

GOVERNMENT REGULATION OF  
THE REPUBLIC OF INDONESIA  
NUMBER 20 OF THE YEAR 1990  
CONCERNING  
THE CONTROL OF WATER POLLUTION  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA  
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NUMBER 20 OF THE YEAR 1990  
THE CONTROL OF WATER POLLUTION  
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Considering :

- a. that water is a natural resource which is vital for the livelihood of people, and that it is necessary to maintain its quality, so that it may be beneficial for the livelihood of mankind and other living organism.
- b. that in order that the benefits of water may be enjoyed continuously and consistently at the necessary level of quality, it shall be necessary to control pollution of the water;
- c. that with regard to the above, it is considered necessary to issue a Government Regulation on the Control of Water Pollution.

In view of :

1. Article 5 paragraph (2) of the 1945 Constitution;
2. Act number 9 of the Year 1960 concerning the Principles of Health (State Gazette of the Year 1960 Number 131, addition to the State Gazette Number 2063);
3. Act Number 2 of the Year 1960 concerning Hygiene (State Gazette of the Year 1966 Number 22, Addition to the State Gazette Number 2084);
4. Act number 11 of the Year 1974 concerning Water Works (State Gazette of the Year 1974 Number 65, Addition to the State Gazette Number 3037);
5. Act Number 5 of the Year 1974 concerning the Principles of Regional Governments (State Gazette of the Year 1974 Number 38, Addition to the State Gazette Number 3037);
6. Act Number 4 of the Year 1982 concerning the Principles of the Management of the Living Environment (State Gazette of the year 1982 Number 12, Addition to the State Gazette Number 3274);
7. Act Number 5 of the Year 1984 concerning Industries (State Gazette of the Year 1984 Number 22, Addition to the state Gazette Number 3274);
8. Act Number 9 of the Year 1985 concerning Fisheries (State Gazette of the Year 1985 Number 37, Addition to the State Gazette Number 2063);
9. Government Regulation Number 22 of the Year 1982 concerning Water Management (State Gazette of the Year 1986 Number 37, Addition to the State

Gazette Number 3225);  
10. Government Regulation Number 29 of the Year 1986 concerning Analysis of Impact on the Environment (State Gazette of the Year 1986 Number 42, Addition to the State Gazette Number 3338);

HAS DECIDED

TO ISSUE: A GOVERNMENT REGULATION CONCERNING THE CONTROL OF WATER POLLUTION

CHAPTER 1

GENERAL PROVISIONS

Article 1

The following definitions are adopted in this Government Regulation:

1. Water means all the water that is present in or is derived from water sources, and is found the surface of the ground, not including water that is present below the surface of the soil, or sea water;
2. Pollution of water means anything and everything that has entered into the water, i.e. living organisms, materials, energy and/or other components that have entered into water by human activities, that cause the deterioration of the quality of water to a certain level, and that pursuant to its function, cause water to no longer meet its function;
3. Control means effort to prevent and/or control and/or restore;
4. Water Quality Standards shall mean the limit or concentration of any organism, material, energy, or other components and/or the tolerable pollutant level existing in a particular water source, pursuant to the designated uses of the water as designated herein;
5. Pollution load means the measure of a pollution parameter that indicates the total pollution amount in a given unit of time.
6. The capacity to assimilate pollution load means the capacity of the water source to absorb to a pollution load without causing the quality of the water to decrease to less than the water quality standard established for the beneficial use of the water;
7. Effluent quality standard means the limit of the content and the amount of pollution parameters that are carried in effluent from certain types of activities and which shall be removed;
8. The Minister means, the Minister assigned to manage the living environment.

CHAPTER II

INVENTORY OF QUALITY AND QUANTITY OF WATER

Article 2

The Provincial Governor shall for the purpose of exercising control of water pollution, appoint in his province the technical authority which shall make inventories of

the quality and quantity of water.

#### Article 3

1. The Governor of a Province shall determine priorities in the execution of making inventories of the quality and quantity of water;
2. If a water source flows through, or represents the boundary between, two or more Provinces, the priority as mentioned in paragraph (1) shall be determined by the Governors of the respective Provinces under the coordination of the Minister.

#### Article 4

1. Water and quantity data shall be prepared and documented by the technical authority that is responsible for the management of the living environment in the region;
2. The quality and quantity data as mentioned in paragraph (1) shall be processed by the technical authority concerned and at least once a year, a report shall be submitted to the Minister and the Governor of the Province concerned.

#### Article 5

1. The Provincial Governor shall identify sources of water pollution;
2. Pursuant to the result of the identification as mentioned in paragraph (1), the Governor of the province concerned, shall determine measures of the control of water pollution.

#### Article 6

Water quality and quantity data as mentioned in Article 4, may be used for the following purpose :

- a. as the basis for considerations concerning water uses and water quality standard of the water sources concerned;
- b. as the basis for calculations on the carrying capacity for pollution loads in reference to pre-determined uses of the water sources;
- c. as the basis for evaluation of the level of water pollution.

### CHAPTER III

#### CATEGORIES OF WATER

#### Article 7

1. The categories of water pursuant to their uses, have been determined as follows :

Categories A : Water that may be used directly as drinking water without any previous treatment;

Categories B : Water that may be used as raw water for drinking water;

Categories C : Water that is may be used for fisheries and for livestock;

Categories D : Water that may be used for agricultural purposes and may also be utilized for small business in cities, industries, and hydro-electric generation.

2. Expanded beneficial uses of water outside the categories mentioned in paragraph (1) may also be determined with this Government Regulation.

#### Article 8

1. The water quality standards as mentioned in Article 7 are determined as shown in the appendix of this Government Regulation;

2. Additional parameters and standard for parameters mentioned in the water quality standards described in paragraph (1), may be determined with this Government Regulation;

3. The evaluation of water quality related to parameters that are not mentioned in the water quality standards mentioned in paragraph (1) shall be carried out by scientifically considering function and the use of the water.

#### Article 9

The analytical methods for every parameter referred to in water quality standards and effluent standards, shall be determined by the Minister.

#### Article 10

1. The Provincial Governor shall

a. Pursuant to the categories of water mentioned in Article 7 paragraph (1), determine the beneficial use of water;

b. Pursuant to the use of water as mentioned in paragraph a above, determine the water quality standards.

2. The beneficial water uses and water quality standards, for water which is, flows trough, or forms the boundaries of two or more Provinces are determined by the Governors of the Provinces involved, with coordination by the Minister.

3. The beneficial water uses and the water quality standards that are subordinate to the authority of certain management boards as mentioned in Act No.11 of the year 1974 concerning water works, shall be determined by the Minister who is responsible for the aforesaid water works, after consultation with the Minister.

#### Article 11

If the quality of the water is lower than the water quality standards according to the category already determined, the Provincial Governor shall establish a program designed to rise the quality of water.

#### Article 12

If the quality of water meets the water quality standards according to the category already determined, the Provincial Governor shall establish a program designed to raise the level of the aforesaid Water use Category.

#### CHAPTER IV

#### CONTROL EFFORTS

##### Article 13

1. The Provincial Governor shall exercise control of water pollution in his province;
2. The control of pollution of water sources that are present in or are flowing through one or more provinces, shall be exercised by the Governor of the Province concerned, after consultation with the Minister.

##### Article 14

The Provincial Governor shall determine the capability to assimilate pollution load.

##### Article 15

1. The Minister shall, after consultation with other Ministers, and/or with the Heads of involved non-departmental institutional, determine the effluent quality standards;
2. In order to protect the quality of water, the Provincial Governor may, after consultation with the Minister, establish standards that are stricter than the effluent quality standards mentioned in paragraph (1).

##### Article 16

The ambient water quality standards, the capability to assimilate pollution loads, and the liquid waste quality standards, shall be regularly reviewed; at least once in every five years.

##### Article 17

1. Every person or body who/that discharges liquid waste shall be obliged to comply with the standards for the quality of liquid waste, as determined in the permit to discharge liquid waste that is issued to the aforesaid person/body.
2. Every person or body who/that discharges liquid waste as determined in the permit to discharge waste, is prohibited to dilute the aforesaid liquid waste.

##### Article 18

The discharge of waste that contains radioactive materials shall, after consultation with the Minister, be managed by the Head of the Government authority responsible in the field of atomic power.

##### Article 19

Discharge of liquid waste to the land may, pursuant to the results of research, be executed only with a permit from the Minister.

#### Article 20

The person responsible for the activity shall construct discharge channels for the discharge of liquid waste to facilities sampling and measurement of the flow of liquid waste in an area outside the area of the aforesaid activities.

#### Article 21

1. The person who discharges liquid waste into water shall be charged with the payment of retribution;
2. The procedure and the amount of retribution shall be determined in a Regulation of the Province concerned (Provincial Regulation).

#### Article 22

In cases where Regional Government makes available a location, discharge channels and/or waste treatment facilities, the Regional Government may collect retribution

#### Article 23

Efforts to control water pollution caused by effluent or other materials which are not discharged through channels constructed for waste discharge and/or that do not enter water sources at specific points of entry (i.e. non-point sources) shall be determined by the Minister, or, after consultation with the Minister, by non-departmental government institutions concerned.

#### Article 24

The Provincial Governors shall determine and announce water sources and channels that are found to be polluted and hazardous to public safety.

### CHAPTER V

#### THE ISSUES OF LICENSES

#### Articles 25

The effluent quality standards of effluent that is permitted to be discharged into water from a specific activity, shall be established by the Provincial Governor, pursuant quantity standards as mentioned in Article 15.

#### Article 26

1. The discharge of liquid waste to water shall be allowed by a permit issued by the provincial Governor;
2. The permit as mentioned in paragraph (1) shall be included in the license of the Hindrance Ordinance;
3. The permit to discharge liquid waste included in the Hindrance Ordinance permit as described in paragraph (2), shall mention the following;

- a. the type of production, the production volume, and the water requirements for production;
- b. the quality and quantity of liquid waste and/or other material that is permitted to be discharged into water and the frequency of the discharge;
- c. the exact location of the discharge channels for liquid waste;
- d. the sources of water being used in the production process and/or for other activities, as well as the amount and the quality of this water;
- e. prohibition to dilute liquid waste.
- f. plans and procedures for handling emergency situations;

#### Articles 27

- 1. The discharge of household domestic waste shall be regulated by a Regional Regulation;
- 2. The discharge of liquid waste into the sea shall be regulated by a separate regulation.

#### Article 28

- 1. Pursuant to Government Regulation Number 29 of the Year 1986 concerning Environmental Impacts Analysis for activities which must prepare an analysis of environmental impacts, the terms of reference and the obligations included in the environmental management plan and in the environmental monitoring plan for the aforesaid activity, shall also be included as a condition and obligation for the permit of the Hindrance Ordinance permit issued for the aforesaid activity;
- 2. If the environmental impacts analysis for an activity requires an effluent quality limit that is more strict than the effluent quality standard as mentioned in Article 15, then the effluent quality standard as required by the Environmental impact Analysis shall be used.

### CHAPTER IV

#### SURVEILLANCE AND MONITORING

#### Article 29

- 1. Every person who knows of, or who suspects, the occurrence of water pollution, shall have the right to report it to;
  - a. the Provincial Government the nearest Regional Government, or
  - b. the Head of the Regional Police or the nearest police post.
- 2. The nearest Regional Government agency which receives a report of the occurrence of water pollution shall be obliged to report it immediately to the Provincial Governor concerned;
- 3. The nearest police agency that receives a report of the occurrence of water pollution shall be obliged to report it immediately to the Head of the Regional Police concerned for investigation;

4. The Provincial Governor shall immediately examine the report of the occurrence of water pollution;
5. If the result of the investigation, as mentioned in paragraph (4), proves the occurrence of water pollution, the Provincial Governor concerned shall immediately take, or order, action to cope with and/or prevent the spreading of the pollution.

#### Article 30

1. Surveillance of the quality of water shall be carried out by the Provincial Governor concerned.
2. The Provincial Governor concerned, may appoint a regional authority to carry out the surveillance as mentioned in paragraph (1);
3. Within the surveillance function, as mentioned in paragraph (1) are :
  - a. monitoring and evaluation of effluent quality standards at the locations that have been determined;
  - b. monitoring and evaluation of changes in the quality of water;
  - c. collecting and evaluation of data related to water pollution;
  - d. Evaluation of report on discharge of liquid waste and on analysis that have been performed by the person responsible for the activities.
4. Surveillance shall be conducted regularly and at any time that it is considered necessary;
5. If the results of the surveillance shows that water pollution has occurred,. the Provincial Governor concerned shall issue instruction to tackle and/or to prevent spreading of the pollution;
6. The provincial Governor concerned shall report the result of the Surveillance of the water quality to the Minister and to order related Ministers;
7. The Provincial Governor concerned shall determine the surveillance procedures for his province.

#### Article 31

1. Within the framework of executing the assignment as mentioned in Article 30 paragraph (2), the official authority is authorized to;
  - a. enter the environment of the source of pollution;
  - b. examine the performance of waste treatment equipment or other equipment required to prevent pollution of the environment;
  - c. take samples of the wastes;
  - d. request information on the quality and quantity of liquid waste, including information on the manufacturing processes.

Every person of responsibility who is involved in the activities is obligated to;

- a. permit the official, as mentioned in paragraph (1), to enter into the work environment, and is obligated to assist the official carry out his assignment;

b. provide on request, true information, verbally or in writing.

#### Article 32

1. Each person of responsibility who is involved in the activities is obliged to submit to the Provincial Governor concerned;

a. report on effluent discharge and result of analysis, at least once every 6 (six) months.

b. a statement that the submitted report constitutes a true report which represent the quality of liquid waste that has actually been discharged.

2. Guidelines and procedures for the report shall be established by the Provincial Governor concerned or by the authority appointed for this purpose.

#### Article 33

1. If the effluent discharge constitutes a violation of the provisions of the effluent quality standards, as mentioned in article 15, the Provincial Governor shall issue a warning letter to the responsible person to meet the terms of the effluent quality standard within a specified time period;

2. If, at the end of the time period, as determined in paragraph (1), the effluent does not yet meet the effluent quality standard, the Provincial Governor concerned shall revoke the permit to discharge liquid waste;

#### Article 34

1. Minister shall, pursuant to the control of water pollution, appoint a laboratory at the Central Government level;

2. The Provincial Governor concerned shall, pursuant to surveillance and monitoring of water pollution, appoint a laboratory in his province, to conduct water quality and effluent quality analysis.

### CHAPTER VII

#### FINANCING

#### Article 35

1. The costs of making inventories of the quality and quantity of water, as mentioned in Article 2, shall be charged to the budget of the region;

2. The costs of surveillance of water pollution shall be charged to the budget of each region.

#### Article 36

1. The costs of prevent ion, handing and restoring of polluted water caused by an activity shall be charged to the party responsible for the aforesaid activity;

2. If the party responsible for the aforesaid activity fails to execute the handling of water pollution, as mentioned in paragraph (1) or doe not execute it properly, the Provincial Governor concerned may execute the handling, or issue instruction to execute the handling of the aforesaid water pollution on behalf of the party

responsible for the aforesaid activity;

3. If he considers it necessary, the Bupati/Walikota (City Mayor), or Head of a Level II Area, may on behalf of the Provincial Governor concerned, take measures, as mentioned in paragraph (2), and charge the costs to the party responsible for the aforesaid activity.

## CHAPTER VIII

### SANCTIONS

#### Article 37

1. Administrative measures of the Bupati/Walikota level II Areas shall be applied to whomsoever violates the Provisions of Article 17, Article 19, Article 20, and Article 32 of this government regulation;

2. The administrative measures, as mentioned in paragraph (1) shall not exclude the possibility of applying other legal measures.

## CHAPTER IX

### TRANSITION

#### Article 38

If for certain type of activity the effluent standard as mentioned in article 15 has not yet been determined, the standards for effluent that may be discharged into water shall, after consultation with the Minister, be determined by the Provincial Governor.

#### Article 39

If, at the date of the enactment of this Government Regulation, the standards for effluent that may be discharged into water have already been established for a certain activity, and this standard is more strict than the standard as mentioned in Article 15, then the effluent standard that has already been determined shall apply to the aforesaid activity.

#### Article 40

If, at the date of the enactment of this Government Regulation, the effluent quality standards that have already been established for a certain activity are less strict than the standards for that activity, as mentioned in article 15, the effluent standards for the aforesaid activity shall be adjusted to the effluent standards as mentioned in Article 5 within one year of the enactment of this Government Regulation.

#### Article 41

Current activities shall have obtained a permit to discharge liquid waste from the Provincial Governor, within one year of the enactment of this Government Regulation.

#### Article 42

1. If at the date of the enactment of this Government Regulation, the categorization of water according to its purpose as mentioned in Article 7 of this Government Regulation, has not yet been determined, the category of water for the aforesaid body of water shall be declared as Category B Water, until the Provincial Governor issues a further decree based on the provision of Article 10 of this Government Regulation;

2. A water body, as mentioned in paragraph (1) of this article, shall be determined to be category A, if:

a. It meets quality standards of category A, as mentioned in article 7 of this Government Regulation, or

b. It located within the area of a Protected forest, or

c. It located near as spring

## CHAPTER X

### CLOSING CLAUSE

#### Article 43

This Government Regulation comes into force on date of its enactment. In order that every person shall be informed there of, instruction have been issued to have its enactment published in the State Gazette.

Issue in Jakarta on June 5, 1990

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

signed

SOEHARTO

Enacted in Jakarta on June 5, 1990

MINISTER/SECRETARY OF STATE OF

THE REPUBLIC OF INDONESIA

Signed

MOERDIONO

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF

THE YEAR 1990 NUMBER 24

THE PRESIDENT OF THE REPUBLIC OF INDONESIA