



## ACT ON WATER MANAGEMENT OF AND RESIDENT SUPPORT IN THE GEUM RIVER BASIN

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 Act No. 6916, May 29, 2003  
 Act No. 7016, Dec. 30, 2003  
 Act No. 7459, Mar. 31, 2005  
 Act No. 7678, Aug. 4, 2005  
 Act No. 7775, Dec. 29, 2005  
 Act No. 8010, Sep. 27, 2006  
 Act No. 8014, Sep. 27, 2006  
 Act No. 8351, Apr. 11, 2007  
 Act No. 8352, Apr. 11, 2007  
 Act No. 8370, Apr. 11, 2007  
 Act No. 8371, Apr. 11, 2007  
 Act No. 8466, May 17, 2007  
 Act No. 8733, Dec. 21, 2007  
 Act No. 8806, Dec. 27, 2007  
 Act No. 8820, Dec. 27, 2007  
 Act No. 8852, Feb. 29, 2008  
 Act No. 8974, Mar. 21, 2008  
 Act No. 8976, Mar. 21, 2008  
 Act No. 9276, Dec. 29, 2008  
 Act No. 9307, Dec. 31, 2008  
 Act No. 9432, Feb. 6, 2009  
 Act No. 9758, Jun. 9, 2009  
 Act No. 9763, Jun. 9, 2009  
 Act No. 10272, Apr. 15, 2010  
 Act No. 10331, May 31, 2010

### CHAPTER I GENERAL PROVISIONS

#### **Article 1 (Purpose)**

The purpose of this Act is to improve the water quality of the *Geum* River basin by efficiently promoting improvements in the quality of water sources in the upper region of the *Geum* River basin and programs for supporting residents in that region, and by properly managing and controlling water resources and sources of pollution in the *Geum* River, *Mangyeong* River, and *Dongjin* River basins.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 2 (Definitions)**

The definitions of terms used in this Act shall be as follows:

1. The term "water sources" means water sources defined in subparagraph 2 of [Article 3 of the Water Supply and Waterworks Installation Act](#);
2. The term "waterworks business operators" means waterworks business operators defined in subparagraph 21 of [Article 3 of the Water Supply and Waterworks Installation Act](#);
3. The term "pollution load" means the volume of water pollutants and specific substances harmful to water quality defined in subparagraphs 7 and 8 of [Article 2 of the Water Quality and Ecosystem Conservation Act](#) (hereinafter referred to as "pollutants"), expressed by weight;
4. The term "environmental infrastructure facilities" means the following facilities:
  - (a) Sewage culverts under subparagraph 6 of [Article 2 of the Sewerage Act](#);
  - (b) Public sewage treatment plants under subparagraph 9 of [Article 2 of the Sewerage Act](#)

- (hereinafter referred to as "public sewage treatment plants");
- (c) Night soil treatment plants under subparagraph 10 of [Article 2 of the Sewerage Act](#);
  - (d) Public disposal facilities under subparagraph 9 of [Article 2 of the Act on the Management and Use of Livestock Excreta](#);
  - (e) Wastewater terminal treatment facilities under subparagraph 1 of [Article 48 of the Water Quality and Ecosystem Conservation Act](#) (hereinafter referred to as "wastewater terminal treatment facilities");
  - (f) Other facilities specified by Presidential Decree as those for the prevention of water pollution;
5. The term "water-source management area" means any of the following zones and areas:
- (a) Water-source protection areas designated and publicly announced pursuant to [Article 7 of the Water Supply and Waterworks Installation Act](#) or [Article 7](#) of this Act (hereinafter referred to as "water-source protection areas");
  - (b) Riparian zones designated and public notice of such is provided pursuant to [Article 4](#);
  - (c) Areas subject to special measures for the preservation of the quality of water sources designated and public notice of such is provided pursuant to [Article 22 of the Framework Act on Environmental Policy](#) (hereinafter referred to as "special measures area");
6. The term "river" means a river defined in subparagraph 1 of [Article 2 of the River Act](#);
7. The term "lake and marsh" means a lake and marsh defined in subparagraph 13 of [Article 2 of the Water Quality and Ecosystem Conservation Act](#).

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

### **Article 3 (Scope of Application)**

(1) This Act shall apply to the *Geum* River basin, the *Man-gyeong* River basin, and the *Dongjin* River basin (hereinafter referred to collectively as the "*Geum* River basin" in this paragraph) and all areas outside the *Geum* River basin in which tap water drawn from the *Geum* River basin are used (hereafter referred to as "areas outside the river basin"): *Provided*, That the provisions of Chapters II through IV shall not apply to such areas outside the river basin.

(2) The specific extent of the *Geum* River basin governed by this Act pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

## **CHAPTER II DESIGNATION, MANAGEMENT, ETC. OF RIPARIAN ZONES**

### **Article 4 (Designation of Riparian Zones, etc.)**

(1) In order to preserve the water quality of the *Geum* River basin, the Minister of Environment shall designate and provide public notice of the areas that are considered necessary as riparian zones, among the following areas around the dams that are used as water sources (based on the planned flood water level) and the upper areas of such dams: *Provided*, That in the case of subparagraph 3, such designation shall be subject to the consent of the residents in the area, as prescribed by Presidential Decree:

1. In the case of a dam used as a water source or the main stream of the *Geum* River basin in a special measures area: The area within one kilometer from the dam or the boundary of a river;
2. In the case of the main stream of the *Geum* River basin in any area other than the areas under subparagraph 1: The area within a distance of 500 meters from the boundary of the river;
3. In the case of a river that flows directly into the main stream of the *Geum* River basin: The area within a distance of 300 meters from the boundary of the river.

(2) When the Minister of Environment designates an area as a riparian zone under paragraph (1), he/she shall exclude any of the following areas from the riparian zone:

1. A water-source protection area;
2. A development restriction zone under [Article 3 of the Act on Special Measures for Designation and Management of Development Restriction Zones](#);
3. A military installation protection zone under subparagraph 2 of [Article 2 of the Protection of Military Installations Act](#);
4. A treatment-required area under subparagraph 15 of [Article 2 of the Sewerage Act](#);
5. An urban area under subparagraph 1 of [Article 6 of the National Land Planning and Utilization Act](#);
6. A Class-II district unit planning zone under [Article 51 \(3\) of the National Land Planning and Utilization Act](#) (limited to residential zones) and other areas specified by Presidential Decree;

7. An area in which a rural village is naturally formed meeting the criteria prescribed by Presidential Decree.

(3) If a riparian zone designated and public notice of such is provided pursuant to paragraph (1) (hereinafter referred to as "riparian zone") falls under any subparagraph of paragraph (2) 1 through 4, the Minister of Environment shall cancel the designation of the riparian zone: *Provided*, That the designation of an area as a riparian zone under paragraph (1) shall not be cancelled, notwithstanding paragraph (2), where a public sewage treatment plant has been installed in the area as a program for supporting residents under [Article 21 \(1\)](#) and the area is thereby included in the treatment-required area under subparagraph 15 of [Article 2 of the Sewerage Act](#).

(4) If the Minister of Environment intends to designate an area as a riparian zone, he/she shall organize a survey team with public officials from related central administrative agencies and the competent local government, experts, and representatives of residents to conduct a field survey on the actual conditions of the area and then consult with the competent Metropolitan City Mayor or *Do* Governor (hereinafter referred to as "Mayor/ *Do* Governor").

(5) The Minister of Environment shall manage riparian zones appropriately, as prescribed by Ordinance of the Ministry of Environment.

[*This Article Wholly Amended by Act No. 8806, Dec. 27, 2007*]

#### **Article 4-2 (Establishment and Implementation of Basic Plan for Management of Riparian Zones)**

(1) The Minister of Environment shall establish and implement a basic plan for the management of riparian zones designated pursuant to [Article 4 \(1\)](#) every five years (hereinafter referred to as "basic plan for the management of riparian zones") which shall include the following matters, subject to the prior deliberation of the Committee for the Management of the *Geum* River Basin under [Article 35](#):

1. Medium- and long-term plans for the management of riparian zones;
2. A plan for the development of riparian greenbelts and riparian ecological belts;
3. The current status of, and a plan for, the purchase of land in riparian zones and other matters specified by Ordinance of the Ministry of Environment.

(2) Necessary matters concerning the procedure for the establishment of the basic plan for the management of riparian zones, the time period for establishing the plan, etc. shall be prescribed by Presidential Decree.

[*This Article Newly Inserted by Act No. 8806, Dec. 27, 2007*]

#### **Article 5 (Restriction on Activities within Riparian Zones)**

(1) No one shall install in a riparian zone (including altering the purpose of use; the same shall apply hereafter in this Article) a new facility that falls under any of the following subparagraphs :  
<Amended by Act No. 9432, Feb. 6, 2009>

1. Wastewater discharge facilities under subparagraph 10 of [Article 2 of the Water Quality and Ecosystem Conservation Act](#) (hereinafter referred to as "wastewater discharge facilities");
2. Waste-generating facilities under subparagraph 3 of [Article 2 of the Act on the Management and Use of Livestock Excreta](#);
3. Facilities for running any of the following businesses:
  - (a) A food-service business under [Article 36 \(1\) 3 of the Food Sanitation Act](#);
  - (b) A lodging business or a public bath business under [Article 2 \(1\) 2 or 3 of the Public Health Control Act](#);
  - (c) A tourist accommodation business under [Article 3 \(1\) 2 of the Tourism Promotion Act](#);
4. A collective housing project under subparagraph 2 of [Article 2 of the Housing Act](#).

(2) Notwithstanding paragraph (1), where it is concluded that any of the following facilities will not create any problem in the preservation of the quality of water sources in an area under [Article 4 \(1\) 2 or 3](#) within a riparian zone, the Minister of Environment may permit the installation of the facility, as prescribed by Presidential Decree:

1. A wastewater discharge facility temporarily installed for the execution of a tunnel construction project for the construction of a road or a railroad;
2. Waste-generating facilities, all livestock excreta from which are to be treated in a public disposal facility under subparagraph 9 of [Article 2 of the Act on the Management and Use of Livestock Excreta](#);
3. A facility that falls under any item of paragraph (1) 3 or paragraph (1) 4 for treating wastewater to lower the biochemical oxygen demand and suspended solids to ten milligrams per liter or less respectively.

(3) The head of a related administrative agency shall not designate an area within a riparian zone as a new specific use area or district which is likely to induce development activities or increase water quality deterioration, nor alter a specific use area or district to that effect: *Provided*, That the

foregoing shall not apply where there is an exceptional circumstance such as military purpose and the Minister of Environment consents to such designation or alteration.

(4) Beginning three years from the date on which a riparian zone is designated and public notice of such is provided, a person who runs a business that falls under any item of paragraph (1) 3 at the time the riparian zone is designated and public notice of such is provided or the manager of a collective housing project under paragraph (1) 4 shall treat wastewater to lower the biochemical oxygen demand and the suspended solids to ten milligrams per liter or less respectively before discharging wastewater.

*[This Article Newly Inserted by Act No. 8806, Dec. 27, 2007]*

#### **Article 6 (Control of Sources of Water Pollution in River Area, etc.)**

Anyone who uses an agrochemical under the [Agrochemicals Control Act](#) or a fertilizer under the [Fertilizer Control Act](#) in a state-owned or public land within a river area under subparagraph 2 of [Article 2 of the River Act](#) shall comply with the standards prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 7 (Designation of Water-Source Protection Area, etc.)**

(1) Where the annual average water quality of the raw water taken from a water intake facility (referring only to a water intake facility for wide-area water works or local waterworks under subparagraph 7 or 8 of [Article 3 of the Water Supply and Waterworks Installation Act](#); the same shall apply hereafter in this Article) fails to meet the standards prescribed by Presidential Decree, the competent Mayor/ Do Governor shall designate an area that meets the designation criteria prescribed by Ordinance of the Ministry of Environment in a watershed (the term "watershed" means public waters under subparagraph 9 of [Article 2 of the Water Quality and Ecosystem Conservation Act](#) into which rainwater flows naturally and which are surrounded by a series of encompassing ridges; the same shall apply hereinafter) upstream of the water intake facility as a water-source protection area, notwithstanding [Article 7 of the Water Supply and Waterworks Installation Act](#): *Provided*, That the forgoing shall not apply to a watershed in a river (referring to a tributary that flows directly into the river or the lake and marsh at which a water intake facility is installed) with its annual average water quality better than the water quality of the raw water taken from a water intake facility.

(2) The method of measuring the annual average water quality under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

(3) When a Mayor/ Do Governor designates or alters a water-source protection area pursuant to paragraph (1), he/she shall publicly announce such without delay, as prescribed by Presidential Decree. The same shall apply where the designation of a water-source protection area is amended.

(4) A water-source protection area designated and publicly announced pursuant to paragraphs (1) and (3) shall be deemed to be designated and publicly announced pursuant to [Article 7 of the Water Supply and Waterworks Installation Act](#).

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 8 (Purchase of Land, etc.)**

(1) Where the owner of a parcel of land in any of the following areas and zones within the *Geum* River basin or a facility fixed on such land (hereinafter referred to as "land, etc."), intends to sell the land, etc. to the State, the State may purchase it with the *Geum* River Basin Management Fund provided for under [Article 31](#) (hereinafter referred to as the "Fund"):

1. A water-source protection area;
2. A riparian zone;
3. An area specified by Ordinance of the Ministry of Environment as an area required for the preservation of the quality of water sources.

(2) The purchase price at the time the the State purchases land pursuant to paragraph (1) shall be an amount appraised on the basis of the officially announced land price under the [Public Notice of Values and Appraisal of Real Estate Act](#), taking into consideration the location, shape, environs, and current status of use of the land.

(3) The State shall not sell the land purchased pursuant to paragraph (1) or alter the specific purpose of use of the land to any specific purpose of use other than woodland or a greenbelt: *Provided*, That the foregoing shall not apply where an agreement with the Committee for the Management of the *Geum* River Basin provided for under [Article 37](#) is reached in advance.

(4) The State shall transfer the revenue accruing from the land purchased pursuant to paragraph (1) to the Fund.

(5) The procedure for purchasing land pursuant to paragraphs (1) and (2), the determination of

the order or priority in purchasing, the method of calculating purchase prices, and the time to calculate purchase prices, and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

### CHAPTER III ENFORCEMENT OF TOTAL POLLUTION LOAD CONTROL SYSTEM

#### Article 9 (Establishment of Basic Policy on Total Pollution Load Control, etc.)

(1) The Minister of Environment shall determine and provide public notice of the target water quality of each section of the *Geum* River basin, taking into consideration the current status of the use of the river basin and the current conditions of water quality, as prescribed by Presidential Decree: *Provided*, That the foregoing shall not apply to an area for which the competent Mayor/ *Do* Governor publicly announces the target water quality of each section of the river basin within the jurisdiction of the Metropolitan City/ *Do* with approval from the Minister of Environment, as prescribed by Presidential Decree, so as to achieve the target water quality on the boundary between Metropolitan Cities/ *Dos* specified and publicly announced by the Minister of Environment.

(2) In order to achieve and maintain the target water quality under paragraph (1), the Minister of Environment shall establish a basic policy on the total pollution load control (hereinafter referred to as the "basic policy on the total pollution load control"), subject to prior consultation with the Committee for the Management of the *Geum* River Basin provided for under Article 35, and notify the policy to related Mayors/ *Do* Governors.

(3) The basic policy on the total pollution load control shall include the following matters:

1. Goals of the total pollution load control;
2. Types of pollutants subject to the total pollution load control;
3. The period of the total pollution load control plan;
4. The method of calculating the pollution load.

(4) The Minister of Environment may request heads of related agencies and institutions, such as related central administrative agencies, local governments, public institutions, and government-funded institutions, to submit data necessary for the establishment of an information system with which data necessary for the enforcement of the total pollution load control system can be utilized efficiently. In such cases, the head of each agency or institution shall comply with the request, unless there is an exceptional circumstance.

(5) The Minister of Environment may organize and operate a survey and research team with appropriate experts and others in order to conduct reviews, surveys, and research on the adjustment of the pollutants subject to the total pollution load control and the target water quality of each section of the river basin and the enforcement of the total pollution load control system.

(6) Matters necessary for the composition and operation of the survey and research team under paragraph (5) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### Article 10 (Establishment of Basic Plan for the Total Pollution Load Control, etc.)

(1) Each Mayor/ *Do* Governor shall prepare a basic plan for the total pollution load control, including the following matters, in accordance with the basic policy on the total pollution load control and shall obtain approval thereof from the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. The same shall apply to an intended amendment of the basic plan for the total pollution load control: *Provided*, That the foregoing shall not apply to an intended modification to a minor matter, as so specified by Ordinance of the Ministry of Environment:

1. Details of the regional development plan;
2. Apportionment of the pollution load to each local government and each section of the river basin;
3. The total pollution load discharged from his/her jurisdiction and a plan for the reduction of the total pollution load;
4. The pollution load additionally discharged due to the regional development plan and a plan for the reduction of the pollution load.

(2) The standards for the approval of the basic plan for the total pollution load control under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### Article 11 (Establishment and Implementation of Enforcement Plan for Total Pollution Load Control, etc.)

(1) Each Metropolitan City Mayor and the head of each *Sil Gun* (excluding the head of a *Gun* within the jurisdiction of a Metropolitan City; the same shall apply hereinafter) shall establish and implement an enforcement plan for the total pollution load control in accordance with the basic plan for the total pollution load control under [Article 10](#): *Provided*, That the foregoing shall not apply to an area in which the Minister of Environment recognizes that the target water quality under [Article 9](#) (1) has been achieved and maintained, as prescribed by Ordinance of the Ministry of Environment.

(2) In order to establish an enforcement plan for the total pollution load control under paragraph (1), each Metropolitan City Mayor shall obtain approval of the plan from the head of the competent regional environmental office, as prescribed by Ordinance of the Ministry of Environment, while the head of each *Sil Gun* shall obtain approval in accordance with any of the following subparagraphs, as prescribed by Ordinance of the Ministry of Environment. The same shall apply to an intended amendment of the enforcement plan for the total pollution load control: *Provided*, That the foregoing shall not apply to an intended modification to a minor matter, as so specified by Ordinance of the Ministry of Environment:

1. For an area for which the target water quality of each section of the river basin has been publicly notified pursuant to the body of [Article 9](#) (1): Approval from the head of the competent regional environmental office through the competent *Do Governor*;
2. For an area for which the target water quality of each section of the river basin has been publicly announced pursuant to the proviso to [Article 9](#) (1): Approval from the competent *Do Governor*, subject to prior consultation with the head of the competent regional environmental office.

(3) Each Metropolitan City Mayor and the head of each *Sil Gun* shall prepare a report on the evaluation of the performance of the enforcement plan for the total pollution load control under paragraph (1) for the previous year (hereinafter referred to as "evaluation report") and shall submit the report to the head of the competent regional environmental office and the Committee for the Management of the *Geum* River Basin provided for under [Article 35](#), as prescribed by Ordinance of the Ministry of Environment. In such cases, the head of *Sil Gun* shall submit the evaluation report through the competent *Do Governor*.

(4) The head of each regional environmental office may demand the Metropolitan City Mayor or the head of *Sil Gun* to prepare and take measures or countermeasures as may be necessary, if it is found necessary for efficient implementation of an enforcement plan for the total pollution load control as a result of his/her review on an evaluation report submitted pursuant to paragraph (3). In such cases, the Metropolitan City Mayor or the head of *Sil Gun* shall comply with the demand, unless there is an exceptional circumstance.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### **Article 12 (Apportionment of Pollution Load to Business Establishments, etc.)**

(1) If it is considered necessary in achieving and maintaining the target water quality under [Article 9](#) (1), the Minister of Environment (limited to business establishments specified by Presidential Decree; the same shall apply hereafter in this Article and [Articles 13](#), [14](#), and [19](#)) or a Metropolitan City Mayor or the head of a *Sil Gun* (excluding business establishments specified by Presidential Decree; the same shall apply hereafter in this Article and [Articles 13](#), [14](#), and [19](#)) may apportion a pollution load to each person specified by Ordinance of the Ministry of Environment, among persons who shall be bound by the standards for the quality of discharged water or the standards for permitted discharge under any of the following subparagraphs, for each final discharge outlet or for each unit period or determine the discharge load permissible to each of such persons, as prescribed by Ordinance of the Ministry of Environment. In such cases, the Minister of Environment or the Metropolitan City Mayor or the head of the *Sil Gun* shall take necessary measures to make interested parties informed of the details of the determination in advance:

1. [Articles 12](#) (3) and [32](#) of the Water Quality and Ecosystem Conservation Act;
2. [Article 7](#) of the Sewerage Act;
3. [Article 13](#) of the Act on the Management and Use of Livestock Excreta.

(2) If the Minister of Environment intends to apportion a pollution load or determine a permissible discharge load pursuant to paragraph (1), the Minister shall consult in advance with a Metropolitan City Mayor or the head of a *Sil Gun*.

(3) If the Minister of Environment, a Metropolitan City Mayor, or the head of a *Sil Gun* intends to apportion a pollution load or determines a permissible discharge load pursuant to paragraph (1), he/she shall hear the opinions of interested parties in advance.

(4) A person who has a pollution load apportioned or has a permissible discharge load determined pursuant to paragraph (1) shall install and operate instruments for measuring the

pollution load and the discharge load in his/her business establishment, as prescribed by Ordinance of the Ministry of Environment, and shall keep and preserve the records of the results of measurements honestly.

(5) The Minister of Environment or a Metropolitan City Mayor or the head of a *Sil Gun* may order a business operator to improve a facility for the prevention of pollution or take other necessary measures, if the business operator discharges pollutants in excess of the pollution load apportioned or the permissible discharge load determined pursuant to paragraph (1).

(6) A person to whom an order to take measures was issued pursuant to paragraph (5) shall submit an improvement plan to the Minister of Environment or a Metropolitan City Mayor or the head of a *Sil Gun*, as prescribed by Ordinance of the Ministry of Environment, and shall report his/her performance to the Minister of Environment or the Metropolitan City Mayor or the head of the *Sil Gun* without delay when he/she completes the performance as ordered.

(7) Where a person to whom an order to take measures was issued pursuant to paragraph (5) has not performed as ordered or has performed within the given period but it is found as a result of an inspection that the person still discharges pollutants in excess of the pollution load apportioned or the permissible discharge load determined pursuant to paragraph (1), the Minister of Environment or the Metropolitan City Mayor or the head of the *Sil Gun* may order the person to suspend the operation of the facility at issue completely or partially for a period of not more than six months or to close down the facility. In such cases, an order to close down a facility shall be issued only where it is found impossible to lower pollutants even by improving or supplementing the facility to the pollution load apportioned or the permissible discharge load determined or less.

(8) The criteria for issuing an order to suspend the operation of a facility or close down a facility pursuant to paragraph (7) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### **Article 13 (Charge for Excess of Total Load)**

(1) The Minister of Environment or a Metropolitan City Mayor or the head of a *Sil Gun* shall levy and collect a charge for the excess of total load (hereinafter referred to as "excess charge") from a person who has discharged pollutants in excess of the pollution load apportioned or the permitted discharge load determined pursuant to [Article 12 \(1\)](#).

(2) When it is intended to levy an excess charge pursuant to paragraph (1) but a discharge imposition amount under [Article 41 of the Water Quality and Ecosystem Conservation Act](#) or a penalty surcharge under [Article 12 of the Act on Special Measures for the Control of Environmental Offenses](#) (referring only to the penalty surcharge levied on water quality) has already been levied, the excess charge shall be reduced by the amount equivalent to the discharge imposition amount or the penalty surcharge.

(3) An excess charge under paragraph (1) shall be calculated by multiplying the benefit from the excess discharge (referring to costs and expenses that a person does not need to pay for the disposal of pollutants by discharging pollutants above the permitted amount) by the levying factor applicable to each excess rate, the levying factor applicable to each region, and the levying factor applicable to the frequency of violations; more specific calculation methods and other necessary matters shall be prescribed by Presidential Decree.

(4) If a person who is obligated to pay an excess charge in accordance with paragraph (1) fails to do so, an additional charge shall be collected.

(5) As to the additional charge under paragraph (4), [Article 21 of the National Tax Collection Act](#) shall apply *mutatis mutandis*. In such cases, "national tax" shall be construed as "excess charge."

(6) Excess charges under paragraph (1) and additional charges under paragraph (4) shall be accounted for as revenue for the special accounts for environmental improvement under the [Act on Special Accounts for Environmental Improvement](#).

(7) The Minister of Environment may spend part of the excess charges and additional charges levied and collected by each Metropolitan City Mayor and the head of each *Sil Gun* as collection expenses, as prescribed by Presidential Decree.

(8) If a person who is obligated to pay an excess charge and an additional charge fails to pay the charges by the deadline given for the payment, the Minister of Environment or the Metropolitan City Mayor or the head of the *Sil Gun* shall collect the charges in accordance with the practices for the disposition of delinquent national or local taxes.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### **Article 14 (Penalty Surcharge)**

(1) The Minister of Environment, a Metropolitan City Mayor, or the head of a *Sil Gun* may levy a penalty surcharge not exceeding 300 million won on a person who has discharged pollutants in excess of the pollution load apportioned or the permissible discharge load determined pursuant to [Article 12 \(1\)](#) instead of a suspension of business operation, where the intention is to order the

person to suspend his/her business operation pursuant to [Article 12 \(7\)](#) but it is anticipated that the suspension of the business operation is likely to create an obvious problem with respect to any of the following matters: *Provided*, That no penalty discharge shall be levied in stead of the suspension of business operation in cases specified by Ordinance of the Ministry of Environment:

1. Residents' daily life;
2. Overseas credibility;
3. National economy, such as employment and prices;
4. Other public interest.

(2) Necessary matters concerning the amount of a penalty surcharge to be levied according to the degree of an offense pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment, a Metropolitan City Mayor or the head of a *Sil Gun* may aggravate or mitigate a penalty surcharge by not more than one half of the amount of the penalty surcharge under paragraph (2), taking into consideration the size of the business establishment, the particulars of business activities, the degree and frequency of offenses, etc. In such cases, the total amount of a penalty surcharge as aggravated shall not exceed 300 million won.

(4) If a person who is obligated to pay a penalty surcharge in accordance with paragraph (1) fails to do so by the deadline given for the payment, an additional charge shall be collected.

(5) As to the procedures for the collection of penalty surcharges and additional charges, [Article 13 \(5\) through \(8\)](#) shall apply *mutatis mutandis*. In such cases, the term "excess charge" shall be construed as "penalty surcharge."

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### **Article 15 (Limitations on Permission)**

(1) The Minister of Environment, a Metropolitan City Mayor, or the head of a *Sil Gun* (including the head of a *Gun* within the jurisdiction of a Metropolitan City; the same shall apply hereafter in this Article) or *Gu* (referring to the head of an autonomous *Gu*; the same shall apply hereinafter) may, if the water quality in his/her jurisdiction is worse than the target water quality under [Article 9 \(1\)](#), choose not to permit the construction of a new building, notwithstanding [Article 11 of the Building Act](#). <Amended by Act No. 8974, Mar. 21, 2008>

(2) When the Minister of Environment, a Metropolitan City Mayor, or the head of a *Sil Gun/ Gu* chooses not to permit a building construction pursuant to paragraph (1), he/she shall provide public notice of the area, period, and activities subject to the restriction on permission, as prescribed by Ordinance of the Ministry of Environment. As to the public notification in such cases, [Article 8 of the Framework Act on the Regulation of Land Use](#) shall apply *mutatis mutandis*.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### **Article 16 (Sanctions against Non-Performance of Total Pollution Load Control, etc.)**

(1) Where a Metropolitan City/ *Do* or *Sil Gun* (excluding a *Gun* within the jurisdiction of a Metropolitan City; the same shall apply hereinafter) has discharged pollutants in excess of the pollution load apportioned pursuant to [Article 9 \(3\) 3](#) or has not established or implemented a basic plan or an enforcement plan for the total pollution load control under [Articles 10 and 11](#) in the absence of exceptional circumstances, the head of the related administrative agency shall not grant approval or permission to the Metropolitan City/ *Do*, or *Sil Gun* for any of the following activities:

1. Execution of an urban development project under [Article 2 \(1\) 2 of the Urban Development Act](#);
2. Development of an industrial complex under subparagraph 5 of [Article 2 of the Industrial Sites and Development Act](#);
3. Development of a tourist destination or a tourism complex under subparagraph 6 or 7 of [Article 2 of the Tourism Promotion Act](#);
4. Construction of a building or facility not smaller than the size specified by Presidential Decree.

(2) If the head of a related administrative agency violates paragraph (1), or a Metropolitan City Mayor or the head of a *Sil Gun* does not comply with a demand under [Article 11 \(4\)](#), the Minister of Environment or the head of the related central administrative agency may take any of the following measures:

1. Suspension or curtailment of financial support or other necessary measures;
2. Restriction on the installation or alteration of a wastewater discharge facility.

(3) Where the Minister of Environment imposes a restriction pursuant to paragraph (2) 2, he/she shall provide publicly notice of the facilities and areas subject to the restriction. As to public notification in such cases, [Article 8 of the Framework Act on the Regulation of Land Use](#) shall



apply *mutatis mutandis*.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### **Article 17 (Preferential Subsidization for Costs and Expenses for Total Pollution Load Control)**

The Committee for the Management of the *Geum* River Basin provided for under [Article 35](#) may grant a subsidy for costs and expenses specified by Presidential Decree as necessary for the total pollution load control to Metropolitan Cities and *Sis/ Guns* that establish and implement an enforcement plan for the total pollution load control pursuant to [Article 11](#) prior to other local governments.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

### **CHAPTER IV STRENGTHENING OF CONTROL OVER WASTEWATER DISCHARGE FACILITIES, ETC.**

#### **Article 18 (Control of Specific Substances Harmful to Water Quality, etc.)**

(1) A person who installs or operates a facility that discharges specific substances harmful to water quality under subparagraph 8 of [Article 2 of the Water Quality and Ecosystem Conservation Act](#) (hereinafter referred to as "specific substances harmful to water quality") shall submit to the Minister of Environment a report on the types, handling volume, and discharged volume of the specific substances harmful to water quality and a plan for reducing the discharged volume (hereinafter referred to as "discharge reduction plan"), as prescribed by Ordinance of the Ministry of Environment.

(2) The guidelines for the establishment of a discharge reduction plan under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

(3) The Minister of Environment shall evaluate the performance results of each discharge reduction plan under paragraph (1) once every two years.

(4) The Minister of Environment may order a person who has submitted a discharge reduction plan in accordance with paragraph (1) to make a correction or to take other necessary measures according to the results of the evaluation under paragraph (3).

(5) The Minister of Environment may assign competent public officials to enter a business establishment that uses or discharges specific substances harmful to water quality and to investigate the handling volume and discharged volume of the specific substances harmful to water quality. In such cases, each public official who makes an entry to conduct an investigation shall carry with him/her an identification card certifying his/her authority and produce it to persons concerned and shall deliver a written document, describing er /her name and the time and purposes of entry, to the persons concerned.

(6) The Minister of Environment may disclose data and the results of investigations under paragraphs (1) through (5) to the public in any of the following cases:

1. Where a person who has installed and operates a facility that discharges specific substances harmful to water quality has not submitted a discharge reduction plan under paragraph (1) or has not performed the discharge reduction plan submitted to the Minister of Environment;
2. Where a business establishment that has not submitted a discharge reduction plan under paragraph (1) has discharged specific substances harmful to water quality in excess of the standards for permitted discharge under [Article 32 of the Water Quality and Ecosystem Conservation Act](#).

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### **Article 19 (Management of Culverts, etc.)**

(1) A person who has installed and operates sewage culverts under subparagraph 6 of [Article 2 of the Sewerage Act](#) or drainage conduits under [Article 51 of the Water Quality and Ecosystem Conservation Act](#) (hereafter referred to as "project owner" in this Article) shall inspect the culverts or conduits on a regular basis, as prescribed by Ordinance of the Ministry of Environment. In such cases, if there is any problem in the culverts or conduits, necessary measures shall be taken to repair or replace them so that the culverts or conduits may continue to function under normal conditions, and the details of the measures taken shall be recorded and kept for ten years from the date of the last entry of the records.

(2) Upon receiving a demand from the Minister of Environment to submit a report on the results of an inspection conducted and measures taken pursuant to paragraph (1), a project owner shall submit such report to the Minister of Environment without delay.

(3) The Minister of Environment may order a project owner who has not taken necessary measures in accordance with paragraph (1) to improve a facility or to take other necessary measures.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

**Article 20 (Area subject to Restriction on Installation of Waste Landfill Facilities)**

The head of a related administrative agency shall not permit or approve the installation of a landfill facility, among the waste disposal facilities defined in subparagraph 8 of [Article 2 of the Wastes Control Act](#) in an area within a distance specified by Presidential Decree from the boundary of the main stream of the *Geum* River or a tributary that flows directly into the river.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

**CHAPTER V IMPLEMENTATION OF PROGRAMS FOR SUPPORT OF RESIDENTS, ETC.**

**Article 21 (Programs for Supporting Residents)**

(1) The head of each *Si*, *Gun* (including the head of each *Gun* within the jurisdiction of a Metropolitan City), or *Gu* shall establish a plan for supporting people who fall under any of the following subparagraphs (hereinafter referred to as "programs for supporting residents"). Such programs shall be subject to prior deliberation by the Committee for the Management of the *Geum* River Basin under [Article 35](#): *<Amended by Act No. 9307, Dec. 31, 2008>*

1. Residents in a water-source management area;
- 1-2. People who own land, a building, or other property in a water-source management area and reside in the *Si*, *Gun*, or autonomous *Gu* having jurisdiction over the water-source management area;
2. Residents in an area in which the annual average water quality has been maintained within the standards prescribed by Presidential Decree by residents' voluntary efforts for a period specified by Ordinance of the Ministry of Environment.

(2) The types of programs for supporting residents shall be as follows: *<Amended by Act No. 9307, Dec. 31, 2008>*

1. Programs for the increase of income, such as assistance in installing facilities related to agriculture, forestry, or the livestock industry and organic farming;
2. Programs for the improvement of welfare, such as assistance in installing waterworks;
3. Supportive programs for the supply of instruments and materials for education;
4. Programs for assisting in the installation and improvement of facilities for purifying pollutants and sewerage systems;
5. Assistance in the resettlement or occupational change of people who are found to have difficulties in maintaining their livelihood with their trade, such as fishing and business activities with a ship, in a water-source management area due to prohibition of, or restriction on, such activities as a result of the designation of the water-source management area;
6. Other direct or indirect supportive programs specified by Presidential Decree.

(3) Necessary matters concerning the procedures for the establishment and implementation of a plan for programs for supporting residents, the detailed contents of such a plan, the guidelines for the allocation of financial resources, and the scope of people eligible for benefitting from the programs for supporting residents shall be prescribed by Presidential Decree. *<Amended by Act No. 9307, Dec. 31, 2008>*

(4) As to programs for supporting residents, [Articles 9 and 10 of the Water Supply and Waterworks Installation Act](#) shall not apply. *<Amended by Act No. 9307, Dec. 31, 2008>*

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

**Article 22 (Technical and Financial Support, etc.)**

The Minister of Environment and heads of related central administrative agencies may provide business establishments in an area under [Article 21](#) (1) 1 or 2 with technical and financial support necessary for the installation, operation, and management of facilities for the prevention of pollution, as prescribed by Presidential Decree. *<Amended by Act No. 9307, Dec. 31, 2008>*

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

**Article 23 (Subsidization for Operation of Facilities for Prevention of Water Pollution)**

The Committee for the Management of the *Geum* River Basin under [Article 35](#) may grant partial subsidies for the expenses incurred in the operation of facilities for the prevention of water pollution, as prescribed by Presidential Decree, where a person who has installed and operates a wastewater discharge facility and a wastewater terminal treatment facility specified by Ordinance of the Ministry of Environment discharges wastewater within the standards prescribed by Ordinance of the Ministry of Environment.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

## CHAPTER VI FACILITATION OF ENVIRONMENTAL INFRASTRUCTURE FACILITIES INSTALLATION

### Article 24 (Projects for Improvement of Water Quality)

(1) Each Metropolitan City Mayor and the head of each *Sil Gun* shall establish and implement a plan for projects for improving water quality (hereinafter referred to as "water quality improvement project plan"), which shall include the following matters. In such cases, each Metropolitan City Mayor shall obtain approval from the Minister of Environment with respect to the plan, while the head of each *Sil Gun* shall consult with the competent *Do Governor* about such a plan before obtaining approval thereof from the Minister of Environment:

1. A detailed plan for the implementation of a comprehensive plan for the curtailment of pollutants under [Article 37 \(1\) 1](#);
2. A plan for the installation, operation, and management of environmental infrastructure facilities;
3. A plan for securing financial resources, including expenses to be borne by the local government;
4. Other matters specified by Ordinance of the Ministry of Environment for the improvement of the quality of water sources.

(2) A Metropolitan City or *Sil Gun* that has established and implements an enforcement plan for the total pollution load control pursuant to [Article 11](#) shall be deemed to have implemented a water quality improvement project plan.

(3) Except as provided for in paragraphs (1) and (2), necessary matters concerning the time period for establishing a water quality improvement project plan shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

### Article 25 (Expropriation of Land, etc.)

(1) A person who implements a water quality improvement project pursuant to [Article 26](#) (hereinafter referred to as "project implementer") may expropriate or use land, etc. necessary for the water quality improvement project. In such cases, if the Minister of Environment has approved the plan for the water quality improvement project pursuant to [Article 26](#), it shall be deemed that the project has been approved pursuant to [Article 20 \(1\) of the Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor](#) and that public notice of the approval has been provided pursuant to [Article 22](#) of the aforesaid Act, and a petition for adjudication may be filed during the period specified for the implementation of the project in the project plan, notwithstanding [Articles 23 \(1\) and 28 \(1\)](#) of the aforesaid Act.

(2) Once the Minister of Environment approves a water quality improvement project plan pursuant to [Article 26](#), the Metropolitan City Mayor or the head of the *Sil Gun* shall notify such to the party concerned without delay, as prescribed by Presidential Decree.

(3) The Central Land Tribunal shall have jurisdiction over adjudication on the expropriation of land, etc. under paragraph (1).

(4) Except as otherwise provided for in this Act, the [Act on the Acquisition of Land, etc. for Public Works and the Compensation therefor](#) shall apply *mutatis mutandis* to the expropriation or use under paragraph (1).

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

### Article 26 (Constructive Authorization, Permission, etc.)

(1) Once the Minister of Environment approves a water quality improvement project plan pursuant to [Article 24](#), the project implementer shall be deemed to have the permission, approval, or cancellation under the following subparagraphs (hereinafter referred to as authorization or permission"): <Amended by Act No. 8820, Dec. 27, 2007; Act No. 8976, Mar. 21, 2008; Act No. 9758, Jun. 9, 2009; Act No. 9763, Jun. 9, 2009; Act No. 10272, Apr. 15, 2010; Act No. 10331, May 31, 2010>

1. Permission for development activities under [Article 56 \(1\) of the National Land Planning and Utilization Act](#);
2. Permission for the implementation of a river project under [Article 30 of the River Act](#) and permission for the occupation and use of a river under [Article 33](#) of the aforesaid Act;
3. Permission for the implementation of a road project under [Article 34 of the Road Act](#) and permission for occupation and use of a road under [Article 38 of the aforesaid Act](#);
4. Permission for the opening of a private road under [Article 4 of the Private Road Act](#);
5. Approval for the installation of a waste disposal facility under [Article 29 \(2\) of the Wastes Control Act](#);
6. Authorization for a general waterworks project under [Article 17 of the Water Supply and](#)

- [Waterworks Installation Act](#) and authorization for an industrial waterworks project under [Article 49](#) of the aforesaid Act;
7. Approval of a framework plan for sewerage management under [Article 6 \(1\) of the Sewerage Act](#) and permission for the execution of construction works for a public sewerage project under [Article 16](#) of the aforesaid Act;
  8. Authorization for the installation of a public sewerage system (referring only to a waste treatment plant) under [Article 11 of the Sewerage Act](#);
  9. Permission for activities under [Article 23 of the Natural Parks Act](#);
  10. The permission for the conversion of farmland under [Article 34 of the Farmland Act](#);
  11. Permission for, or report on, the conversion of a mountainous district under [Article 14 or 15 of the Management of Mountainous Districts Act](#); Permission for, or report on, the temporary use of a mountainous district under [Article 15-2](#) of the aforesaid Act; permission for the extraction of soil and rocks (referring only to stones) under [Article 25](#) of the aforesaid Act; permission for, or report on, the cutting of standing trees under [Article 36 \(1\) or \(4\) of the Creation and Management of Forest Resources Act](#); the permission for, or the report on, activities within a reserved forest (excluding a gene resources protection forest) under [Article 9 \(1\) or \(2\) 1 or 2 of the Forest Protection Act](#); and cancellation of the designation of a reserved forest under [Article 11 \(1\) 1](#) of the aforesaid Act;
  12. Permission for cutting trees under [Article 14 of the Work against Land Erosion or Collapse Act](#) and cancellation of the designation of an erosion control area under [Article 20](#) of the aforesaid Act;
  13. Permission for the development of grassland under [Article 5 of the Grassland Act](#) and permission for the conversion of grassland under [Article 23](#) of the aforesaid Act;
  14. Approval for the use of infrastructure for agricultural production or water for any purpose other than its original purpose under [Article 23 of the Rearrangement of Agricultural and Fishing Villages Act](#);
  15. Permission for the relocation of an abandoned grave built on another's land under [Article 27 \(1\) of the Funeral Service, etc. Act](#);
  16. Permission for the occupancy and use of public waters under [Article 8 of the Public Waters Management Act](#); the licence for the reclamation of public waters under [Article 28](#) of the aforesaid Act; and approval of an implementation plan for the reclamation of public waters under [Article 38](#) of the aforesaid Act.
  17. Deleted. <by Act No. 10272, Apr. 15, 2010>
- (2) When the Minister of Environment intends to approve a water quality improvement project plan under [Article 26](#), he/she shall consult with the heads of related administrative agencies in advance, where the plan includes a matter under any subparagraph of paragraph (1).
- (3) When the head of a related central administrative agency who takes charge of a matter under any subparagraph of paragraph (1) establishes guidelines and procedures for processing the matter, he/she shall notify such guidelines and procedures to the Minister of Environment without delay.
- (4) Upon receiving notices of guidelines and procedures for processing any matter under paragraph (3), the Minister of Environment shall consolidate such guidelines and procedures and provide public notice of such.
- [This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

## CHAPTER VII SECURING AND MANAGING FINANCIAL RESOURCES

### **Article 27 (Establishment of Special Account for Improvement of Water Quality)**

In order to secure project costs required for water quality improvement projects and programs for supporting residents, a Metropolitan City/ *Do* or *Sil Gun* may establish a special account for the improvement of water quality (hereinafter referred to as "special account").

### **Article 28 (Revenue and Expenditure of Special Account)**

- (1) The revenues for the special account consist of the following:
  1. Subsidies from the State or the competent Metropolitan City/ *Do*;
  2. Funds transferred from general accounts and other special accounts;
  3. Contributions from the Fund;
  4. Borrowings;
  5. Gains accrued from the management of the funds under subparagraphs 1 through 4.
- (2) Expenditures from the special account consist of the following:
  1. Costs and expenses required for the projects under the subparagraphs of [Article 33](#)

- (excluding subparagraphs 2, 3, 9, 10, and 12 of the aforesaid Article);
2. Other costs and expenses required for projects specified by Presidential Decree for the improvement of water quality.
  - (3) Matters necessary for budgeting, settlement, and management of the special account shall be prescribed by Municipal Ordinance of the competent local government.
- [This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### **Article 29 (Special Measures for Financing)**

- (1) The State may increase financial support to local governments that implement an enforcement plan for the total pollution load control under [Article 11](#) and a water quality improvement project plan under [Article 26](#), if necessary for the efficient implementation of the enforcement plan for the total pollution load control and the water quality improvement project plan.
  - (2) The State may grant subsidies or loans or provide other support to a local government having jurisdiction over an area under [Article 21](#) (1) 1 or 2 for costs and expenses required for a water quality improvement project, prior to other areas. <Amended by Act No. 9307, Dec. 31, 2008>
- [This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### **Article 30 (Levying and Collection of Water Use Charge)**

- (1) In order to raise funds for programs for supporting residents and water quality improvement projects, a waterworks business operator shall levy and collect a charge in proportion to water consumption (hereinafter referred to as "water use charge") from each end user to whom raw water drawn from public waters specified by Presidential Decree is supplied as is or as purified and shall transfer the charge to the Fund: *Provided*, That the foregoing shall not apply where such water is used for maintaining the water level of a river.
  - (2) When a person under any of the following subparagraphs draws water from public waters specified by Presidential Decree, he/she shall pay a water use charge directly to the Fund in proportion to the volume of raw water that he/she draws, as prescribed by Presidential Decree:
    1. A person who has exclusive waterworks installed pursuant to subparagraph 11 of [Article 3 of the Water Supply and Waterworks Installation Act](#);
    2. A person who uses water from a river under [Article 50 \(1\) of the River Act](#).
  - (3) Notwithstanding paragraph (2) 2, a person under any of the following subparagraphs shall be exempted from the levying of a water use charge:
    1. An electric source developer under [Article 3 of the Electric Source Development Promotion Act](#) who operates a dam for power generation;
    2. A person who uses water from a river for agriculture.
  - (4) Each waterworks business operator shall submit data necessary for the calculation and forecasting of the water use charge, such as intake volume, supplied volume, and loss rate, to the Committee for the Management of the Geum River Basin provided for under [Article 35](#), as prescribed by Presidential Decree.
  - (5) The water use charge under paragraphs (1) and (2) shall not be levied on water-source management areas, or other areas specified by Presidential Decree.
  - (6) Necessary matters concerning the methods for calculation, levying, and collection of the water use charge under paragraphs (1) and (2) and payment procedures shall be prescribed by Presidential Decree.
  - (7) A person who uses water from a river under paragraph (2) 2 may have the water use charge abated or exempted, as prescribed by Presidential Decree.
  - (8) A delinquent water use charge may be collected in accordance with the practices for the disposition of delinquent national or local taxes.
  - (9) Where a waterworks business operator under paragraph (1) is not a local government, the collection under paragraph (8) may be entrusted to the head of the local government having jurisdiction over the area, as prescribed by Presidential Decree.
  - (10) The Minister of Environment shall transfer the water use charges collected pursuant to paragraph (8) to the Fund.
  - (11) As to the forced collection of the water use charge under paragraph (8), [Article 68 \(2\) and \(3\) of the Water Supply and Waterworks Installation Act](#) shall apply *mutatis mutandis*.
  - (12) As to the areas subject to the levying and collection of water use charges, [Articles 9 through 11 of the Water Supply and Waterworks Installation Act](#) shall not apply.
- [This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

#### **Article 31 (Establishment of Fund for Management of Geum River Basin)**

In order to manage water use charges efficiently, the Fund for the Management of the Geum River Basin shall be established under the Committee for the Management of the Geum River Basin under [Article 35](#).

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 32 (Financial Sources of Fund)**

The Fund may be raised from the following financial sources:

1. Water use charges and additional charges;
2. Cash, goods, and other property contributed by a person other than the State;
3. Borrowings;
4. Income accrued from the land and other property purchased and sale prices of the land and other property;
5. Gains from the management of the Fund.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 33 (Purposes of Use of Fund)**

The Fund may be used for any of the following purposes:

1. Compensation for losses sustained by farmers due to restrictions under [Article 6](#);
2. Purchases of land, etc. under [Article 8](#);
3. Subsidies for surveys and research under [Article 9 \(5\)](#);
4. Subsidies for the necessary expenses associated with total pollution load controls under [Article 17](#);
5. Programs for supporting residents under [Article 21](#);
6. Assistance in the operation of facilities for the prevention of water pollution under [Article 23](#);
7. Assistance in the establishment and operation of environmental infrastructure facilities under [Article 24 \(1\) 2](#);
8. Contributions to the special account;
9. Subsidies for the necessary expenses associated with levying and collection of water use charges;
10. Operation of the Committee for the Management of the *Geum* River Basin under [Article 35](#);
11. Assistance in the preservation and surveillance of water quality under [Article 37](#);
12. Subsidies for the necessary expenses associated with performance as requested pursuant to [Article 38 \(1\)](#);
13. Support for environmentally friendly clean industries recognized by the Committee for the Management of the *Geum* River Basin provided for under [Article 35](#);
14. Other projects specified by Presidential Decree for the improvement of water quality of the *Geum* River.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 34 (Operation and Management of Fund)**

The Fund shall be operated and managed by the Committee for the Management of the *Geum* River Basin provided for under [Article 35](#).

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 35 (Establishment of Committee for Management of *Geum* River Basin)**

(1) The Committee for the Management of the *Geum* River Basin (hereinafter referred to as the "Committee") shall be established for the purpose of discussing and adjusting the following matters for the water quality control of water sources in the *Geum* River basin:

1. A comprehensive plan for the curtailment of pollutants for the improvement of water quality of the *Geum* River basin;
2. Matters concerning the establishment of a basic plan for the management of riparian zones;
3. Matters concerning the levying and collection of water use charges;
4. Matters concerning the operation and management of the Fund;
5. Matters concerning water for maintaining the water level of a river;
6. Other matters specified by Presidential Decree.

(2) The Committee shall be a legal entity.

(3) The Committee shall be chaired by the Vice Minister of Environment, and committee members shall consist of the following persons: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9276, Dec. 29, 2008>*

1. Persons who are in charge of river management and who are appointed by the Minister of Land, Transport and Maritime Affairs, among public officials in general service who are members of the Senior Executive Service in the Ministry of Land, Transport and Maritime Affairs;
2. Persons who are in charge of the development of forest resources and who are appointed by the Minister of the Korea Forest Service, among public officials in general service who are members of the Senior Executive Service in the Korea Forest Service;
3. The Deputy Mayor or Deputy Governor of *Daejeon* Metropolitan City, *Chungcheongbuk-do*,

*Chungcheongnam-do*, or *Jeollabuk-do* (referring to a person appointed by the competent Mayor/ Do Governor, if the local government has two or more Deputy Mayors or Deputy Governors);

4. The president of the Korea Rural Community Corporation under the Korea Rural Community Corporation and Farmland Management Fund Act;
5. The president of the Korea Water Resources Corporation under the Korea Water Resources Corporation Act.

(4) The chairperson shall represent the Committee and shall have overall control over the administrative affairs of the Committee.

(5) The Committee shall have an advisory committee for its efficiency in discussions and adjustments as well as for seeking the advice of expertise.

(6) Local governments that have interests in the *Geum* River basin shall abide by the decisions made by the Committee.

(7) The Committee may have a secretariat that shall assist the Committee in carrying out its business, as prescribed by Presidential Decree.

(8) Matters to be reported with the registration of the committee's establishment of the Committee shall be as follows:

1. Purposes;
2. Name;
3. Location of the Committee's office;
4. Date of establishment;
5. Name and resident registration number of the chairperson.

(9) Except as otherwise provided for in this Act, the provisions regarding incorporated associations in the [Civil Act](#) shall apply *mutatis mutandis* to the registration of the Committee.

(10) Matters necessary for the operation of the Committee shall be prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 36 (Authorities Responsible for Accounting of Fund)**

(1) The secretariat under [Article 37](#) (7) may have an officer responsible for directing disbursements and receipts of the Fund and an officer responsible for executing disbursements and receipts of the Fund in order to carry out operations related to the revenue and expenditure of the Fund.

(2) As to the officer responsible for directing disbursements and receipts of the Fund and the officer responsible for executing disbursements and receipts of the Fund under paragraph (1), the Act on Liability of Accounting Personnel, etc. shall apply *mutatis mutandis*.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

## **CHAPTER VIII SUPPLEMENTARY PROVISIONS**

#### **Article 37 (Assistance in Activities for Surveillance of Water Quality, etc.)**

(1) The State and each local government may assist local experts and non-governmental organizations in their activities for the preservation of water quality or for the surveillance of water quality for the purpose of preservation of water quality in the *Geum* River basin.

(2) The State may establish and operate an environmental surveillance organization comprised of public officials from related administrative agencies and local governments in order to surveil and control the water quality of the *Geum* River basin.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 38 (Request for Improvement, etc.)**

(1) If it is found that the quality of water sources has deteriorated or is likely to deteriorate due to inadequate rainfalls, an outbreak of algae or similar, the Minister of Environment may request any of the following persons to increase the volume of water discharged from a dam, dredge water sources, remove algae, clean the area around water sources and the surface of the water, etc. In such cases, the Minister of Environment may subsidize expenses necessary for the performance of such works within budget:

1. The competent Mayor/ Do Governor;
2. The competent head of *Sil Gun*;
3. Waterworks business operators;
4. The competent dam management agency or the person to whom the management of the dam has been entrusted under [Article 15 \(1\) or \(2\) of the Act on Construction of Dams and Assistance, etc. to their Environs](#);

5. An electric source developer under [Article 3 of the Act on Special Cases concerning Electric Source Development](#), who operates a dam for power generation;
  6. A person who has *de facto* control over the water as an owner or an occupant.
- (2) The Minister of Environment or the head of a related local government may request the head of a related administrative agency to take any of the following measures against a person who violates this Act or an order issued, or a disposition made pursuant to this Act:
1. Revocation of authorization, permission, or similar;
  2. Suspension of construction works;
  3. Improvement, relocation, or removal of a facility;
  4. Other necessary measures.
- (3) Upon receiving a request under paragraph (1) or (2), a person under any subparagraph of paragraph (1) or the head of a related administrative agency shall comply with the request, unless there is an exceptional circumstance: Provided, the foregoing shall not apply where increasing the volume of water discharged from a dam causes a problem in water supply (excluding cases where it is difficult to draw water due to a water pollution accident or an outbreak of algae).
- [This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 39 (Hearings)**

When the Minister of Environment, a Metropolitan City Mayor, or the head of a *Sil Gun* intends to issue an order to close down a facility pursuant to [Article 12 \(7\)](#) (including cases to which the aforesaid paragraph shall apply *mutatis mutandis* pursuant to [Article 18 \(6\)](#)), he/she shall hold a hearing.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 40 (Delegation of Authority)**

The Minister of Environment may delegate part of his/her authority under this Act to a Mayor/ Do Governor, the head of a *Sil Gun*, or the head of a regional environmental office, as prescribed by Presidential Decree.

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

## **CHAPTER IX PENAL PROVISIONS**

#### **Article 41 (Penal Provisions)**

(1) A person who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 30 million won:

1. A person who violates a restriction on activities under [Article 5 \(1\)](#);
2. A person who installs a facility without the permission under [Article 5 \(2\)](#);
3. A person who violates an order to suspend business operation or close down a facility under [Article 12 \(7\)](#).

(2) A person who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won:

1. A person who fails to comply with an order to make a correction under [Article 18 \(4\)](#);
2. A person who fails to comply with an order to improve a facility under [Article 19 \(3\)](#).

*[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]*

#### **Article 42 (Joint Penal Provisions)**

If the representative of a legal entity or an agent, an employee, or a servant of a legal entity or a private individual commits an offense under [Article 41](#) in the scope of the business of the legal entity or the private individual, not only shall such an offender be punished accordingly, but the legal entity or the private individual shall be punished by the fine prescribed in the applicable provisions: *Provided*, That the foregoing shall not apply where the legal entity or private individual has not neglected to take reasonable care and supervision of the business to prevent such an offense.

*[This Article Wholly Amended by Act No. 9307, Dec. 31, 2008]*

#### **Article 43 (Fine for Negligence)**

(1) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won:

1. A person who uses an agrochemical or a fertilizer in violation of [Article 6](#);
2. A person who fails to install or operate a measuring instrument under [Article 12 \(4\)](#);
3. A person who fails to keep or preserve records of the results of measurements under [Article](#)



12 (4) or who keeps or preserves false records of such results.

(2) A person who falls under any of the following subparagraphs shall be punished by a fine for negligence not exceeding five million won:

1. A person who fails to submit or report the data under [Article 12 \(6\)](#) or who submits or reports false data;
2. A person who fails to submit the data under [Article 18 \(1\)](#) or who prepares false data;
3. A person who rejects, interferes with, or evades the entry and inspection of a competent public official under [Article 18 \(5\)](#);
4. A person who fails to take a measure under [Article 19 \(1\)](#), who fails to preserve records, or who keeps false records;
5. A person who fails to submit the data under [Article 19 \(2\)](#) or who submitted false data.

(3) Fines for negligence under paragraphs (1) and (2) shall be imposed and collected by the Minister of Environment, a Metropolitan City Mayor, and the head of a *Sil Gun*. <Amended by Act No. 9307, Dec. 31, 2008>

(4) through (6) Deleted. <by Act No. 9307, Dec. 31, 2008>

[This Article Wholly Amended by Act No. 8806, Dec. 27, 2007]

## ADDENDA

### Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

### Article 2 (Transitional Measures concerning Restriction on Activities within Riparian Zones)

(1) A person who has commenced construction works or a project with permission or similar under relevant Acts and subordinate statutes (including cases for which a permission or similar is not required pursuant to a relevant Act and subordinate statutes) for a facility under any subparagraph of [Article 5 \(1\)](#) before this Act enters into force shall receive a completion inspection, file for registration, or file a report (hereinafter referred to as "completion inspection") in accordance with any of the following subparagraphs, which is relevant, within six months after a riparian zone is designated and public notice of such is provided (two years for a facility under [Article 5 \(1\) 4](#)):

1. For a facility under [Article 5 \(1\) 1](#): Filing a report on the commencement of operation under [Article 14 \(1\)](#) of the [Water Quality Conservation Act](#);
2. For a facility under [Article 5 \(1\) 2](#): A completion inspection under [Article 26](#) of the [Act on the Disposal of Sewage, Excreta and Livestock Wastewater](#);
3. For a facility under [Article 5 \(1\) 3](#): Obtaining the permission for, or filing a report on, the business under [Article 22](#) of the [Food Sanitation Act](#), providing a notice under [Article 3](#) of the [Public Health Act](#), or filing for registration under [Article 4](#) of the [Tourism Promotion Act](#);
4. For a facility under [Article 5 \(1\) 4](#): Obtaining approval for the use, or making an entry in the building register, under [Article 18](#) of the [Building Act](#).

(2) As regards a facility that has not received a completion inspection within the period specified in paragraph (1), the permission or similar may be revoked.

### Article 3 (Transitional Measure concerning Designation of Water-Source Protection Areas)

A Mayor/ Do Governor shall submit to the Minister of Environment a plan for the designation of water-source protection areas under [Article 7](#) within two years after this Act is promulgated.

### Article 4 (Transitional Measure concerning Enforcement of Total Pollution Load Control System)

A Mayor/ Do Governor shall prepare a basic plan for the total pollution load control under [Article 10](#) and file an application for approval thereof with the Minister of Environment within two years after this Act enters into force.

### Article 5 (Transitional Measure concerning Control of Specific Substances Harmful to Water Quality)

A person who operates a facility discharging a specific substance harmful to water quality at the time when this Act enters into force shall submit the discharge reduction plan under [Article 18](#) to the Minister of Environment within one year after this Act enters into force.

### Article 6 (Transitional Measure concerning Restriction on Installation of Waste Disposal Facilities)

As to a facility regarding which a notice of acceptability has been given pursuant to [Article 26](#) of the [Wastes Control Act](#), regarding which the approval for the installation of a waste disposal facility has been granted pursuant to [Article 30 \(2\)](#) of the aforesaid Act, or regarding which the site location of a waste disposal facility has been determined and publicly pursuant to [Article 10](#) of the [Promotion of Installation of Waste Disposal Facilities and Assistance, etc. to Adjacent Areas Act](#)

before this Act enters into force, [Article 20](#) shall not be applicable.

**Article 7 Omitted.**

**ADDENDA <Act 6655, Feb. 4, 2002>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2003.

**Articles 2 through 25 Omitted.**

**ADDENDA <Act 6656, Feb. 4, 2002>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2003.

**Articles 2 through 12 Omitted.**

**ADDENDA <Act No. 6916, May 29, 2003>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 13 Omitted.**

**ADDENDA <Act No. 7016, Dec. 30, 2003>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 4 Omitted.**

**ADDENDA <Act No. 7459, Mar. 31, 2005>**

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 6 Omitted.**

**ADDENDA <Act No. 7678, Aug. 4, 2005>**

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 12 Omitted.**

**ADDENDA <Act No. 7775, Dec. 29, 2005>**

**Article 1 (Enforcement Date)**

This Act shall enter into force four months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

**ADDENDA <Act No. 8010, Sep. 27, 2006>**

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 9 Omitted.**

**ADDENDA <Act No. 8014, Sep. 27, 2006>**

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 11 Omitted.**

**ADDENDA <Act No. 8351, Apr. 11, 2007>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 15 Omitted.**

**ADDENDA <Act No. 8352, Apr. 11, 2007>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 16 Omitted.**

**ADDENDA <Act No. 8370, Apr. 11, 2007>****Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 20 Omitted.**

**ADDENDA <Act No. 8371, Apr. 11, 2007>****Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 10 Omitted.**

**ADDENDA <Act No. 8466, May 17, 2007>****Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 5 Omitted.**

**ADDENDA <Act No. 8733, Dec. 21, 2007>****Article 1 (Enforcement Date)**

This Act shall enter into force nine months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 11 Omitted.**

**ADDENDA <Act No. 8806, Dec. 27, 2007>****Article 1 (Enforcement Date)**

This Act shall enter into force nine months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 (Applicability to Purchased Land)**

The amended provisions of Article 8 shall apply to the parcels of land for which a purchase application is filed on or after the enforcement date of this Act.

**Article 3 (Transitional Measure concerning Designation of Riparian Zones)**

An area designated as a riparian zone pursuant to former provisions shall be deemed to have been designated as a riparian area under this Act, if the area was designated as a control area pursuant to Article 36 (1) 2 of the National Land Planning and Utilization Act but has not been designated as a conservation and control area, a production control area, or a planned control area under an item of the aforesaid subparagraph before this Act enters into force.

**Article 4 Omitted.**

**ADDENDA <Act No. 8820, Dec. 27, 2007>****Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 9 Omitted.**

**ADDENDA <Act No. 8852, Feb. 29, 2008>****Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

**ADDENDA <Act No. 8974, Mar. 21, 2008>****Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 14 Omitted.**

**ADDENDA <Act No. 8976, Mar. 21, 2008>**

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 10 Omitted.**

**ADDENDA <Act No. 9276, Dec. 29, 2008>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

**ADDENDUM <Act No. 9307, Dec. 31, 2008>**

This Act shall enter into force on the date of its promulgation.

**ADDENDA <Act No. 9432, Feb. 6, 2009>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

**ADDENDA <Act No. 9758, Jun. 9, 2009>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 23 Omitted.**

**ADDENDA <Act No. 9763, Jun. 9, 2009>**

**Article 1 (Enforcement Date)**

This Act shall enter into force nine months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 8 Omitted.**

**ADDENDA <Act No. 10272, Apr. 15, 2010>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 14 Omitted.**

**ADDENDA <Act No. 10331, May 31, 2010>**

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 13 Omitted.**