraph (1) of Regulation Regulation Number 10 Year 1998 concerning Operation and Tax on Use of subsurface water, it is necessary to stipulate Governor Regulation on the Use of Water in Business Center Zone;
2. Law Number 7 Year 2004 (BN No. 7069 pgs. 10B-14B and so forth) concerning Water Resource;
  3. Law Number 10 Year 2004 (BN No. 7149 pgs. 16B-18B and so forth) concerning Establishment of Statutory Regulation;
  4. Law Number 32 Year 2004 (BN No. 7152 pgs. 9B-18B and so forth) concerning Regional Government as amended several times and lately amended by Law Number 12 Year 2008 (BN No. 7661 pgs. 11B-18B and so forth);
  5. Law Number 26 Year 2007 (BN No. 7556 pgs. 13B-22B and so forth) concerning Space Layout;
  6. Law Number 29 Year 2007 (BN No. 7565 pgs. 3B-10B) concerning Administration of Jakarta Capital City Special Region of Province as Capital City of the Unity State of the Republic of Indonesia;
  7. Law Number 29 Year 2009 (BN No. 7865 pgs. 9B-25B and so forth) concerning Tax and Regional Contribution;
  8. Government Regulation Number 38 Year 2007 (BN No. 7562 pgs. 1B-6B) concerning Distribution of Administration Affairs between the Government, Regional Government of Province and Regional Government of Regency/Municipality;
  9. Government Regulation Number 26 Year 2008 (BN No. 7685 pgs. 19B-24B and so forth) concerning Space Layout of National Region;

In view of:

1. Law Number 11 Year 1974 concerning Waters;

10. Government Regulation Number 37 Year 2008 concerning ground Water;
  11. Regional Regulation Number 1 Year 2004 (BN No. 7056 pgs. 6B-10B) concerning Tax on Withdrawing and Use of Subsurface Water and Surface Water;
  12. Regional Regulation Number 10 Year 2008 concerning Organization of Regional Instrument;
  13. Governor Decision Number 88 Year 1999 concerning Guideline for Operation and Collection of Tax on the Use of Subsurface Water and Surface Water within Jakarta Capital City of Special Region Province as amended by Governor Decision Number 42 Year 2001;
  14. Governor Decision Number 56 Year 2003 concerning Procedure of Service on Subsurface Water within Mining Sector of Jakarta Capital City of Special Region of Province;
  15. Governor Decision Number 113 Year 2005 concerning Guideline for Operation and Order in Subsurface Water activities, General Mining, Natural Oil and Gas Mining and Electric power;
1. Region is Jakarta Capital City of Special Region of Province.
  2. Regional Government is Governor and Regional Instrument as operating element of Regional Administration.
  3. Governor is Head of Jakarta Capital City of Special Region of Province.
  4. Regional Environmental Management Agency hereinafter referred to as BPLHD is Environmental Management Agency of Jakarta Capital City of Special Region of Province.
  5. The Head of Regional Environmental Management Agency hereinafter referred to as Head of Agency is Head of Regional Environmental Agency of Jakarta Capital City of Special Region of Province.
  6. Zone is Space constituting geographic unit with all the relevant element therein which border and system are based on its functional aspect and particular homogeneous characteristic, such as residential zone, shopping zone and industrial zone.
  7. Business Center Zone or Central Business District (CBD) is city center zone constituting business location center for group of business entities/business organizations, administration institution in the form of office buildings and trading center.
  8. Subsurface water is all water existing in the earth belly including therein spring water emerging naturally on the land surface.
  9. Drill well is well which is made by drilling with 40 meters depth, using xylophone-like pipe (pipa berjambang)/ of 4 inches diameter (10 cm) or more.

#### DECIDES:

To stipulate:

REGULATION OF THE GOVERNOR ON THE USE OF WATER  
IN BUSINESS CENTER ZONE.

#### CHAPTER I

#### GENERAL PROVISION

#### Article 1

What is meant in this Governor Regulation by:

10. Pantek well is well which is made by manual drilling with 40 meters depth, and using pipe with maximum diameter 3 inches (7 ½ cm).
11. Volume is the total volume of water coming out to the surface out of pumping.
12. Ground water reserve is an area bordered by hydrogeologic border, place for continuous supplementing process, flowing and releasing of ground water.
13. Ground water management is extensive meaning covering all efforts of inventory, governing the use, permits, management, control and supervision as well as preservation of subsurface water.
14. Damming spring water is activity to build facility for spring water utilization at the location where spring water emerges.
15. Business license for Ground Water Drilling Company is license for ground water drilling business activity provided to business entity.
16. Ground Water Drilling Operator License is license to operate drilling machine in the context of drilling ground water.
17. Ground Water Drilling License is License to drill, dam the spring water and to excavate ground water.
18. Waste Water Discharge License is License to discharge waste water that complies with the standard of waste water quality into the body of water.
19. Tax for Withdrawing and Use of Ground Water is regional collection on ground water withdrawal and use in Business Center Zone.
20. Penetration Well is well that functions to penetrate naturally (without pressure/injection) the surface water into the aquifer until the water lock zone for the purpose of increasing the ground water potentiality.
21. Monitoring Well is well used to monitor the change in ground water surface in certain aquifer as the result of withdrawal of ground water by drilled well existing around it by installing particular tool (telemetry or AWLR/Automatic Water Level Recorder). Monitoring Well made to monitor the surface and/or quality of subsurface water in certain aquifer.
22. Injection Well is well made to inject water into the ground with pressure/injection to recover the condition of ground water in certain aquifer layer.
23. Preservation of Ground Water is management of ground water to secure its discrete use and to secure its continuous supply by keep maintaining its quality.
24. Water Meter is meter to measure the volume of water withdrawal that has been calibrated by the authorized agency.
25. Ground water withdrawal zone is region for withdrawing ground water related to natural supporting power and potential ground water locally.
26. Reduce is reduce/save use of ground water by means of pattern of use and technology approach.
27. Reuse is use of ground water repeatedly for other purpose with due observance of the quality level.
28. Recycle is improvement of water quality by means of processing so as to be reuseable.

- 29. Recharge is to put/inject the excess water coming from rain water and/or surface water with good quality into the aquifer.
- 30. Recovery is Combination of the the above activities (Reduce, Reuse, Recycle dan Recharge) with the purpose to recover the potentiality and quality of the

ground water up to nearly back to the initial condition.

Article 2.....

( To be continued )

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**USE OF WATER IN BUSINESS CENTER ZONE**

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**Number 129 Year 2010, dated June 30, 2010)**

**[Continued from Business News No. 8059 pages 16A-19A]**

WITH THE BLESSING OF THE ONE AND ONLY GOD  
GOVERNOR OF JAKARTA CAPITAL CITY OF  
SPECIAL REGION OF PROVINCE,

CHAPTER II  
PURPOSES AND OBJECTIVES

Article 2

Use of ground water in Business Center District in

the Area is meant as effort to control and maintain ground water condition, improve ground water preservation, improve the people's welfare, with the objective to:

- a. govern use of ground water in Business Center District;
- b. govern the rights and obligations of the holder of license for drilling, withdrawal and management of ground water in Business Center District;

- c. govern preservation pattern on ground water in Business Center District based on the principles of reduce, reuse, recycle, recharge and recovery;
- d. accomplish synergy and integration between the Government and Operator of Business Center District;
- e. extend and strengthen commitment by means of cooperation and partnership in ground water preservation; and
- f. strengthen the people's participation in ground water preservation.

CHAPTER III

ALLOCATION OF WATER USE

Article 3

- (1) Use of ground water in Business Center District is allocated for:
  - a. potable water;
  - b. water for household use;
  - c. water for industry; and
  - d. water for business in municipality area.
- (2) Use of ground water referred to in paragraph (1) must observe public interest and the local condition.

CHAPTER IV

PERMITS

Part One

Requirements

Article 4

- (1) Any person or business entity intending to use ground water in Business Center District in the Area must first obtain permit from the Head of BPLHD.

- (2) The permit referred to in paragraph (1) may be obtained after first submitting application to BPLHD by complying with the requirements as needed.
- (3) The permits that must be possessed by the Applicant referred to in paragraph (2) shall be:
  - a. permit to drill ground water; and
  - b. permit to use ground water.
- (4) The requirements needed for application for permit referred to in (3) letter a shall be as follows:
  - a. photocopy of Applicant's Resident Identity Card
  - b. map of the well location and the location of the well that is complete with drawing of the plot in detailed/large scale of 1:1.000;
  - c. map of situation of 1:10.000 scale;
  - d. photocopy of Ownership Right/Block Plan;
  - e. photocopy of PAM Jaya's bank account, receipt or application letter for PDAM connection if it is within PAM Jaya network;
  - f. statement of ground water use for reserve if it is within PAM Jaya network;
  - g. detail of the need for clean water use (water scale); and
  - h. photocopy of statement letter from the Head of BPLHD explaining that the Contractor/Drilling Operator of ground water may carry out activity in the Area;

- (5) Other than obliged to comply with the requirements referred to in paragraph (4), the Applicant for permit is also obliged to comply with technical requirements as follows:

- a. make recharge or absorption well; and
- b. install reasonable water meter container that is accessible for examination to protect the water meter.

(6) Permit for drilling ground water may be granted if:

- a. the application for permit complies with administrative and technical requirements referred to in paragraph (4) and paragraph (5); and
- b. the result of laboratory examination on the quality of ground water based on the need of the applicant complies with the requirements in accordance with the provisions in the statutory regulation, which must be conducted by entity or institution that possess equipment and authority in this sector.

(7) The requirements needed in the application for permit referred to in paragraph (3) letter b, shall be as follows:

- a. photocopy of the Applicant's Resident Identity Card;
- b. map of well location and location of existing well supported by drawing of the plot with detailed/large scale of 1:1.000;
- c. map of the situation/topography on 1:10.000 scale;
- d. photocopy of Right Ownership/Block Plan;
- e. photocopy of PAM Jaya's bank account, receipt or application letter for PDAM connection if it is within PAM Jaya network;
- f. statement for use of ground water for reserve if it is within PAM Jaya network;
- g. Minutes of Examination on the result of drilling; and

- h. prepare detailed plan on the need for clean water use (water scale).

## Part Two

### Permit Validity and Extension

#### Article 5

- (1) The term of permit for water use is valid for three (3) years and may be extended at the request of the permit holder.
- (2) The permit referred to in paragraph (1) will be extended by submitting written application to the Head of BPLHD, supported by:
  - a. photocopy of technical recommendation from BPLHD on the well concerned and other wells existing if more than one (1) well;
  - b. photocopy of the latest permit for use of subsurface water;
  - c. photocopy of the latest settlement payment of Tax for Use of Subsurface Water in the last year;
  - d. photocopy of PAM Jaya's latest bank account or photocopy of application for PAM connection if it is within PAM Jaya network;
  - e. statement on the use of subsurface water for reserve if it is within PAM Jaya network;
  - f. recapitulation on the use of subsurface water and PAM for the last one (1) year from all existing wells if there are more than one (1) wells; and
  - g. details of water need averagely in one (1) month.
- (3) Permit for subsurface water use may be extended if it complies with administrative requirement referred to

in paragraph (2) and has obtained technical recommendation from BPLHD.

### Part Three

#### Revocation of Permit

##### Article 6

Permit for use of subsurface water may be revoked if:

- a. the holder of permit complies with the provision stipulated in the permit;
- b. the quality of subsurface water fails to comply with the requirement;
- c. it conflicts with public interest and/or interrupt water balance or causes damage to the environment;
- d. at the request of the holder of permit.

## CHAPTER V

### OBLIGATIONS AND PROHIBITIONS

#### Part One

##### Permit Holder

##### Article 7

(1) Drilling operator shall be obliged to:

- a. notify in writing to the Head of BPLHD within seven (7) working days prior to installing filter, pumping test, pump installation and damming the spring water;
- b. comply with the provisions set forth in the permit certificate;
- c. send written report the result of activity during the course of drilling, excavation or damming of water

spring to the Head of BPLHD, consisting of hard copy (print out) and soft copy (file) in CD form that must contain:

1. geoelectric data or other aquifer mapping technology used;
  2. drilling log data;
  3. logging data;
  4. data on water quality;
  5. data on pumping test;
  6. drilling construction (including position of the filter);
  7. construction of water spring damming installation; and
  8. other information duly stipulated.
- d. install well construction or water spring damming according to technical guideline/technical requirement;
- e. stop ground water drilling or water spring damming should any incident takes place that may hamper preservation of source of ground water and damage living environment, and endeavor its control and report immediately to the Head of BPLHD;
- f. conduct pump test to measure volume of safet water withdrawal, that may not disturb the surface of the ground water of the surrounding population;
- g. construction activity, installation of filter, and logging must be witnessed by BPLHD officers; and
- h. as soon as construction is completed the well will be closed temporarily or capped before water meter is installed.

(2) The holder of permit shall be obliged to monitor and report the installation as referred to in paragraph (1) to BPLHD.

#### Article 8

(1) Every holder of permit for ground water withdrawal shall be obliged to:

- a. prioritize the use of PAM water and use of ground water shall constitute reserve only;
- b. provide absorbing well according to the size of the construction cap of the respective operator;
- c. provide one (1) injection well for every three (3) production wells or at a certain point which water condition is considered crucial to the Business Center District with aquifer depth is based on the aquifer taken;
- d. provide one (1) monitoring well for every three (3) production wells or at a certain place the condition of its water is considered crucial.
- e. ground water as reserve and if no other water source is available, withdrawal of ground water by limiting to maximum according to the permit granted;
- f. is responsible to maintain monitoring well, injection well for water meter (or volume meter) and water volume limiting device (stop faucet) and existing in his area;
- g. pay tax for withdrawal and use of ground water according to the volume of ground water withdrawn;

- h. report the volume water withdrawal each month to the Head of BPLHD table and graphic form on ground water withdrawal according to the water meter recording;
- i. stop ground water withdrawal activity and endeavor control thereof should there be matters arising that may interrupt preservice of ground water and the living environment;
- j. provide water for public interest 10% (ten percent) maximum of the volume limit stipulated in the permit certificate; and
- k. Is obliged to install filter at the well pipe outlet before the water meter for sand discharge is sucked.

(2) Every holder of permit for ground water withdrawal shall be prohibited from:

- a. damaging, releasing, eliminating and removing water meter measuring device of water volume and/or damaging calibration seal and relevant technical device installed by technical agency on the water meter or water volume measuring device;
- b. withdrawing water from the well before the water meter is installed;
- c. withdrawing water exceeding the volume stipulated in the permit certificate;
- d. hiding the spot of water or location water withdrawal;
- e. removing the position of drilling point and/or location of damming or location of water withdrawal;
- f. changing the construction on water spring damming;

- g. not paying tax for withdrawing ground water;
- h. not submitting report on factual withdrawal of ground water;
- i. not reporting the result of monitoring well recording; and
- j. not implementing the provision set forth in the permit certificate.

Article 9

In the context of ground water preservation, the holder of permit shall be obliged to:

- a. maintain continued existence of supporting power, accommodating power and function of ground water.
- b. refer to ground water management pattern based on independent fulfillment of the need for water in a certain area;
- c. constitute as a reference in planning space layout;
- d. exercise protection and preservation activities of water resource covering the quantity and quality by referring to the principles of 5R: Reduce, Reuse, Recycle, Recharge and Recovery.

Part Two

Management of Business Center District

Article 10

In the context of ground water utilization in Business Center District, the operator of Business Center District shall be obliged to:

- a. exercise save water use (ground water/clean water) by showing reduction in the use of water to minimum

20% (twenty percent) of the total volume of water needed;

- b. possess waste water processing facility to maintain and improve waste water quality for the purpose of reuse and free from hazard for discharge into the water body and comply with the Permit for Waste Water Discharge (IPAL) and BPLHD.
- c. exercise independent study in Business Center District scale to:

1. evaluate potentiality and to identify quality of water resource other than ground water and its capability to substitute use of ground water;
2. evaluate method of injecting excess rain water and aquifer target by consultation with BPLHD;
3. monitor effective injection through special monitoring well; and
4. make plan on water use in phases according to allocation and the quality of water needed.

- d. report the result of study conducted to BPLHD and implement the result of the study.
- e. conduct audit on the water by water scale either rain water, pipe water, waste water, ground water and water processing result.

CHAPTER VI

MANAGEMENT AND SUPERVISION

Article 11

- (1) The holder of permit referred to in Article 4 paragraph (3) shall be under the management and supervision of BPLHD.

- (2) The management and supervision referred to in paragraph (1) is exercised by means among other things:
- a. provide orientation of the statutory regulation on permits for subsurface water and surface water to the holder of permit or to the community;
  - b. review periodically the location of the permit holder concerned; and
  - c. provide assistance in the form of recommendation or input to the permit holder or the community as potential permit holder that needs information.
- b. temporary termination/sealing of drilling activity and/or use of ground water;
  - c. closing the water flow by plugging up or casting.

#### Article 14

- (1) Penalty in the form of written reminder referred to in Article 13 paragraph (1) letter a shall be charged on:
- a. any person or entity receiving Summons Letter by fails to comply with his obligations; or;
  - b. that may fulfill the summons and make statement of commitment to fulfill his obligations or pay a fine but fails to fulfill it.
- (2) The penalty in the form of written reminder referred to in paragraph (1) shall be charged by the BPLHD and signed by the Head of BPLHD.
- (3) Deadline for submission of written reminder referred to in paragraph (2) shall be 7 x 24 hours effective as of the reminder letter is received.

#### Article 15

- (1) The penalty in the form of temporary termination/sealing referred to in Article 13 paragraph (1) letter b shall be charged on:
- a. any person or entity receiving Summons Letter but fails to fulfill his obligations; or
  - b. that can fulfill the summons and make statement of commitment to fulfill his obligation or to pay a fine but fails to do so; and
  - c. drilling activity and/or withdrawal of ground water without permit.

### CHAPTER VII

#### CONTROL

##### Article 12

- (1) Implementation of this Governor Regulation shall be under the control of the Head of BPLHD.
- (2) The result of control referred to in paragraph (1) shall be constitute the subject of evaluation at Coordinating Meeting periodically involving the relevant SKPD/UKPD.
- (3) The result of Coordinating Meeting referred to in paragraph (2) shall be reported to the Governor through the Secretary of the Region.

### CHAPTER VIII

#### PENALTY

##### Article 13

Any applicant violating the provisions in Article 7 through Article 10 is subject to administrative penalty in the form of:

- a. written reminder;

- (2) Penalty for temporary termination or sealing referred to in paragraph (1) shall be charged by BPLHD after obtaining Instruction Letter to Temporarily Stop or sealing prepared by BPLHD signed by the Head of BPLHD.
- (3) Deadline for temporary stop or sealing referred to in paragraph (2) on the next discipline shall be 7 x 24 hours effective as of the letter is received.
- (4) Penalty charge for temporary stop or sealing referred to in paragraph (2) shall be drawn up in Minutes of Field Review signed by the BPLHD officer appointed and the party charged penalty.

#### Article 16

- (1) Penalty on plugging and casting activity referred to in Article 13 paragraph (1) letter c shall be charged on:
- any person or entity receiving Summons Letter but failing to fulfill his/its obligations or;
  - any person responding and making statement of commitment to fulfill his obligations or pay a fine but fails to realize it;
  - drilling or ground water withdrawal activity that has been instructed to be closed but fails to do so;
  - drilling and ground water withdrawal activities which application thereof have been rejected; and
  - application of any person or entity on own request since the well is not used.
- (2) Penalty for closure or casting referred to in paragraph (1) will be charged by BPLHD after receiving Instruction Letter for Casting prepared by BPLHD and signed by the Head of BPLHD.

#### CHAPTER IX

##### TRANSITIONAL PROVISION

#### Article 17

By the time this Governor's Regulation comes to force:

- Permits for ground water in Business Center District issued prior to this Governor's Regulation comes to force, still survives until the validity thereof expires;
- any permit still in process for adjustment with the provision in this Governor's Regulation.

#### CHAPTER X

##### CLOSING PROVISION

#### Article 18

This Governor's Regulation takes effect on the date it is enacted.

For public cognizance, this Governor's Regulation shall be announced by placing it in the Regional Gazette of Jakarta Capital City Special Region of Province.

Stipulated in Jakarta

On June 30, 2010

GOVERNOR OF JAKARTA CAPITAL CITY OF SPECIAL  
REGION OF PROVINCE ,

sgd.

FAUZI BOWO

Enacted in Jakarta

On July 8, 2010

SECRETARY OF JAKARTA CAPITAL CITY OF SPECIAL  
REGION OF PROVINCE,

sgd.

MUHAYAT

ID No. 050012362

REGIONAL GAZETTE OF JAKARTA CAPITAL CITY OF  
SPECIAL REGION OF PROVINCE YEAR 2010 NUMBER 134

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