

WATER SUPPLY AND WATERWORKS INSTALLATION ACT

Wholly Amended by Act No.4429, Dec. 14,1991

Amended by Act No.4627, Dec. 27,1993

Act No.4748, Mar. 24,1994

Act No.4781, Aug. 3,1994

Act No.5111, Dec. 29,1995

Act No.5395, Aug. 28,1997

Act No.5453, Dec. 13,1997

Act No.5454, Dec. 13,1997

Act No.5875, Feb. 8,1999

Act No.5893, Feb. 8,1999

Act No.5911, Feb. 8,1999

Act No.5914, Feb. 8,1999

Act No.6021, Sep. 7,1999

Act No.6449, Mar. 28,2001

Act No.6656, Feb. 4,2002

Act No.6828, Dec. 26,2002

Act No.6841, Dec. 30,2002

Act No.6842, Dec. 30,2002

Act No.6914, May.29,2003

Act No.7462, Mar. 31,2005

Act No.7604, Jul. 21,2005

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to improve the public sanitation and thereby contribute to the improvement of living environment by means of the establishment of a comprehensive plan for water supply and waterworks installation and, at the same time, the appropriate and reasonable installation and management of waterworks.

Article 2 (Responsibilities)

(1) In order to provide all the people of the nation with high-quality water, the State shall establish

a comprehensive plan for water supply and waterworks installation, work out reasonable measures thereof, and try to supply financial and technical support to waterworks business operators.

(2) The Special Metropolitan City Mayor, the Metropolitan City Mayor and the *Do* governor (hereinafter referred to as the "Mayor/*Do* governor"), and the head of *Si/Gun/Gu* (referring to the head of autonomous *Gu*; hereinafter the same shall apply) shall strive to manage water sources in order to supply residents in their jurisdictional areas with the water of good quality. <Amended by Act No. 6449, Mar. 28, 2001>

(3) The Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding the head of *Gun* in the Metropolitan City) shall work to manage waterworks-related facilities to supply steadily residents in their jurisdictional areas with tap water and the *Do* governor shall technically and financially support waterworks business operators operating in his jurisdictional areas. <Amended by Act No. 6449, Mar. 28, 2001>

(4) Any waterworks business operator shall set the waterworks in working order systematically, manage waterworks business rationally and make efforts to supply tap-water steadily and appropriately. <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>

(5) All the people of the nation shall cooperate with the measures concerning the water supply and waterworks installation initiated and executed by the State, and try to use tap-water with reason. <Amended by Act No. 4781, Aug. 3, 1994>

Article 3 (Definitions)

The definitions of the terms used in this Act shall be as follows: <Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

1. The term "raw water" refers to the natural water provided for drinking or industrial use, except for the water for agricultural and fishing villages use as prescribed in subparagraph 1-2 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act;
2. The term "water source" refers to the rivers, lakes, marshes, and groundwater within the area where the water intake facilities are installed so that the water for drinking and industrial use can be supplied;
3. The term "wide-area water source" refers to the water source which supplies the water to two local governments or more;
4. The term "processed water" refers to the water properly treated for drinking and industrial use;
5. The term "waterworks" refers to the whole of facilities with pipes and other constructions for providing the natural water or processed water, and it is divided into "general waterworks", "industrial waterworks", and "exclusive waterworks": *Provided*, That it shall exclude the waterworks installed for temporary purposes and infrastructure for agricultural production referred to in subparagraph 4 of Article 2 of the Rearrangement of Agricultural and Fishing Villages Act;

6. The term "general waterworks" refers to the wide-area waterworks, local waterworks, and small-scale waterworks;
7. The term "wide-area waterworks" refers to the general waterworks which provides (including the case where it is provided to general demanders pursuant to Article 28 (4)) the natural or processed water to not less than two local governments and which is operated by the person authorized to do so by the State, a local government, the Korea Water Resources Corporation, or the Minister of Construction and Transportation. In this case, the scope of the wide-area waterworks which can be installed by the State or a local government shall be determined by the Presidential Decree;
8. The term "local waterworks" refers to the general waterworks, excluding the wide-area waterworks and the small-scale waterworks, by means of which a local government provides the natural or processed water to its own residents, its neighboring local governments or their residents;
9. The term "small-scale waterworks" refers to the general waterworks, installed in a specific local area as prescribed by the Presidential Decree, by means of which the local government provides the processed water of not less than 20 but less than 500m³ a day to not less than 100 but not more than 2400 persons or any waterworks similar in size to this and which is designated by the head of *Si/Gun/ Gu*;
10. The term "industrial waterworks" refers to the waterworks by means of which the industrial waterworks business operator provides the natural or processed water properly treated for industrial use;
11. The term "exclusive waterworks" refers to the private-use waterworks and private-use industrial waterworks;
12. The term "private-use waterworks" refers to the waterworks of private use for dormitories, company's housing quarters, sanatoriums, or other institutions which accommodate 100 persons or more and the waterworks, other than those provided to waterworks business operators, which provide the natural or processed water to not less than 100 but not more than 5000 persons (including the migratory population of schools and churches, etc.): *Provided*, That the waterworks whose water source exclusively consists of the water provided by other waterworks and the scale of whose facilities do not come to the standards as prescribed by the Presidential Decree shall be excluded;
13. The term "private-use industrial waterworks" refers to the waterworks, other than those provided to waterworks business operator, which provides the natural or processed water properly treated for industrial use: *Provided*, That the waterworks whose water source consists exclusively of the water provided by other waterworks and the scale of whose facilities does not come to the standards as prescribed by the Presidential Decree shall be excluded;

- 13-The term "small-size water supply system" refers to any water supply system as designated by
2. the head of *Si/Gun/Gu* from among water supply systems which supply water for a population of less than 100 persons or supply water less than 20m³ a day, which is jointly installed and managed by residents;
14. The term "used-water treatment waterworks" refers to the waterworks which treat the used tap-water so that it can be recycled as the water for living and industrial use;
- 14-The term "rain-utilization facilities" refers to facilities utilized to store and treat rains into
2. household water, landscape water and industrial water;
15. The term "waterworks-related facilities" refers to the water intake facilities, the water reservation facilities, the raw-water conveyance facilities, the water treatment facilities, the processed-water conveyance facilities, the water supply facilities, the final-stage water supply facilities, and other waterworks-related facilities for the purpose of providing the natural or processed water;
16. The term "waterworks business" refers to the business the purpose of which is to provide, by means of the waterworks, the natural or processed water to ordinary consumers or other waterworks business operators, and it shall be divided into the general waterworks business and the industrial waterworks business;
17. The term "general waterworks business" refers to the business the purpose of which is to provide, by means of the general waterworks, the natural or processed water to ordinary consumers or other waterworks business operators;
18. The term "industrial waterworks business" refers to the business the purpose of which is to provide, by means of the industrial waterworks, the natural or processed water to ordinary consumers or other waterworks business operators;
19. The term "waterworks business operators" refers to the general waterworks business operators and the industrial waterworks business operators;
20. The term "general waterworks business operator" refers to the person who runs the general waterworks business after having obtained permission under Article 12 (1);
21. The term "industrial waterworks business operator" refers to the person who runs the industrial waterworks business after having obtained permission under Article 33-2;
22. The term "final-stage water supply facilities" refers to the water supply pipes, the water meter, the water tank, the tap and other water supply equipment connected to the water supply pipes which the waterworks business operator has installed in order to provide the natural or processed water to ordinary consumers;
23. The term "waterworks construction work" refers to the construction work whose purpose is to newly install, enlarge or increase, or remodel the waterworks; and
24. The term "waterworks management right" refers to the right to manage and maintain the

waterworks and to impose on and collect from the beneficiaries of the waterworks service the charges for the natural and processed water produced from the waterworks.

Article 4 (Establishment of Basic Plan for Waterworks Installation and Management)

(1) In order to, properly and reasonably, install and manage the general waterworks and the industrial waterworks, the Minister of Construction and Transportation, the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding the head of *Gun* in the Metropolitan City) shall establish every ten years a comprehensive basic plan for waterworks installation and management (hereinafter referred to as the "basic plan for waterworks installation and management") according to the following specifications: <Amended by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

1. The Minister of Construction and Transportation shall establish the basic plan for waterworks installation and management specifically for the wide-area waterworks and the industrial waterworks which are installed and managed by the State or Korea Water Resources Corporation; and
2. The Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding the head of *Gun* in the Metropolitan City) shall work out a basic plan for waterworks installation and management for the general waterworks and the industrial waterworks which are installed and managed by the relevant Special Metropolitan City, the Metropolitan City and the *Si /Gun*."

(2) Intending to establish the basic plan for waterworks installation and management under the provisions of paragraph (1) 1, the Minister of Construction and Transportation shall listen to the opinion of the Mayor/ *Do* governor and then consult with the head of the relevant central administrative agency. This provisions shall also apply to the case where an alteration is to be made to the basic plan for waterworks installation and management already established, except for the case where the insignificant matters prescribed by the Presidential Decree are to be altered.
<Amended by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

(3) Intending to establish the basic plan for waterworks installation and management as provided in paragraph (1) 2, the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding the head of *Gun* in the Metropolitan City) shall in advance obtain approval therefor from the Minister of Environment with respect to the general waterworks and from the Minister of Construction and Transportation with respect to the industrial waterworks, respectively: *Provided*, That the Minister of Environment may give such approval after consultations with the Minister of Construction and Transportation with respect to the basic plan for the installation and management of waterworks including industrial waterworks, and, in that case, the approval of the Minister of Construction and Transportation with respect to the industrial waterworks concerned shall be deemed to be given. The same shall apply to a case where they intend to modify important

matters prescribed by the Presidential Decree. <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001; Act No. 6914, May 29, 2003>

(4) Intending to establish or modify the basic plan for waterworks installation and management as provided in paragraphs (1) through (3), the Minister of Construction and Transportation, the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding the head of *Gun* in the Metropolitan City) shall do it on the basis of the basic urban plan referred to in Article 18 of the National Land Planning and Utilization Act. <Amended by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001; Act No. 6914, May 29, 2003>

(5) Having established or modified the basic plan for waterworks installation and management as provided in paragraphs (1) through (3), the Minister of Construction and Transportation, the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding the head of *Gun* in the Metropolitan City) shall, without any delay, give a public notice of it and notify the Minister of Environment of the contents thereof. <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

(6) In a case where any waterworks extends over two or more Special Metropolitan Cities, Metropolitan Cities and *Sis/Guns* (excluding *Gun* in the Metropolitan City) or in a case where there are some special reasons, the *Do* governor, or the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding *Gun* in the Metropolitan City) as determined by the Presidential Decree, shall establish the basic plan for waterworks installation and management. <Amended by Act No. 6449, Mar. 28, 2001>

(7) The basic plan for waterworks installation and management as provided in paragraph (1) shall include the following matters: <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

1. The basic guidelines for the installation and management of the waterworks (excluding the exclusive waterworks);
2. Matters concerning the midand long-term supply of tap water;
3. Matters concerning the development of the wide-area water sources;
4. Matters concerning the areas where the waterworks is to be installed and thereby tap water is to be supplied;
5. Matters of securing necessary water sources, and, the designation and management of the water-source protection areas;
6. The arrangement, structure, and providing capacity of the waterworks-related facilities (excluding the exclusive waterworks);
7. The method to secure necessary financial sources for the waterworks businesses under consideration and the priorities of the waterworks businesses;
8. The improvement, replacement, etc. of old water pipes;

9. The development and distribution of the used-water treatment waterworks; and
10. Matters concerning the integrated water-supply district in areas that need a linkage operation of the wide-area waterworks and the local waterworks.

(8) Where five years have elapsed since the basic plan for waterworks installation and management was publicly notified pursuant to paragraph (5), the Minister of Construction and Transportation, the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding *Gun* in the Metropolitan City) shall review whether the basic plan for waterworks installation and management is feasible and reflect it thereon. <Newly Inserted by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

Article 4-2 (Establishment of Comprehensive Plan for National Waterworks)

(1) The Minister of Environment shall establish a comprehensive plan for national waterworks (hereafter in this Article referred to as the "comprehensive plan") based on the basic plan for waterworks installation and management referred to in Article 4 every ten years for the systematic development of national waterworks policy, effective use of service water and stabilized supply of tap water. <Amended by Act No. 6449, Mar. 28, 2001>

(2) The comprehensive plan referred to in paragraph (1) shall include the following matters:

1. Matters on the conditions of water supply such as population, industry and land;
2. Prospected demand for tap water;
3. Objectives of water supply, and waterworks policy directions;
4. Prospected demand and development plan for wide-area waterworks;
5. Prospected demand and development plan for local waterworks;
6. Prospected demand and development plan for small-scale waterworks;
7. Prospected demand and development plan for household water for agricultural and fishing villages;
8. Prospected demand and development plan for industrial waterworks;
9. Securing of water sources and development plan for alternative water sources;
10. Improvement plan for existing waterworks-related facilities;
11. Development and spread plan for used water treatment waterworks;
12. Development plan for management system of waterworks businesses;
13. Development plan for waterworks technology;
14. Securing of waterworks manpower, and education and training plan; and
15. Investment in waterworks businesses and fund-raising plan.

(3) The Minister of Environment may request the head of the related central administrative agency, the Mayor/*Do* governor, and the head of any related agency or organization to submit materials necessary for the establishment of the comprehensive plan referred to in paragraph (1).

(4) Where the Minister of Environment establishes the comprehensive plan pursuant to paragraph

(1), he shall consult in advance with the head of the related central administrative agency, and the Mayor/*Do* governor (hereafter in this paragraph referred to as the "head of the related agency"), and shall notify the established comprehensive plan to the head of the related agency.

(5) In the event that important matters in the comprehensive plan are modified by a change in the water-supply policy, etc., the Minister of Environment may ask the Minister of Construction and Transportation or the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding *Gun* in the Metropolitan City) to change their basic plan for waterworks installation and management. <Newly Inserted by Act No. 6449, Mar. 28, 2001>

(6) The Minister of Environment shall review the appropriateness of the comprehensive plan and modify it accordingly when five years have passed since the establishment of the plan. <Newly Inserted by Act No. 6914, May 29, 2003>

[This Article Newly Inserted by Act No. 5395, Aug. 28, 1997]

Article 4-3 (Implementation of Water-Demand Control Target System)

(1) The Mayor/*Do* governor shall set a water-demand control target by *Si/Gun/Gu* (referring to the autonomous *Gu*; hereafter the same shall apply) under his jurisdiction taking into account the optimum per capita water consumption to raise the efficiency of waterworks business and to strengthen the control of demand for tap water. The Mayor/*Do* governor shall also work out a comprehensive plan (hereafter in this Article referred to as the "comprehensive plan") every five years to attain such target and obtain approval therefor from the Minister of Environment. The Minister of Environment shall consult with the Minister of Construction and Transportation before he grants such approval: Provided, that the same shall apply to a case where it is intended to modify the established comprehensive plan.

(2) The head of *Si/Gun/Gu* shall develop a program (hereafter in this Article referred to as "implementation program") that contains matters falling under each of the following subparagraphs to implement the comprehensive plan and obtain approval therefor from the Mayor/*Do* governor. The same shall apply to a case where he intends to modify the implementation program: *Provided*, That in case of the Special Metropolitan City and the Metropolitan City, the Special Metropolitan City Mayor and the Metropolitan City Mayor shall work out and implement the implementation program on the matters of subparagraphs 1 and 2:

1. Annual target for reducing water leakage and its project plan;
2. Annual target for increasing flowing water and its project plan;
3. Annual target for wider installation of water-saving facilities, including water-saving equipment and used-water treatment waterworks; and
4. Other matters prescribed by the Presidential Decree for conserving water and raising the efficiency of water saving.

(3) With respect to the *Si/Gun/Gu* that fails to attain the water-demand control target as prescribed

in paragraph (1), the Minister of Environment and the heads of administrative agencies concerned may not grant approval and permission, etc. for projects and acts falling under each of the following subparagraphs. The same shall apply to the Special Metropolitan City, the Metropolitan City and the *Do* (hereinafter referred to as "City/ *Do*") as well as the *Si/Gun/Gu* that fail to obtain approval for their respective comprehensive plans and implementation programs:

1. General waterworks businesses; and
 2. Urban development projects, and development of industrial complexes and tourist resort, etc.
- (4) The Minister of Environment and the heads of central administrative agencies may differentiate their assistances according to the progress of the water-demand control target referred to in paragraph (1).

[This Article Newly Inserted by Act No. 6449, Mar. 28, 2001]

Article 5 (Designation, etc. of Water-Source Protection Area)

(1) The Minister of Environment may designate the area deemed to be necessary for securing water sources and conserving the quality of water as the area for the protection of water sources (hereinafter referred to as the "water-source protection area") or may modify the designation.

<Amended by Act No. 5395, Aug. 28, 1997>

(2) Having designated the water-source protection area or modified the designation as provided in paragraph (1), the Minister of Environment shall, without any delay, publicly announce such designation or modification. *<Amended by Act No. 5395, Aug. 28, 1997>*

(3) The acts of the following specifications shall not be done within the water-source protection area designated and publicly announced under paragraphs (1) and (2): *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5454, Dec. 13, 1997>*

1. The act of throwing away the water pollutants or specified water noxious substances as provided in subparagraphs 2 and 3 of Article 2 of the Water Quality Conservation Act; the toxic chemicals as provided in subparagraph 2 of Article 2 of the Toxic Chemicals Control Act; the agrochemicals as provided in the Agrochemicals Control Act; the wastes as provided in subparagraph 1 of Article 2 of the Wastes Control Act; the sewage, excreta, or livestock wastewater as provided in subparagraphs 1 through 3 of Article 2 of the Act on the Disposal of Sewage, Excreta, and Livestock Wastewater; and
 2. Other acts accompanied by the danger of obviously polluting water sources and, at the same time, prohibited by the Presidential Decree.
- (4) Any person who intends to take one of the following acts within the water-source protection area designated and publicly announced under paragraphs (1) and (2), shall obtain permission therefor from the head of competent *Si/Gun/Gu*: *Provided*, That such insignificant acts as prescribed by the Presidential Decree shall be reported: *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 6449, Mar. 28, 2001>*

1. Establishment, enlargement, remodelling, reestablishment, transferral, modification, or removal of buildings or other constructions;
 2. Cultivating or cutting down bamboo trees; and
 3. Excavation, banking, or other modifications of the shape or quality of the land.
- (5) The procedures for designation of the water-source protection area, the criteria for permission as provided in paragraphs (1) through (4), and other necessary matters shall be determined by the Presidential Decree. *<Amended by Act No. 4781, Aug. 3, 1994>*

Article 6 (Management of Water-Source Protection Area)

- (1) The water-source protection area shall be managed by the head of *Si/Gun/Gu* having jurisdiction over the water-source protection area. *<Amended by Act No. 6449, Mar. 28, 2001>*
- (2) In a case where the water-source protection area extends over two or more *Sis/Guns/Gus* or in a case where there are some other special reasons, the water-source protection area under consideration shall be managed by the Mayor/*Do* governor or the head of *Si/Gun/Gu* as prescribed by the Presidential Decree. *<Amended by Act No. 6449, Mar. 28, 2001>*
- (3) The Minister of Environment may evaluate the management situation of the water-source protection area under the conditions as prescribed by the Ordinance of the Ministry of Environment, and may ask the head of the relevant administrative agency to take the measures necessary for the proper management of the relevant area. *<Amended by Act No. 5395, Aug. 28, 1997>*

Article 6-2 (Residents Support Program)

- (1) The Mayor/*Do* governor or the head of *Si/Gun/Gu* (hereafter in this Article through Article 7 referred to as "management office") who manages the water-source protection area as provided in Article 6 (1) or (2), may establish and execute the program for supporting residents living within water-source protection areas and other persons engaged in farming and fishing within such areas under the conditions as prescribed by the Presidential Decree. In this case, the head of *Si/Gun/Gu* shall obtain approval therefor from the Mayor/*Do* governor. *<Amended by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>*
- (2) The types of the residents support programs as provided in paragraph (1) shall be as follows:
1. Program for increasing the residents' income;
 2. Program for promoting the residents' welfare;
 3. Educational program for the residents' children; and
 4. Other programs as prescribed by the Presidential Decree.
- (3) The procedures for establishing and executing the residents support program as provided in paragraph (1) and other necessary matters shall be determined by the Presidential Decree.
- [This Article Newly Inserted by Act No. 4781, Aug. 3, 1994]*

Article 6-3 (Fund Raising, etc.)

(1) The fund necessary for the residents support program as provided in Article 6-2, shall be raised by the management office from the following financial sources: *<Amended by Act No. 6449, Mar. 28, 2001>*

1. Contributions from the waterworks business operator who takes benefits from the designation of the water-source protection area;
2. Borrowed money;
3. The profits incurred from the management of the money as provided in subparagraphs 1 and 2; and
4. Transfers from general accounts of local governments and other special accounts.

(2) The waterworks business operator as provided in paragraph (1) 1 shall contribute, under the conditions as prescribed by the Presidential Decree, part of the sales income coming from his waterworks business.

(3) The State may allot a subsidy from the Special Account for Environmental Improvement to cover part of the necessary expenses, taking into consideration the size of the fund raised under paragraph (1) and the required expenses.

(4) The management office shall distinguish the fund raised under paragraph (1) from the other money and shall manage it as a separate account.

[This Article Newly Inserted by Act No. 4781, Aug. 3, 1994]

Article 7 (Bearing of Management Expenses, etc. for Water-Source Protection Area)

(1) Any waterworks business operator shall, in a case where he takes benefits from the designation and management of a water-source protection area as prescribed by the Presidential Decree, bear the management expenses for the water-source protection area concerned and the operational expenses for the water-pollution preventive facilities as prescribed by the Presidential Decree, within the range of the benefits he takes, and according to the criteria for the ratio of expense-responsibility as prescribed by the Presidential Decree and, at the same time, according to the result of the consultation with the management office in charge of the water-source protection area

CT Act No. 298, Dec. 12, 1953 Amended by Act No. 1783

(2) In a case where the consultation as provided in paragraph (1) does not lead to an agreement, the amount of the expenses to be borne by the waterworks business operator shall be determined in one of the following ways: *<Amended by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>*

1. In a case where the *Si/Gun/Gu* concerned belongs to the area of jurisdiction of the City/*Do*, it shall be determined by the Mayor/*Do* governor concerned;
2. In a case where the *Si/Gun/Gu* concerned belongs to the areas of jurisdiction of different City/*Do* it shall be determined through a consultation between the relevant Mayors/*Do* governors; and

3. In a case where the waterworks business operator is not a local government, it shall be determined through a consultation between the relevant waterworks business operator and the Mayor/*Do* governor in charge of the water-source protection area concerned.
- (3) In a case where the consultations as prescribed in paragraph (2) 2 and 3 fail to produce any agreement, the Minister of Government Administration and Home Affairs shall determine the amount of the relevant expenses to be borne by the waterworks business operator after listening to the opinion of the relevant Mayor/*Do* governor and after consulting with the head of the central administrative agency concerned. *<Amended by Act No. 6449, Mar. 28, 2001>*

Article 8 (Management Principle for Waterworks Business)

- (1) Waterworks businesses shall be in principle managed by the State, local governments and the Korea Water Resources Corporation: *Provided*, That the same shall not apply to a case where the supply of tap water by private business operators on behalf of local governments, etc. is deemed necessary. *<Amended by Act No. 6449, Mar. 28, 2001>*
- (2) The waterworks business operator shall make efforts to establish a water rate system based on a reasonable cost calculation to maintain and expand waterworks-related facilities and to improve technology on waterworks. *<Amended by Act No. 6449, Mar. 28, 2001>*
- (3) In establishing the water rate system referred to in paragraph (2), every waterworks business operator shall work to lead consumers to save water and to secure expenses for consumers to pay for their supplied water and financial resources necessary to ensure the continuity of his projects from the revenues of water rate. *<Newly Inserted by Act No. 6449, Mar. 28, 2001>*

Article 9 (Prohibition, etc. on Seeking for Profits)

- (1) No person other than the waterworks business operator shall be engaged in the sales of tap water retreated by means of equipment, etc. *<Amended by Act No. 4781, Aug. 3, 1994>*
- (2) With respect to the person who has violated against the provisions of paragraph (1), the Minister of Environment may have the relevant equipment, etc. gotten rid of, may take other necessary measures, or may have the waterworks business operator stop supplying tap water. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

Article 10 Deleted. *<by Act No. 5395, Aug. 28, 1997>*

Article 11 (Installation of Used-Water Treatment Waterworks)

- (1) Any person who intends to newly install facilities falling under each of the following subparagraphs to use water efficiently (including a case where the part of expansion, renovation and reconstruction of such facilities falls under each of the following subparagraphs; hereafter in this Article the same shall apply) shall install and operate, independently or jointly, used-water treatment waterworks having the capacity to reuse not less than 10 percent of the used water and notify the head of *Si/Gun/Gu* of the result of such installation under the conditions as prescribed by

the Ordinance of the Ministry of Environment: *<Amended by Act No. 6842, Dec. 30, 2002>*

1. Facilities which are used by the lodging business or the bathing business under Article 2 (1) 2 or 3 of the Public Health Control Act with their total floor space not less than 60,000 square meters;

2. Factory under subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act, discharges wastewater not less than 1,500 cubic meters per day; and

3. Other facilities whose kinds and scale are prescribed by the Presidential Decree.

(2) Standards for facilities of used-water treatment waterworks, matters concerning management thereof, the quantity of used water referred to in the main sentence of paragraph (1), the total floor space of construction referred to in subparagraphs 1 and 2 of the same paragraph, the calculation of the quantity of discharged wastewater and other necessary matters shall be prescribed by the Ordinance of the Ministry of Environment.

(3) The State and local governments may financially support the owners of facilities in which the used-water treatment waterworks are installed, to help cover costs involved in the installation of such facilities and local governments may reduce water rates to be imposed on such owners as prescribed by their Municipal Ordinances.

(4) In the event that any person who has newly constructed facilities under paragraph (1) fails to install and operate the used-water treatment waterworks, the head of *Si/Gun/Gu* may order him to meet his obligation. *<Amended by Act No. 7462, Mar. 31, 2005>*

[This Article Wholly Amended by Act No. 6449, Mar. 28, 2001]

Article 11-2 (Installation of Water-Saving Equipment, etc.)

(1) Where any person intends to construct any building and facilities as determined by the Presidential Decree, he shall install water-saving equipment to economize and efficiently use tap water.

(2) Any person who runs the lodging business (excluding the lodging facilities having not more than 10 rooms) and the public bathing business under Article 2 (1) 2 and 3 of the Public Health Control Act or the golf-course business under Article 10 (1) 1 of the Installation and Utilization of Sports Facilities Act shall install water-saving equipment and instruments. *<Newly Inserted by Act No. 6449, Mar. 28, 2001>*

(3) Matters on the water-saving equipment such as kinds of water-saving equipment and equipment standards referred to in paragraphs (1) and (2) shall be determined by the Ordinance of the Ministry of Environment. *<Amended by Act No. 6449, Mar. 28, 2001>*

(4) In the event that the person who runs the lodging business, the public bathing business or the golf-course business fails to install watersaving equipment and instruments under paragraph (2), the head of *Si/ Gun/Gu* may order him to install such water-saving equipment and instruments. *<Newly Inserted by Act No. 6449, Mar. 28, 2001; Act No. 7462, Mar. 31, 2005>*

[This Article Newly Inserted by Act No. 5395, Aug. 28, 1997]

Article 11-3 (Installation of Rain-Utilization Facilities)

(1) Any person who intends to newly construct establishments prescribed by the Presidential Decree from among establishments, including sports complexes and indoor sports halls, etc. with wide roof spaces (including a case where establishments are expanded, renovated or reconstructed in excess of the scale prescribed by the Presidential Decree) shall install and operate rain-utilization facilities.

(2) Standards for installing and managing rain-utilization facilities and other necessary matters shall be prescribed by the Ordinance of the Ministry of Environment.

(3) The State and local governments may financially support the owners of establishments in which rain-utilization facilities are installed to help cover costs involved in the installation of such facilities, and local governments may reduce water rates imposed on them as prescribed by their Municipal Ordinances.

[This Article Newly Inserted by Act No. 6449, Mar. 28, 2001]

CHAPTER II GENERAL WATERWORKS BUSINESS

Article 12 (Authorization on General Waterworks Business)

(1) Under the conditions as prescribed by the Presidential Decree, the person who desires to run a general waterworks business shall obtain authorization thereon from the Minister of Construction and Transportation, if his desired business is for the wide-area waterworks (excluding the water treatment facilities) other than those installed by the local government, or shall obtain authorization thereon from the Minister of Environment if his desired business is for the water treatment facilities of the wide-area waterworks authorized by the Minister of Construction and Transportation, or the wide-area waterworks and the local waterworks installed by the local government, or shall obtain authorization thereon from the head of *Si/Gun/Gu* if his desired business is for the small-scale waterworks. This provisions shall also apply to the case where the contents of authorization are to be modified, except for such unimportant matters as prescribed by the Presidential Decree.

<Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 7462, Mar. 31, 2005>

(2) In a case where the Minister of Environment or the Minister of Construction and Transportation intends to give authorization as provided in paragraph (1), they shall in advance consult with each other. In this case, if the Minister of Construction and Transportation has authorized on the wide-area waterworks equipped with the water treatment facilities after having consulted with the Minister of Environment, it shall be regarded that the authorization on the installation and operation of the water treatment facilities concerned has been given by the Minister of Environment.

<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>

(3) Having authorized on the general waterworks business in accordance with paragraph (1), the Minister of Environment, the Minister of Construction and Transportation, or the head of *Si/Gun/Gu* (hereinafter referred to as the "authorization office") shall, without any delay, give a public notice of it. *<Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 7462, Mar. 31, 2005>*

(4) The Minister of Environment and the Minister of Construction and Transportation shall ensure, by holding a mutual consultation, that an efficient project operation is to be performed in formulating the yearly plans for general waterworks business. *<Newly Inserted by Act No. 6828, Dec. 26, 2002>*

Article 13 (Standards for Facilities, etc.)

(1) Any general waterworks business operator shall give consideration to the safety of waterworks-related facilities from earthquake when he installs such facilities and install the waterworks-related facilities of the general waterworks in accordance with the criteria as prescribed by the Presidential Decree depending on the quality, quantity, geographical condition of the natural water, on the types of the waterworks, and on the scale of the waterworks-related facilities. *<Amended by Act No. 4627, Dec. 27, 1993; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>*

(2) The raw materials and goods used for waterworks shall meet the criteria as determined by the Presidential Decree. *<Newly Inserted by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>*

(3) Where a person installs water tanks referred to in subparagraph 22 of Article 3, he shall comply with the criteria as determined by the Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 5395, Aug. 28, 1997>*

Article 14 (Assignment of Technicians for Waterworks Construction Work)

In a case where a general waterworks business operator executes a waterworks construction work, he shall assign the technicians for the waterworks construction work as prescribed by the Presidential Decree to the site of the construction and have him supervise the construction work.

Article 15 (Inspection for Quality of Water at Time of Completion of Construction)

(1) In a case where a general waterworks business operator has completed a waterworks construction work, he shall go through the inspection for the quality of the water concerned. *<Amended by Act No. 5395, Aug. 28, 1997>*

(2) Unless having gone through the inspection for the quality of the water as provided in paragraph (1), the general waterworks business operator shall not provide tap water. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

Article 16 (Protection of Waterworks-Related Facilities)

Nobody shall modify or inflict a damage on the facilities of the general waterworks without having obtained, in advance, approval from the general waterworks business operator for doing so.

Article 17 (Management of Waterworks-Related Facilities)

(1) The right for the management of the general waterworks shall be given to the general waterworks business operator: *Provided*, That the right for the management of the water supply facilities shall be given to the person as specified by the Presidential Decree. <Amended by Act No. 4627, Dec. 27, 1993>

(2) For the purpose of the technical management of the waterworks, the general waterworks business operator shall appoint any person who satisfies the relevant criteria as prescribed by the Presidential Decree as the manager of the waterworks-related facilities.

(3) Local governments that are waterworks business operators may commission specialized institutions to manage waterworks-related facilities in order to efficiently manage waterworks businesses. <Newly Inserted by Act No. 6449, Mar. 28, 2001>

Article 17-2 (Attraction of Private Capital for Waterworks Business)

The State or local governments may attract private capital to cover, in whole or in part, costs involved in waterworks business.

[This Article Newly Inserted by Act No. 6449, Mar. 28, 2001]

Article 18 (Criteria for Water Quality)

(1) The water supplied by the waterworks for the purpose of drinking shall not include the substance falling under one of the following specifications:

1. The substance which is contaminated or is apprehended to be contaminated with pathogenic germs, bacteria, or viruses;
2. An inorganic or organic substance which has the possibility to affect negatively the state of health;
3. The substance which can exert an aesthetic influence; and
4. Other substances which can exert a negative influence on the state of health.

(2) Necessary matters relating to the standards for water quality as provided in paragraph (1) shall be determined by the Ordinance of the Ministry of Environment. <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>

(3) The Mayor/*Do* governor may, when it is deemed necessary to protect health of residents, prescribe standards for water quality by area and methods of inspecting water quality by its Municipal Ordinances in addition to the standards for water quality referred to in paragraph (2) after consulting with the Minister of Environment: *Provided*, That the same shall not apply to a case where the wide-area waterworks supply raw water or processed water to not less than two Cities/*Dos*. <Newly Inserted by Act No. 6449, Mar. 28, 2001>

Article 19 (Inspection of Water Quality and Analysis of Water Quantity)

(1) The general waterworks business operator shall execute the inspection of the quality of the natural and processed water, and conduct analysis of water quantity such as the quantity of collected water, purified water and supplied water under the conditions as prescribed by the Ordinance of the Ministry of Environment. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>*

(2) In order to execute the inspection of the quality of the water, the general waterworks business operator shall establish the inspection facilities which meet the criteria as prescribed by the Presidential Decree.

(3) Having executed the inspection of water quality and the analysis of water quantity as provided in paragraph (1), the general waterworks business operator shall prepare and keep on file a record of the inspection and analysis under the conditions as prescribed by the Ordinance of the Ministry of Environment. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>*

Article 19-2 (Tap-Water Quality Evaluation Committee)

(1) In order to fulfill the tasks of the following specifications, for evaluating tap water, the Tap-Water Quality Evaluation Committee shall be established at the level of the Special Metropolitan City, the Metropolitan City and the *Si/Gun* (excluding *Gun* in the Metropolitan City): *<Amended by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>*

1. Execution of the periodical examination of tap water and giving a public notice of the result of the examination; and
2. Provision of advice on waterworks management technologies to the waterworks business operator.

(2) Matters necessary for the composition and operation of the Tap-Water Quality Evaluation Committee as provided in paragraph (1), shall be determined by the Municipal Ordinances of the local government. *<Amended by Act No. 5395, Aug. 28, 1997>*

[This Article Newly Inserted by Act No. 4781, Aug. 3, 1994]

Article 20 (Medical Checkup)

(1) As for persons who discharge their duties at and around the water intake structure, the water treatment facilities, and the water supply facilities and other persons who reside within the area for the said facilities, the general waterworks business operator shall provide them with a medical checkup under the conditions as prescribed by the Ordinance of the Ministry of Environment. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

(2) As for any person who is admitted to have a disease which is apprehended to throw or inflict a danger or damage on other persons as a result of the medical checkup referred to in paragraph (1),

the general waterworks business operator shall not have said person work for his waterworks business or reside within the area of the waterworks-related facilities.

(3) The provisions of Article 19 (3) shall apply *mutatis mutandis* to the preparation and preservation of the record of the medical checkup as provided in paragraph (1).

Article 21 (Sanitary Measures)

(1) The general waterworks business operator shall disinfect his waterworks or take other sanitary measures against his waterworks.

(2) The owner or manager of a building or a facility which requires a lot of tap water and which is larger than the size as prescribed by the Presidential Decree, shall disinfect the final-stage water supply facilities concerned or take other sanitary measures. <Amended by Act No. 4781, Aug. 3, 1994>

(3) The head of *Si/Gun/Gu* shall oversee whether the owner or manager of the building or the facility as prescribed by paragraph (2) takes sanitary measures and shall, at the same time, properly guide the owner or the manager in the matter under consideration. <Newly Inserted by Act No. 4627, Dec. 27, 1993; Act No. 6449, Mar. 28, 2001>

(4) Necessary matters for the disinfection, other necessary measures for sanitation, supervision, and guidance as provided in paragraphs (1) through (3), shall be determined by the Ordinance of the Ministry of Environment. <Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>

Article 21-2 (Report on Water-Tank Cleanup Business)

(1) Any person who intends to run a cleanup business for the sanitary control of the water-tank (hereinafter referred to as the "water-tank cleanup business") shall meet the criteria for the workforce, equipment, and facilities as prescribed by the Ordinance of the Ministry of Environment, and then shall report his intended business to the head of *Si/ Gun /Gu*." This shall also apply to the case where the reported matters are altered. <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

(2) Any person who has reported on his water-tank cleanup business (hereinafter referred to as the "water-tank cleanup businessman") shall report to the head of *Si/Gun/Gu* in a case where he intends to discontinue his business or suspend the operation thereof for a while. <Amended by Act No. 6449, Mar. 28, 2001>

(3) Any person who is ordered to close the place of his business under Article 21-3 (1) shall be prohibited from filing a report on the watertank cleanup business within one year from the date on which he is given such order. <Amended by Act No. 6449, Mar. 28, 2001>

[This Article Newly Inserted by Act No. 4627, Dec. 27, 1993]

Article 21-3 (Suspension, etc. of Water-Tank Cleanup Business)

(1) In a case where the water-tank cleanup businessman falls under one of the following, the head of *Si/Gun/Gu* may order him to suspend his business by fixing a period not exceeding three months or to close his business place: *<Amended by Act No. 5875, Feb. 8, 1999; Act No. 6449, Mar. 28, 2001>*

1. In a case where he has filed a report required by Article 21-2 in a fraudulent and illegal matter or run the water-tank cleanup business without filing such report;
2. In a case where he has not come up with the criteria for the report as provided in Article 21-2 (1); and
3. In a case where he has violated against this Act or the order or other dispositions issued based on this Act.

(2) The criteria for the disposition as prescribed in paragraph (1) shall be determined by the Ordinance of the Ministry of Environment. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

[This Article Newly Inserted by Act No. 4627, Dec. 27, 1993]

Article 21-4 Deleted. *<by Act No. 6449, Mar. 28, 2001>*

Article 21-5 (Education)

(1) Under the conditions as prescribed by the Presidential Decree, any person who falls under one of the following shall receive the education provided by the Minister of Environment concerning the hygienic management, etc. of the water supply facilities and the water tank: *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

1. The owner or manager of the building or the facility as provided in Article 21 (2); and
2. The water-tank cleanup businessman.

(2) Under the conditions as prescribed by the Presidential Decree, the water-tank cleanup businessman shall have his employees directly engaged in the water-tank cleanup business go through the education concerning the hygienic management as prescribed in paragraph (1).

(3) The Minister of Environment may entrust the educational task as prescribed by paragraphs (1) and (2) to the agencies or organizations as designated by the Presidential Decree. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

[This Article Newly Inserted by Act No. 4627, Dec. 27, 1993]

Article 22 (Sudden Stop of Water Supply)

(1) Having perceived the fact that tap water has the possibility to inflict a damage on the state of health, the general waterworks business operator shall, without any delay, stop the supply of tap water. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

(2) Where the general waterworks business operator stops the supply of tap water pursuant to paragraph (1), he shall make the situation known to the Mayor/*Do* governor and residents of the

district concerned, and take necessary measures such as the inspection of water quality and the supply of emergency water. *<Newly Inserted by Act No. 5395, Aug. 28, 1997>*

(3) Any person who has discovered the fact that the water provided by a general waterworks business operator has the possibility to inflict damage on the state of health, shall, without any delay, notify the general waterworks business operator concerned thereof.

Article 23 (Supply Provisions)

(1) Any general waterworks business operator shall determine the provisions for the rates for tap water, the expenses for the construction of the water supply facilities, and other conditions for the supply of tap water under the conditions as prescribed by the Presidential Decree, and shall obtain approval from the authorization office (referring to the Minister of Construction and Transportation, in the case of the wide-area waterworks; hereafter the same shall apply in Article 48) before the beginning of the supply of tap water. This shall also apply to the case where the approved matters are altered. In a case where the waterworks business operator is a local government, the Municipal Ordinances of the local government concerned shall determine the matter under consideration. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5394, Aug. 28, 1997>*

(2) The general waterworks business operator and the authorization office under the main sentence of paragraph (1) shall ensure that the entire costs for installing the relevant waterworks may be recovered by the service fees for tap water, in setting forth the regulations of supply conditions for tap water or approving therefor. *<Newly Inserted by Act No. 6828, Dec. 26, 2002>*

Article 24 (Responsibility to Supply Tap Water)

(1) Any general waterworks business operator shall not refuse, without any justifiable reason, to supply tap water to the person who desires to be supplied with it. *<Amended by Act No. 4781, Aug. 3, 1994>*

(2) In a case where the general waterworks business operator cannot, for some unavoidable reason, supply tap water for a while, he shall determine the area and period, for which and in which tap water is not to be supplied, and give a public notice of them in advance. *<Amended by Act No. 4781, Aug. 3, 1994>*

Article 25 (Supply of Tap Water to Area Other Than Area to Which Tap Water is Supposed to be Supplied)

If the Minister of Environment deems it necessary for the convenience of the general consumers or for other public interests, he may have the relevant local government which is the waterworks business operator supply tap water to the area other than the area to which it is supposed to supply tap water, after having consulted, in advance, with the Minister of Government Administration and Home Affairs on the matter under consideration. *<Amended by Act No. 4781, Aug. 3, 1994; Act*

No. 5395, Aug. 28, 1997; Act No. 5875, Feb. 8, 1999>

Article 26 (Supply of Tap Water in Urgent Situation)

(1) In a case where the Mayor/*Do* governor deems it necessary to meet with such an urgent situation as a natural catastrophe, etc. he may have the relevant waterworks business operator supply tap water to other waterworks business operators, after having determined the period, volume, and way: *Provided*, That in a case where the waterworks business operator under consideration is the Mayor/*Do* governor, the Minister of Environment shall issue the order.

<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>

(2) The rates for tap water supplied under paragraph (1) shall be determined through a consultation between the waterworks business operators concerned. *<Amended by Act No. 4781, Aug. 8, 1994>*

(3) In a case where the consultation as provided in paragraph (2) does not lead to a satisfactory conclusion, the waterworks business operators concerned may apply for the adjudication by the relevant land expropriation committee under the conditions as prescribed by the Presidential Decree.

(4) In a case where the relevant land expropriation committee has adjudicated on the matter under consideration, the adjudication shall be regarded as the same thing as the agreement reached through the consultation as provided in paragraph (2).

Article 27 (Discontinuance or Suspension of Waterworks Business)

(1) After having started to supply tap water, the general waterworks business operator shall not discontinue or suspend all or part of his general waterworks business, except for the case where he has obtained the permission for doing so from the relevant authorization office. *<Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994>*

(2) Deleted. *<by Act No. 5395, Aug. 28, 1997>*

Article 28 (Special Example of Waterworks Installed by State)

(1) In a case where the Minister of Environment or the Minister of Construction and Transportation admits that the local government which is the general waterworks business operator cannot install or has difficulties in installing the general waterworks-related facilities on account of financial, technical, or geographical reasons, he may install them. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

(2) The Minister of Environment or the Minister of Construction and Transportation may delegate the management of the waterworks-related facilities installed in accordance with paragraph (1) to the relevant local government or may entrust their management to the Korea Water Resources Corporation. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

(3) Intending to install the waterworks-related facilities as provided in paragraph (1) or intending to delegate or entrust the management of the waterworks-related facilities as provided in paragraph

(2), the Minister of Environment or the Minister of Construction and Transportation shall in advance consult with the Minister of Government Administration and Home Affairs on the matters under consideration: *Provided*, That this shall not apply to facilities which are installed by the Minister of Construction and Transportation and entrusted to the Korea Water Resources Corporation. <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 5875, Feb. 8, 1999>

(4) The Minister of Construction and Transportation may have the Korea Water Resources Corporation supply water of wide-area waterworks for general consumers under the conditions as determined by the Presidential Decree. In this case he shall obtain the consent of the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding *Gun* in the Metropolitan City) concerned in advance. <Newly Inserted by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

Article 29 (Purchase of Waterworks-Related Facilities, etc.)

(1) In a case as falling under one of the following subparagraphs and where any person (excluding the State) other than a local government runs the general waterworks business within the area of the jurisdiction of the local government, the local government under consideration may purchase, from the said general waterworks business operator, the waterworks related facilities and their affiliated land, building, and other things (hereinafter referred to as the "waterworks-related facilities, etc."), after having obtained the approval of the Minister of Environment for doing so: <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>

1. In a case where the relevant waterworks business operator has not improved the water supply conditions after having received the order for the modification of the water supply conditions as provided in Article 48;
2. In a case where the area to which tap water is to be supplied needs to be expanded; and
3. In a case where tap water which is being supplied is apprehended to inflict a damage on the state of health, being deficient in terms of the criteria for the quality of the water as provided in Article 18.

(2) In a case where a local government intends to purchase the waterworks-related facilities, etc. of the general waterworks as provided in paragraph (1), the local government shall consult with the general waterworks business operator concerned concerning the price and other conditions for the purchase.

(3) In a case where the consultation as provided in paragraph (2) fails to lead to a satisfactory conclusion, the local government and the general waterworks business operator may apply for the adjudication on the matter under consideration by the relevant land expropriation committee.

(4) The Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply *mutatis mutandis* to the adjudication by the land expropriation committee as provided in

paragraph (3) and the adjudication on the objection raised and its legal effect, etc. <Amended by Act No. 6656, Feb. 4, 2002>

Article 30 (Hydrant)

The general waterworks business operator shall install and manage the hydrant necessary for the prevention of a fire at the site of his waterworks. <Amended by Act No. 6449, Mar. 28, 2001>

Article 31 (Relation with Other Acts)

(1) In a case where any person who intends to run the general waterworks business has obtained the permit for the general waterworks business as provided in Article 12 (1), he shall be regarded as having obtained permit, authorization, approval, license, recognition, designation or cancellation (hereinafter referred to as the "permit or authorization, etc.") as specified in the following subparagraphs, and in a case where the public notice of the permit has been given, it shall be regarded as the same thing as the public notice or official announcement given under the relevant Acts of the following specifications: <Amended by Act No. 4748, Mar. 24, 1994; Act No. 5395, Aug. 28, 1997; Act Nos. 5893, 5911 & 5914, Feb. 8, 1999; Act No. 6449, Mar. 28, 2001; Act No. 6841, Dec. 30, 2002; Act No. 6914, May 29, 2003>

1. Permission for the development acts under Article 56 (1) of the National Land Planning and Utilization Act;
2. Permission for the occupation and use of public waters as provided in Article 5 of the Public Waters Management Act and authorization or report of execution plan as provided in Article 8 of the said Act;
3. Permission for the reclamation as provided in Article 9 of the Public Waters Reclamation Act, authorization of the execution plan as provided in Article 15 of the said Act, and consultation on or approval of the reclamation of the public waters as provided in Article 38 of the said Act;
4. Permission for the execution of the river-related construction work as provided in Article 30 of the River Act, and permission on the occupation, etc. of the rivers as provided in Article 33 (1) 2 through 5 of the said Act;
5. Permission for the execution of the road construction as provided in Article 34 of the Road Act, and permission on the occupation of the road as provided in 40 of the said Act;
6. Deleted; <by Act No. 5395, Aug. 28, 1997>
7. Permission for the diversion of the farmland as provided in Article 36 of the Farmland Act;
8. Permission for the forests diversion and report thereon under Articles 14 and 15 of the Management of Mountainous Districts Act, and permission for the deforestation of standing trees, etc. under Articles 62 (1) and 90 (1) of the Forestry Act: *Provided*, That the protection forest for genetic forest resources, seed-growing forest and experimental forest under the Forestry Act shall be excluded;

9. Permission for the alteration of land form, etc. under Article 21-2 of the Grassland Act and permission for or report on the diversion of grassland under Article 23 of said Act;
 10. Permission for the deforestation, etc. as provided in Article 14 of the Work against Land Erosion or Collapse Act, and cancellation of the designation of the land apprehended to be eroded and collapsed as provided in Article 20 of said Act;
 11. Authorization of the use of the survey result as provided in Article 25 of the Land Survey Act;
 12. Designation of the project operator as provided in Article 16 (1) of the Industrial Sites and Development Act, and authorization of the execution plan as provided in Articles 17 (1), 18 (1), 19 (1) of said Act;
 13. Deleted; <by Act No. 5454, Dec. 13, 1997>
 14. Permission for the establishment of the private road as provided in Article 4 of the Private Road Act; and
 15. Permission for the reburial of unknown person's graves in accordance with Article 23 (1) of the Funeral Services Act.
- (2) In a case where the authorization office intends to give permission on the general waterworks business in accordance with Article 12 (1) and where the business plan submitted for the purpose of obtaining permission under consideration includes one of the subject matters specified in subparagraphs of paragraph (1), the authorization office shall, in advance, consult with the head of the relevant administrative agency. <Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994>
- (3) In a case where the general waterworks business operator which is the State or a local government is considered to have obtained permission or authorization, etc. in accordance with other Acts as prescribed in paragraph (1), they shall be exempted from the charge or use fee imposed by the relevant Acts: *Provided*, That this shall not apply to the farmland formation fee as prescribed in Article 40 of the Farmland Act and the substituting grassland formation fee as prescribed in Article 23 (3) of the Grassland Act. <Amended by Act No. 5395, Aug. 28, 1997; Act No. 7604, Jul. 21, 2005>

Article 32 (Small-Scale Waterworks)

- (1) The State and a local government shall provide the technical and financial assistance necessary for the hygienic management of a smallscale waterworks.
- (2) The heads of *Sis/Guns/Gus* shall properly operate and manage smallscale waterworks in their respective jurisdictional areas as prescribed by the Municipal Ordinances of their local governments. <Amended by Act No. 6449, Mar. 28, 2001>

CHAPTER III INDUSTRIAL WATERWORKS BUSINESS

Article 33 (Industrial Waterworks Installed by State, etc.)

(1) The State shall provide the industrial water to the industrial complex as prescribed in subparagraph 5 of Article 2 of the Industrial Sites and Development Act after having installed the industrial waterworks facilities, or the State shall have other waterworks business operator install the industrial waterworks facilities and provide the industrial complex under consideration with industrial water. <Amended by Act No. 5111, Dec. 29, 1995; Act No. 5395, Aug. 28, 1997>

(2) Deleted. <by Act No. 6449, Mar. 28, 2001>

Article 33-2 (Authorization of Industrial Waterworks Business)

Any person who intends to run the industrial waterworks business shall obtain authorization for doing so from the Minister of Construction and Transportation, and, in that case, the Minister of Construction and Transportation shall consult in advance with the Minister of Environment about it. This shall also apply to the case where the authorized matters are altered: *Provided*, That the same shall not apply to the case of the alteration of the unimportant matters as prescribed by the Presidential Decree. <Amended by Act No. 5395, Aug. 28, 1997; Act No. 6914, May 29, 2003>
[This Article Newly Inserted by Act No. 4627, Dec. 27, 1993]

Article 34 (Provisions to be Applied Mutatis Mutandis)

The provisions of Articles 12 (3), 13, 14, 16, 17, and 23 through 31, shall apply *mutatis mutandis* to the case of the industrial waterworks and the industrial waterworks business. <Amended by Act No. 4627, Dec. 27, 1993; Act No. 5395, Aug. 28, 1997>

CHAPTER IV EXCLUSIVE WATERWORKS

Article 35 (Exclusive Waterworks Installed by State)

Matters concerning the exclusive waterworks installed by the State shall be determined by the Presidential Decree, unless otherwise prescribed by this Act.

Article 36 (Authorization on Private-Use Waterworks)

(1) Any person who intends to install the private-use waterworks shall obtain authorization for doing so from the Special Metropolitan City Mayor, the Metropolitan City Mayor and the head of *Si/Gun* (excluding *Gun* in the Metropolitan City) under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 4627, Dec. 27, 1993; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

(2) When it is intended to alter important matters prescribed by the Presidential Decree from among authorized matters under paragraph (1), authorization therefor shall be obtained and when it is intended to alter other matters, a report thereon shall be filed. <Newly Inserted by Act No. 6449, Mar. 28, 2001>

(3) Any installer of the private-use waterworks shall, when he intends to shut down or discontinue

the use of such private-use waterworks, file a report thereon with the Special Metropolitan City Mayor, the Metropolitan City Mayor or the head of *Si/Gun* (excluding *Gun* in the Metropolitan City). <Newly Inserted by Act No. 6449, Mar. 28, 2001>

Article 37 (Provisions to be Applied Mutatis Mutandis to Case of Private-Use Waterworks)

The provisions of Articles 13, 15, 17 (2), 18, 19 (1) and (3), 20, 21, 22 and 45 shall be applied *mutatis mutandis* to the private-use waterworks. <Amended by Act No. 6449, Mar. 28, 2001>

Article 38 (Provisions to be Applied Mutatis Mutandis to Case of Private-Use Industrial Waterworks)

The provisions of Articles 17 (2), 36 and 45 shall be applied *mutatis mutandis* to the private-use industrial waterworks. <Amended by Act No. 5395, Aug. 28, 1997>

Article 38-2 (Small-Scale Water Supply Facilities)

(1) The head of *Si/Gun/Gu* shall conduct an inspection of water quality for small-size water supply facilities under the conditions as determined by the Ordinance of the Ministry of Environment.

<Amended by Act No. 6449, Mar. 28, 2001>

(2) The head of *Si/Gun/Gu* shall strive to upgrade and manage smallsize water supply facilities as prescribed by the bylaw of his local governments. <Amended by Act No. 6449, Mar. 28, 2001>

(3) The State and local governments shall provide technical and financial assistance necessary for the installation and sanitary management of small-size water supply facilities.

[This Article Newly Inserted by Act No. 5395, Aug. 28, 1997]

CHAPTER V KOREA WATERWORKS AND SEWERAGE ASSOCIATION

Article 39 (Establishment of Korea Waterworks and Sewerage Association)

(1) Waterworks business operators, public sewerage management offices under subparagraph 6 of Article 2 of the Sewerage Act, persons who run the business related to waterworks (including sewerage; hereafter, in this chapter, the same shall apply), persons who are engaged in the academic and research field related to waterworks, and such persons as determined by the Presidential Decree, may establish the Korea Waterworks and Sewerage Association (hereinafter referred to as the "Association"), in order to perform the investigation and research and to develop the necessary waterworks technologies, and to contribute, in any other way, to the development of waterworks. <Amended by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

(2) The Association shall maintain the status of a juristic person.

(3) The Association shall come into being when the establishment thereof is registered at the place where its principal office is located.

(4) The expenses required for the projects of the Association referred to in paragraph (1) shall be

met from member fees which are paid by members such as waterworks business operators and proceeds from projects and the State, local governments and the Korea Water Resources Corporation may support part of the expenses within the extent of the budget. <Amended by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

(5) When the Association is established under paragraph (1), waterworks business operators (excluding private waterworks business operators) and every public waterworks management office shall become *ex officio* members. <Newly Inserted by Act No. 6449, Mar. 28, 2001>

Article 40 (Staff of Association and How to Elect Them, etc.)

(1) The Association shall have a chairman, directors and an auditor as its staff.

(2) Deleted. <by Act No. 5875, Feb. 8, 1999>

(3) Duties of the Association shall be determined by the Presidential Decree.

(4) Necessary matters concerning the fixed number, the term of office, and the election method, etc. of the staff members of the Association shall be determined by the articles of association.

[This Article Wholly Amended by Act No. 4627, Dec. 27, 1993]

Article 41 Deleted. <by Act No. 5875, Feb. 8, 1999>

Article 42 (Supervision)

The Minister of Environment may have the Association investigate and research the matter concerning waterworks or may have the Association make some report deemed to be necessary for the fulfillment of the business works concerned. <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>

Article 43 (Application Mutatis Mutandis of Provisions of Civil Act)

With regard to the Association, the provisions concerning the aggregate corporation in the Civil Act shall be applicable *mutatis mutandis*, except for the cases for which there are relevant provisions in this Act.

CHAPTER VI EXPROPRIATION AND USE OF LAND, ETC.

Article 44 (Expropriation and Use of Land, etc.)

(1) When it is necessary to carry out the waterworks business, the waterworks business operator may expropriate and use the land, the things, and the rights (hereinafter referred to as the "land, etc.") as prescribed in Article 3 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor. <Amended by Act No. 6656, Feb. 4, 2002>

(2) When the permit on the waterworks business is given and the public notification of the permit is made under Article 12 (1) and (3) (including the cases to which the provisions of Article 34 shall be applied *mutatis mutandis*), it shall be deemed the project authorization or public notice of the

project authorization as prescribed in Articles 20 (1) and 22 of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor, and notwithstanding the provisions of Articles 23 (1) and 28 (1) of the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor, the application for the ruling shall be made by the time of completion of the waterworks construction work. <Amended by Act No. 6656, Feb. 4, 2002>

(3) Except for what are stipulated in this Act. the Acquisition of Land, etc. for Public Works and the Compensation Therefor shall apply *mutatis mutandis* to the expropriation or use of lands, etc. under paragraph (1). <Amended by Act No. 6656, Feb. 4, 2002>

Article 45 (Entry into Third Party's Land)

(1) When it is necessary to carry out the waterworks business or to inspect the water supply facilities, the waterworks business operator may enter the land of a third party or temporarily use it. When it is particularly necessary, he may alter the positions of or may get rid of the bamboo trees, clay and rocks, or other obstacles.

(2) The provisions of Articles 89 (2) through (8) and 90 of the Urban Planning Act shall be applied *mutatis mutandis* to the case as prescribed in paragraph (1). In this case, the term "the undertaker of urban planning facility project" shall be read as the "waterworks business operator" of this Act.

<Amended by Act No. 6449, Mar. 28, 2001>

CHAPTER VII SUPERVISION

Article 45-2 (Supervising and Giving Orders)

When it is deemed necessary for the preservation and improvement of the quality of tap water and the efficient operation and management of waterworks-related facilities in connection with the installation plan of the waterworks-related facilities and the management of the waterworks business, the Minister of Environment may ask the relevant waterworks business operator to modify the plan for the business, or may give an order to improve the management of the business, or may take other necessary measures. <Amended by Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

[This Article Newly Inserted by Act No. 4781, Aug. 3, 1994]

Article 46 (Taking Measures against Violators of Acts)

In a case where any waterworks business operator or any installer of exclusive waterworks falls under each of the following subparagraphs, the authorization office (including the Special Metropolitan City Mayor, Metropolitan City Mayor; hereafter in Articles 47 through 49, the same shall apply) may cancel the permit issued in accordance with this Act, suspend its validity, put a stop on the construction work concerned, order the remodelling, transferral, modification, and removal of the constructions concerned, or take other necessary measures: when the waterworks

business operator falls under one of subparagraphs 1 through 3, the authorization office shall cancel the permit: *<Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 6449, Mar. 28, 2001; Act No. 7462, Mar 31, 2005>*

1. In a case where the construction work of the permitted waterworks or exclusive waterworks has not been started or completed even after one year has elapsed since the scheduled date for the start or completion of the construction work concerned;
2. In a case where tap water has not started to be supplied even after six months have elapsed since the scheduled date, by the permitted waterworks, for starting to supply the water;
3. In a case where the permit, the authorization, or the approval as prescribed by this Act has been obtained by means of a fraud or other unjust methods; and
4. In a case where this Act or the mandate or disposition issued under this Act has been violated.

Article 47 (Improvement Order, etc.)

(1) When the authorization office admits that the waterworks-related facilities fall short of the criteria therefor as prescribed by this Act, he may give the order for the improvement of the relevant facilities to the waterworks business operator or the installer of the private-use waterworks concerned with fixing a period. *<Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994>*

(2) When the authorization office admits that the management state of the waterworks-related facilities is remarkably bad, he may give necessary orders to the relevant waterworks business operator or the installer of the private-use waterworks. *<Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994>*

(3) When natural disasters or other accidents resulting in the pollution of the water, etc. negatively affect or are apprehended to negatively affect the supply of tap water to a great extent, the authorization office may issue necessary orders to the relevant waterworks business operators or the installer of the private-use waterworks. *<Newly Inserted by Act No. 4781, Aug. 3, 1994>*

(4) The provisions of Article 90 of the Urban Planning Act shall apply *mutatis mutandis* to the case where a loss is incurred because of the orders issued by the authorization office as prescribed in paragraphs (1) through (3). *<Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 6449, Mar. 28, 2001>*

Article 48 (Modification of Conditions for Supplying Tap-Water)

In a case where the authorization office admits the following items are remarkably unjust, that is, the rates for tap water, the bearing of the expenses of the water supply facilities construction, or other conditions for supplying tap water as provided in the water supply provisions which the waterworks business operator who is a person other than the local government has determined in accordance with the main sentence of Article 23, the authorization office may order the relevant

waterworks business operator to modify them. <Amended by Act No. 4781, Aug. 3, 1994>

Article 49 (Demand for Report, etc.)

(1) Any authorization office may have relevant public officials enter the waterwork-related facilities to inspect documents concerned, facilities, equipment and water quality or have waterworks business operator or the installer file a necessary report in order to confirm whether or not he meets the criteria for facilities and water quality of waterworks. <Amended by Act No. 5875, Feb. 8, 1999; Act No. 6449, Mar. 28, 2001>

(2) Any person who conducts an inspection as prescribed in paragraph (1) shall carry the voucher of authority and show it to the relevant persons.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 50 (Management Right to Waterworks-Related Facilities)

With regard to the private-use waterworks or the waterworks business whose facilities extend over two or more Cities or Dos, the management right of the relevant Mayor/Do governor shall be determined through their consultation and shall be exercised accordingly.

Article 51 (Compulsory Collection of Tap-Water Rates, etc.)

(1) When any person who was supplied with tap water has not paid the rates for the supplied tap water, the expenses for the water-supply facilities construction, or the charge imposed on the person who has inflicted a damage on the waterworks as prescribed in Article 54, the unpaid money may be collected by the waterworks business operator who is the local government itself in the same way as the neglected local taxes have been collected. <Amended by Act No. 4781, Aug. 3, 1994>

(2) Under the conditions as prescribed by the Presidential Decree, the local government who supplied tap water to the area other than its jurisdictional area in accordance with Article 25, may delegate or entrust the local government which has jurisdiction over the relevant area with the compulsory collection as prescribed in paragraph (1). <Amended by Act No. 4781, Aug. 3, 1994>

(3) The local government which is the waterworks business operator shall grant 4/100 of the collected money to the local government delegated or entrusted with the compulsory collection, as prescribed in paragraph (2).

Article 52 (Limitation on Use of Income)

The waterworks business operator other than the Korea Water Resources Corporation shall not use the income from the waterworks business for anything but the expenses necessary for the waterworks business itself or for matters prescribed by the Presidential Decree. <Amended by Act No. 6449, Mar. 28, 2001>

Article 52-2 (Bearing of Costs for Installation of Waterworks)

Costs for installing the waterworks (excluding any water-supply equipment) shall be borne by the waterworks business operator.

[This Article Wholly Amended by Act No. 6828, Dec. 26, 2002]

Article 53 (Expenses to be Borne by Person who Caused Them)

(1) In undertaking any waterworks work, any waterworks business operator may get any person who has caused costs (including any person who has caused new installation or expansion, etc. of waterworks facilities in a housing complex or industrial facilities, etc. which consume much tap water) to defray costs involved in the relevant waterworks work, in whole or in part. *<Amended by Act No. 6449, Mar. 28, 2001>*

(2) The criteria for computing the expenses to be borne under the provisions of paragraph (1), the collection methods of the expenses concerned, and other necessary matters shall be determined by the Presidential Decree.

Article 54 (Charge Imposed on Person who has Inflicted Damage)

(1) In a case where there is a person who runs a business or commits an action which inflicts a damage on the waterworks, the waterworks business operator may have the person under consideration bear the expenses for the required repair or maintenance of the waterworks-related facilities or the expenses for establishing the facilities for the prevention of the expected damage.

(2) The provisions of Article 53 (2) shall be applied *mutatis mutandis* to the case as provided in paragraph (1).

Article 55 (Research on and Development of Technologies)

(1) In order to promote the research on and development of the technologies concerning waterworks, the Minister of Environment may establish a plan for the research on and development of the technologies concerned and have a professional waterworks research institute conduct such research and development with providing necessary financial support. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

(2) In order to efficiently fulfill the education or training of the people who are engaged in the field of waterworks, the Minister of Environment may establish a plan for the education or training concerning waterworks and may entrust the educating and training task to a professional waterworks research institute with providing necessary financial support. *<Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>*

(3) The Minister of Environment and the heads of local governments may implement policies designed to provide technical guidances and training programs for technicians in order to support manufacturers specializing in making waterworks facilities, machinery and materials and to train waterworks specialists. *<Newly Inserted by Act No. 6449, Mar. 28, 2001>*

Article 55-2 (Technical Diagnosis on Waterworks-Related Facilities)

(1) The waterworks business operator shall conduct a technical diagnosis on the waterworks-related facilities every five years to check the managerial situation of waterworks-related facilities.

(2) The waterworks business operator may have such a person as determined by the Ordinance of the Ministry of Environment carry out the business on technical diagnosis referred to in paragraph (1).

(3) Where the managerial situation of the waterworks-related facilities concerned is judged in bad condition as a result of a technical diagnosis referred to in paragraph (1), the waterworks business operator shall establish and implement an improvement plan, and notify the authorization office of the result thereof.

[This Article Newly Inserted by Act No. 5395, Aug. 28, 1997]

Article 56 (Subsidy from National Treasury, etc.)

The State may provide the waterworks business operator with a subsidy or a loan to help meet with the expenses necessary for the waterworks business: *Provided*, That where the waterworks business operator which is a local government installs any waterworks-related facilities or improves the wornout waterworks-related facilities, all or part of the said expenses may be subsidized under the conditions as prescribed by the Presidential Decree by taking account of the financial self-support level of relevant local government.

[This Article Wholly Amended by Act No. 6828, Dec. 26, 2002]

Article 56-2 (Assistance to Persons Migrating from Area to be Merged due to Construction of Dams for Waterworks Business)

The provisions of Articles 39 and 40 of the Act on the Construction of Dams and Assistance, etc. to their Environs shall apply *mutatis mutandis* to the assistance to persons migrating from the area to be merged due to the construction of dams for waterworks business. In this case, the term "entrusted manager of a dam" and "entrusted manager of a dam to be" referred to in the Act on the Construction of Dams and Assistance, etc. to their Environs shall be deemed to read "waterworks business operator" referred to in this Act. *<Amended by Act No. 6021, Sep. 7, 1999>*

[This Article Newly Inserted by Act No. 5395, Aug. 28, 1997]

Article 57 (Selling or Renting of Nationally-Owned Land)

As for the land which is categorized as the miscellaneous property of the State and which is directly in need for the waterworks business, the State may sell or rent it, by means of a contract *ad libitum*, to the waterworks business operator concerned, despite the provisions of Article 33 of the State Properties Act.

Article 58 (Delegation or Entrustment of Powers)

Under the conditions as prescribed by the Presidential Decree, part of the powers rightly belonging

to the Minister of Environment or the Minister of Construction and Transportation under this Act may be delegated to the Mayor/Do governor or the head of the regional environmental government office or may be entrusted to the Korea Water Resources Corporation. <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>

Article 59 (Hearing)

Where the Minister of Environment, the Minister of Construction and Transportation, the Mayor/Do governor or the head of Si/Gun/Gu intends to take a disposition falling under any of the following subparagraphs, he shall hold a hearing: <Amended by Act No. 6449, Mar. 28, 2001>

1. Order for closure of water-tank cleanup business referred to in Article 21-3; and
2. Cancellation of authorization on waterworks business referred to in Article 46.

[This Article Wholly Amended by Act No. 5453, Dec. 13, 1997]

CHAPTER IX PENAL PROVISIONS

Article 60 (Penal Provisions)

Any person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than five years or a fine not exceeding twenty million won: <Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

1. Person who has run the waterworks business without having obtained permission as prescribed in the provision of the first half of the main body of Article 12 (1) or half of the main body of Article 33-2; and
2. General waterworks business operator or installer of the privateuse waterworks who has not immediately put a stop on the supply tap water in violation of the provisions of Article 22 (1) (including the cases to which the provisions of Article 37 are applied mutatis mutandis).

Article 61 (Penal Provisions)

Any person who falls under one of the following stipulations shall be punished by imprisonment for not more than two years or a fine not exceeding ten million won: <Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

1. Person who has violated against the prohibition or the limitation as prescribed in Article 5 (3) or (4);
2. Person who has retreated tap water with equipments, etc. and sold it in violation of the provisions of Article 9 (1);
3. Waterworks business operator who has modified the contents of the permit without having obtained the permit as prescribed in the latter part of main sentence of Article 12 (1), or in the

- latter part of main sentence of Article 33-2;
- 3-Person who has used waterworks machinery and materials which are not in conformity with
 2. the standards or installed water tanks which are not in conformity with the standards in contravention of Article 13 (2) and (3);
 4. Person who has modified the structure of the waterworks-related facilities or put a damage on the said facilities in violation of the provisions of Article 16 (including the cases to which the provisions of Article 34 are applied mutatis mutandis);
 5. General waterworks business operator, installer of the private-use waterworks, or owner or manager of the buildings and facilities who has not done the disinfection or other necessary sanitary measures in violation of the provisions of Article 21 (1) or (2) (including the cases to which the provisions of Article 37 are applied mutatis mutandis);
 - 5-General waterworks business operator or installer of private-use waterworks who fails to make
 2. the situation known to the residents of the district concerted or fails to take necessary measures such as the inspection of water quality and emergency water supply in violation of Article 22 (2) (including the cases to which the provisions of Article 37 are applied mutatis mutandis);
 6. Waterworks business operator who has not obtained the authorization from the authorization office or who has altered the contents of the authorization given by the authorization office in violation of the provisions of Article 23 (including the cases to which the provisions of Article 34 are applied mutatis mutandis);
 7. Waterworks business operator who has violated the order for the urgent supply of tap water as prescribed in Article 26 (1) (including the cases to which the provisions of Article 34 are applied mutatis mutandis); and
 8. Waterworks business operator who has closed or suspended all or part of the waterworks business without having obtained the permit as prescribed in Article 27 (1) (including the cases to which the provisions of Article 34 are applied mutatis mutandis).

Article 62 (Penal Provisions)

Any person who falls under one of the following stipulations shall be punished by a fine not exceeding three million won: <Amended by Act No. 4627, Dec. 27, 1993; Act No. 6449, Mar. 28, 2001>

1. Person who has run the water-tank cleanup business without having made a report on it or who has made a false report on it in violation of the provisions of Article 21-2 (1);
- 1-Person who has continued to run the water-tank cleanup business after having received the
2. order for the closure of the watertank cleanup business site as prescribed in Article 21-3;
- 1-Person who has, without any justifiable reason, interfered with or refused the execution of the
3. waterworks business or the investigation of the water supply facilities as prescribed in Article 45 (1); and

2. Person who has committed the action(s) as prescribed in Article 45 (1) without having obtained the permit or approval as prescribed in Article 89 (2) through (4) of the Urban Planning Act which is applied *mutatis mutandis* in accordance with Article 45 (2) (including the cases to which under the provisions of Articles 37 and 38 are applied *mutatis mutandis*).

Article 63 (Penal Provisions)

Any person who falls under one of the following stipulations shall be punished by a fine not exceeding two million won: <Amended by Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997>

1. Deleted; <by Act No. 6449, Mar. 28, 2001>
2. Waterworks business operator or installer of the exclusive waterworks who has provided tap water without having gone through the inspection of the quality of water in violation of the provisions of Article 15 (2) (including the cases to which the provisions of Article 37 are applied *mutatis mutandis*);
3. Waterworks business operator or installer of the exclusive waterworks who has not appointed the manager of the waterworks-related facilities in violation of the provisions of Article 17 (2) (including the cases to which the provisions of Articles 34, 37 and 38 are applied *mutatis mutandis*);
4. General waterworks business operator or installer of the private-use waterworks who has not executed the inspection of the quality of the water as provided in Article 19 (1) (including the cases to which the provisions of Article 37 are applied *mutatis mutandis*);
5. General waterworks business operator or installer of the private-use waterworks who has not arranged for the medical checkup as provided in Article 20 (1) (including the cases to which the provisions of Article 37 are applied *mutatis mutandis*);
6. General waterworks business operator or installer of the private-use waterworks who has allowed the person, admitted to have a disease which is apprehended to throw or inflict a danger or damage on other people, to work for his waterworks business or to reside within the area of the waterworks-related facilities in violation of the provisions of Article 20 (2) (including the cases to which the provisions of Article 37 are applied *mutatis mutandis*);
7. Waterworks business operator who has refused, without any justifiable reason, to supply tap water in violation of the provisions of Article 24 (1) (including the cases to which the provisions of Article 34 are applied *mutatis mutandis*);
8. Waterworks business operator who has not established a hydrant at the site of his waterworks in violation of the provisions of Article 30 (including the cases to which the provisions of Article 34 are applied *mutatis mutandis*);
9. Person who has established the exclusive waterworks without having obtained the permit as prescribed in Article 36 (including the cases to which the provisions of Article 38 are applied

mutatis mutandis);

- 9-Waterworks business operator who has violated the request for modification of business plan,
2. direction for improvement of business management and other necessary measures and orders in violation of Article 45-2; and
10. Waterworks business operator or installer of the exclusive waterworks who has violated the improvement order, etc. with regard to the facilities as prescribed in Article 47 (1) through (3).

Article 64 (Joint Penal Provisions)

In a case where the representative of a juristic person, the proxy or other temporary or permanent employees of a juristic person or an individual has committed the actions, as prescribed in Articles 60 through 63, with regard to the business of the juristic person or an individual, the juridical person or the individual, as well as the violator himself, shall be subject to the penalty as prescribed in the relevant Article.

Article 65 (Fine for Negligence)

(1) Any person falling under each of the following subparagraphs shall be punished by a fine for negligence not exceeding ten million won: <Newly Inserted by Act No. 6449, Mar. 28, 2001>

1. Person who has failed to install used-water treatment waterworks in contravention of Article 11 (1); and
2. Person who has failed to install rain-utilization facilities in contravention of Article 11-3 (1).

(2) Any person falling under each of the following subparagraphs shall be punished by a fine for negligence not exceeding three million won: <Newly Inserted by Act No. 6449, Mar. 28, 2001; Act No. 7462, Mar. 31, 2005>

1. Person who has failed to follow an implementation order given by the head of *Si/Gun/Gu* in contravention of Article 11 (4); and
2. Person who has failed to install water-saving equipment and instruments in contravention of Article 11-2 (1) or (2).

(3) Any person falling under each of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won: <Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001; Act No. 7462, Mar. 31, 2005>

1. Person who has failed to make the report or notification in violation of the proviso of Article 5 (4);
 - 1-Person who has failed to follow an implementation order given by the head of *Si/Gun/Gu*
 2. under Article 11-2 (4);
 - 1-General waterworks business operator or installer of the privateuse waterworks who has not
 3. prepared and kept on file the record of the inspection of the quality of the water in violation of

the provisions of Article 19 (3) (including the cases to which the provisions of Article 37 are applied mutatis mutandis);

2. General waterworks business operator or installer of the private-use waterworks who has not prepared and kept the record of the medical checkup in violation of the provisions of Article 20 (3) (including the cases to which the provisions of Article 37 are applied mutatis mutandis);
2-Person who has closed or suspended his business without having made the necessary report or notification in violation of the provisions of Article 21-2 (2);
2-Person who has not gone through the education with regard to the sanitary management, etc. of the water supply facilities and the water tank in violation of Article 21-5 and who falls under one of the following stipulations:
 - (a) Owner or manager of a building or other facilities; and
 - (b) Water-tank cleanup businessman (including the water-tank cleanup businessman who has not had his employees go through the education under consideration);
3. Waterworks business operator who has not given, in advance, the public notice of the area in which and the period during which tap water cannot be provided in violation of the provisions of Article 24 (2) (including the cases to which the provisions of Article 34 are applied mutatis mutandis);
4. Deleted; and <by Act No. 5875, Feb. 8, 1999>
5. Waterworks business operator or installer of the exclusive waterworks who has refused, or interfered with or avoided the inspection, or, those who have not made the necessary report, as prescribed in Article 49 (1).

(4) Any fine for negligence as prescribed in paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, the Minister of Construction and Transportation, the Mayor/Do governor or the head of *Si/Gun/Gu* (hereafter in this Article referred to as "imponent") under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 5395, Aug. 28, 1997; Act No. 6449, Mar. 28, 2001>

(5) Any person who is dissatisfied with the imposition of the fine for negligence in accordance with paragraph (4) may raise an objection to the imponent within thirty days after the date on which the imposition is made. <Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 8, 1994; Act No. 6449, Mar. 28, 2001>

(6) In a case where the person who was imposed with the fine for negligence in accordance with paragraph (4) has raised an objection in accordance with paragraph (5), the imponent shall, without any delay, notify the fact to the pertinent court of law, and the court of law notified thus shall adjudicate on the case of fine for negligence in accordance with the Non-Contentious Case Litigation Procedure Act. <Amended by Act No. 4627, Dec. 27, 1993; Act No. 4781, Aug. 3, 1994; Act No. 6449, Mar. 28, 2001>

(7) In a case where no objection is raised or no fine for negligence is paid within the period of paragraph (5), the delinquent fine for negligence shall be collected in the same manner as the delinquent national taxes or the delinquent local taxes have been collected. <Amended by Act No. 6449, Mar. 28, 2001>

ADDENDA

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Permit, etc.)

The approval, the permit, the authorization, or the report given or made under the former provisions at the time when this Act enters into force, shall be regarded as the approval, the permit, the authorization, or the report given or made under this Act.

Article 3 (Transitional Measures concerning Designation of Water-Source Protection Area)

The clean-water protection area which has already been designated under the former provisions at the time this Act enters into force shall be regarded as the water-source protection area designated under this Act.

Article 4 (Transitional Measures concerning Establishment of Inspection Facilities)

The general waterworks business operator, who has not established the inspection facilities for examining the water quality as prescribed in Article 19 (2) at the time this Act enters into force, shall establish the inspection facilities by December 31, 1993.

Article 5 (Transitional Measures concerning Korea Water Supply and Waterworks Installation Association)

The water supply and waterworks installation association established under the former provisions at the time this Act enters into force shall be regarded as the Korea Water Supply and Waterworks Installation Association established in accordance with this Act.

Article 6 (Amendment, etc. of Other Acts)

(1) through (17) Omitted.

(18) In a case where other Acts have quoted the provisions of the former Water Supply and Waterworks Installation Act at the time this Act enters into force, and where there are, in this Act, the provisions equivalent to the quoted ones, the Acts which have quoted provisions of the former Water Supply and Waterworks Installation Act shall be regarded as having quoted the equivalent provisions of this Act instead of the provisions actually quoted.

ADDENDA <Act No. 4627, Dec. 27, 1993>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures on Small-Scale Waterworks and Exclusive Waterworks)

Any person who has obtained authorization from the Minister of Construction in respect of small-scale waterworks and exclusive waterworks pursuant to the previous provisions at the time of entry into force of this Act shall be deemed to have obtained authorization from the Mayor/*Do* governor pursuant to the amended provisions of Articles 12 and 36.

Article 3 (Transitional Measures on Water-Tank Cleanup Business)

Any person who has run a water-tank cleanup business at the time of entry into force of this Act shall meet the standards such as manpower, facilities and equipment pursuant to the amended provisions of Article 21-2 within six months from the date of entry into force of this Act and report it to the head of *Si /Gun*."

Article 4 (Transitional Measures on Penal Provisions)

The application of penal provisions to any act committed prior to the entry into force of this Act shall be governed by the previous provisions.

ADDENDA <Act No. 4748, Mar. 24, 1994>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDA <Act No. 4781, Aug. 3, 1994>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That the provisions of Articles 6-2 and 6-3 shall enter into force on July 1, 1995.

Article 2 (Transitional Measures concerning Authorization of General Waterworks Business)

The person who has obtained the approval of the general waterworks business under the former provisions at the time this Act enters into force, shall be regarded as having obtained the relevant approval in accordance with this Act.

Article 3 (Transitional Measures concerning Approval of Chairman of Korea Water Supply and Waterworks Association)

The person, who has been elected as the chairman of the Korea Water Supply and Waterworks Association and approved as such by The Minister of Construction and Transportation under the former proviso at the time this Act enters into force, shall be regarded as having been approved as

such by the Minister of Environment in accordance with Article 40 (2) of this Act.

Article 4 (Transitional Measures concerning Public Notice or Application, etc.)

A public notice, administrative disposition, and other actions given or taken by an administrative agency or applications of all kinds, reports or notifications of all kinds, and other actions made towards an administrative agency under the former proviso before this Act enters into force, shall be regarded as the actions made by or towards the relevant administrative agency in accordance with the part of this Act corresponding to the former provisions under consideration.

Article 5 *Omitted.*

Article 6 (Relations with Other Acts)

In a case where other Acts have quoted provisions of the former Water Supply and Waterworks Installation Act at the time when this Act enters into force, and where there are, in this Act, provisions equivalent to the quoted provisions, the Acts which have quoted provisions of the former Water Supply and Waterworks Act shall be regarded as having quoted the equivalent provisions of this Act instead of the provisions actually quoted.

ADDENDA <Act No. 5111, Dec. 29, 1995>

Article 1 (Enforcement Date)

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

Articles 2 through 7 *Omitted.*

ADDENDA <Act No. 5395, Aug. 28, 1997>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures on Authorization of Exclusive Waterworks)

Any person who has obtained authorization of exclusive waterworks under the previous provisions at the time of entry into force of this Act shall be deemed to have obtained authorization under this Act.

Article 3 (Transitional Measures on Small-Scale Water Supply System)

Any waterworks which supply water for a population of less than 100 persons or supply water less than 20m³ a day from among small-size water supply systems under the previous provisions at the time of entry into force of this Act shall be deemed to have designated as smallscale water supply facilities referred to in subparagraph 13-2 of Article 3, and other small-size water supply systems shall be deemed as smallsize water supply systems referred to in the amended provisions of subparagraph 9 of Article 3.

Article 4 (Transitional Measures on Penal Provisions)

The application of penal provisions to the acts committed prior to the entry into force of this Act shall be governed by the previous provisions.

Article 5 Omitted.

ADDENDA <Act No. 5453, Dec. 13, 1997>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

Article 2 Omitted.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDUM <Act No. 5875, Feb. 8, 1999>

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

ADDENDA <Act No. 5893, Feb. 8, 1999>

Article 1 (Enforcement Date)

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

Articles 2 through 6 Omitted.

ADDENDA <Act No. 5911, Feb. 8, 1999>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDA <Act No. 5914, Feb. 8, 1999>

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. 6021, Sep. 7, 1999>

Article 1 (Enforcement Date)

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

Articles 2 through 13 Omitted.

ADDENDA <Act No. 6449, Mar. 28, 2001>

Article 1 (Enforcement Date)

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

Article 2 (Application Example concerning Used-Water Treatment Waterworks and Rain-Utilization Facilities)

The amended provisions of Articles 11 (1) and (4) and 11-3 shall apply starting with the construction permit granted first after the enforcement of this Act.

Article 3 (Transitional Measures concerning Formulation of Comprehensive Plan for Controlling Water Demand)

The Mayor/*Do* governor and the head of *Si/Gun/Gu* shall each work out a comprehensive plan and an implementation plan required by the amended provisions of Article 4-3 (1) and (2) within one year after the enforcement of this Act.

Article 4 (Transitional Measures concerning Change in Authority)

Any act of taking any administrative disposition, etc., performed by the Special Metropolitan City Mayor and the Metropolitan City Mayor, and any act of filing any report with the Special Metropolitan City Mayor and the Metropolitan City Mayor under the previous provisions of Articles 5 (4), 21-2 (1) and (2), and 21-3 (1) at the time when this Act enters into force shall be deemed performed by or with the head of *Gu/ Gun* under this Act.

Article 5 (Transitional Measures concerning Water-Saving Equipment and Instruments)

Any person who runs the business falling under the amended provisions of Article 11-2 (2) at the time when this Act enters into force shall install water-saving equipment and instruments within one year after the enforcement of this Act.

Article 6 (Transitional Measures concerning Korea Tap-Water and Waterworks Association)

- (1) The Korea Waterworks and Sewerage Association to be established under the amended provisions of Article 39 shall generally succeed the rights and duties of the Korea Tap-Water and Waterworks Association established under the previous provisions.
- (2) The Korea Tap-Water and Waterworks Association existing at the time when this Act enters into force shall be deemed dissolved under Article 77 of the Civil Act at the time when the Korea Waterworks and Sewerage Association is established under the amended provisions of Article 39.

ADDENDA <Act No. 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. 6828, Dec. 26, 2002>

(1) (Enforcement Date) This Act enters into force on the date of its promulgation: *Provided*, That the amendment to the proviso of Article 56 shall enter into force six months after its promulgation.

(2) (Application Example to Bearing of Installment Costs for Waterworks) The amendment to Article 52-2 shall apply to the water treatment facilities of the wide-area waterworks first installed after the enforcement of this Act.

(3) (Transitional Measures for Succession of Position of Waterworks Business Operators) Any waterworks business operator of the wide-area waterworks which have been installed or are being installed at the time of enforcement of this Act may succeed to the position of relevant waterworks business operator corresponding thereto by returning or vicariously paying the amount already borne or to be borne as the installation costs for water treatment facilities by the waterworks business operator receiving a supply of water from relevant wide-area waterworks under the previous provisions of the proviso of Article 52-2 (1). In this case, he shall hold in advance a consultation with the relevant waterworks business operator.

(4) (Return of Borne Costs for Installing Waterworks) Any amount for returning the amounts to bear the installation costs for water treatment facilities under Article 3 of the Addenda shall be the same amount as the invested amount under the previous provisions of Article 52-2 (3).

ADDENDA <Act No. 6841, Dec. 30, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 6842, Dec. 30, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 8 Omitted.

ADDENDUM <Act No. 6914, May 29, 2003>

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

ADDENDA <Act No. 7462, Mar. 31, 2005>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures concerning Administrative Dispositions etc.) Dispositions taken by the administrative agency under the previous provisions of Articles 11 (4), 11-2 (4), 12 and 46 at the time this Act enters into force shall be deemed to be the dispositions taken by the administrative agency under the amended provisions of this Act.

ADDENDA <Act No. 7604, Jul. 21, 2005>

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.