

GROUNDWATER ACT

Wholly Amended by Act No.5286, Jan. 13,1997

Amended by Act No.5453, Dec. 13,1997

Act No.5955, Mar. 31,1999

Act No.6368, Jan. 16,2001

Act No.6655, Feb. 4,2002

Act No.6656, Feb. 4,2002

Act No.7569, May.31,2005

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to ensure the propriety for the development and utilization of groundwater by providing the matters for proper development and utilization of groundwater and efficient preservation and management thereof, and to contribute to the advancement of public welfare and the development of national economy by preventing the pollution of groundwater.

<Amended by Act No. 6368, Jan. 16, 2001>

Article 2 (Definitions)

The definitions of the terms as used in this Act shall be as follows: *<Amended by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>*

1. The term "groundwater" means the water filling in the crevices of geological strata or rocks underground or the water flowing through the said crevices;
2. The term "groundwater impact investigation" means the investigation which analyzes and predicts the influence of the development and utilization of groundwater on its contiguous area;
3. The term "groundwater preservation area" means the area which is necessary for protecting the volume and quality of groundwater and which is designated in accordance with the provisions of Article 12;
4. The term "construction business for the development and utilization of groundwater" means the business of constructing the facilities necessary for the development and utilization of groundwater (hereinafter referred to as the "facilities for the development and utilization of groundwater");
5. The term "groundwater purification business" means the business which improves the quality of

groundwater by removing, analyzing or diluting the pollutants contained in groundwater; and

6. The term "restoration" means to dismantle facilities or reclaim land subject to restoration in order to prevent the inflow of pollutants into the relevant facilities or land, and protect human health and safety.

Article 3 (Responsibility of State, etc.)

(1) In order to have high-quality groundwater available to all the people of the nation through efficient preservation and management of groundwater, the State has the responsibility of devising a comprehensive plan for groundwater which is a public resource and contriving the reasonable policies. <Amended by Act No. 7569, May 31, 2005>

(2) The nation shall cooperate with the national policies for preservation and management of groundwater, and exert their efforts in preserving groundwater and preventing its pollution. <Newly Inserted by Act No. 6368, Jan. 16, 2001>

Article 4 (Relations with Other Acts)

In a case where there are special provisions, in other Acts, concerning the survey, development, utilization, preservation and management of groundwater, those provisions in other Acts shall prevail over this Act: *Provided*, That this provision shall not apply to the cases as prescribed in Articles 14 through 16.

**CHAPTER II SURVEY, DEVELOPMENT AND UTILIZATION OF
GROUNDWATER**

Article 5 (Survey of Groundwater)

(1) Under the conditions as prescribed by the Presidential Decree, the Minister of Construction and Transportation shall conduct a basic survey concerning the characteristics in reserve and the amount of exploitable groundwater of the whole nation.

(2) The head of a relevant central administrative agency or the Special Metropolitan City Mayor, a Metropolitan City Mayor or a *Do* governor (hereinafter referred to as the "Mayor/*Do* governor") and the head of *Si/Gun*/autonomous *Gu* (hereinafter referred to as the "head of *Si/ Gun*") may conduct a survey on the development, utilization, preservation and management of groundwater in a case where it is necessary for performing the tasks, under his jurisdiction, concerning groundwater. <Amended by Act No. 5955, Mar. 31, 1999>

(3) Intending to conduct the survey as prescribed in the provisions of paragraph (2), the head of a relevant central administrative agency, the Mayor/*Do* governor or the head of *Si/Gun* shall, in advance, consult with or notify the Minister of Construction and Transportation under the conditions as prescribed by the Presidential Decree; and when the survey is completed, he shall notify the Minister of Construction and Transportation of the result of the survey: *Provided*, That

this provision shall not apply to the case where there are urgent reasons as prescribed by the Presidential Decree. <Amended by Act No. 5955, Mar. 31, 1999>

(4) Under the conditions as prescribed by the Presidential Decree, the Minister of Construction and Transportation, the head of a relevant central administrative agency, the Mayor/Do governor or the head of *Si/Gun* may entrust the survey work as prescribed in paragraphs (1) and (2) to a specialized groundwater-related survey institute (hereinafter referred to as the "specialized groundwater survey institute"). <Amended by Act No. 5955, Mar. 31, 1999; Act No. 7569, May 31, 2005>

(5) In a case where the Minister of Construction and Transportation, the head of a relevant central administrative agency, the Mayor/Do governor or the head of *Si/Gun* deems it necessary for performing the tasks, under their jurisdiction, relating to groundwater, he may ask relevant agencies to submit the survey materials as prescribed in paragraphs (1), (2) and (4), or may ask them to cooperate under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 7569, May 31, 2005>

(6) Under the conditions as prescribed by the Presidential Decree, the Minister of Construction and Transportation shall comprehensively manage the survey materials as prescribed in paragraphs (1), (2) and (4), and have them available to the relevant agencies or the person who develops and utilizes groundwater.

(7) If the head of *Si/Gun* intends to make such consultation as prescribed in paragraph (3), he shall consult with the Mayor/Do governor in advance. <Newly Inserted by Act No. 5955, Mar. 31, 1999>

Article 5-2 (Informatization of Preservation and Management of Groundwater)

(1) The Minister of Construction and Transportation may build and operate the groundwater information system in order to efficiently utilize the groundwater survey data under Article 5 and other data required for preservation and management of groundwater.

(2) The Minister of Construction and Transportation shall, when he intends to build the groundwater information system under paragraph (1), consult in advance with the Minister of Environment.

(3) Matters necessary for the scope of building the groundwater information system under paragraph (1) and for the procedures for its operation shall be prescribed by the Presidential Decree.

(4) The Minister of Construction and Transportation may let a specialized groundwater survey institute act as an agent for the business regarding establishment and operation of the groundwater information system prescribed in paragraph (1). <Newly Inserted by Act No. 7569, May 31, 2005>
[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 6 (Establishment of Basic Plan for Management of Groundwater)

(1) The Minister of Construction and Transportation shall establish the ten-year basic plan for the management of groundwater (hereinafter referred to as the "basic plan") which includes the following matters for the purpose of systematic development/utilization and efficient preservation/management of groundwater: <Amended by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

1. The characteristics in reserve and amount of exploitable groundwater;
2. The actual conditions of utilization of groundwater;
3. The utilization plan for groundwater;
4. The preservation plan for groundwater;
 - 4-Plans for quality control and purification of groundwater; and
- 2.
5. Other matters concerning the management of groundwater.

(2) The Minister of Construction and Transportation shall examine the feasibility of the basic plan every fifth year since the establishment of the plan and shall, if necessary, modify it. <Newly Inserted by Act No. 7569, May 31, 2005>

(3) The Minister of Environment shall devise the plan for quality control and purification of groundwater under paragraph (1) 4-2, and notify the Minister of Construction and Transportation thereof. <Newly Inserted by Act No. 6368, Jan. 16, 2001>

(4) The basic plan shall contain the matters concerning hot spring water under the Hot Spring Act, water for agricultural and fishing villages (limited to the case of groundwater) under the Rearrangement of Agricultural and Fishing Villages Act, drinking fountain water under the Management of Drinking Water Act, and groundwater in *Jeju-do* area under the Special Act on Jeju Free International City. In this case, the Minister of Government Administration and Home Affairs, the Minister of Agriculture and Forestry, and the Minister of Environment shall respectively notify in advance the Minister of Construction and Transportation of the actual conditions of and plans, etc. for the management of groundwater pursuant to the related Acts. <Newly Inserted by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(5) Intending to establish the basic plan as prescribed in paragraph (1), the Minister of Construction and Transportation shall, in advance, listen to the opinion of the Mayor/*Do* governor and consult with the head of a relevant central administrative agency. This provision shall also apply to the case where the established basic plan is altered: *Provided*, That this shall not apply to the case of modifying the insignificant matters as prescribed by the Presidential Decree.

(6) Having established the basic plan, the Minister of Construction and Transportation shall, without any delay, give a public notice of it and notify the relevant agencies thereof under the conditions as prescribed by the Presidential Decree. This provision shall apply to the case where the established basic plan is altered (except for the case of modifying the insignificant matters under

the proviso of paragraph (5). *<Amended by Act No. 7569, May 31, 2005>*

(7) The head of a related central administrative agency shall, in conducting the development, utilization, preservation and management of groundwater pursuant to the related Acts, ensure to make such conducts meet the basic plan. *<Newly Inserted by Act No. 6368, Jan. 16, 2001>*

(8) Matters necessary for the procedure, etc. for devising the basis plan shall be prescribed by the Presidential Decree. *<Newly Inserted by Act No. 6368, Jan. 16, 2001>*

Article 6-2 (Devisal and Execution of Plans for Management of Regional Groundwater)

(1) The Mayor/*Do* governor shall, under the basic plan, devise the plans for management of regional groundwater in the competent districts (hereinafter referred to as the "regional management plans"), and obtain approval of the Minister of Construction and Transportation. This shall apply to the case of intending to change the devised regional management plans: *Provided*, That this shall not apply to the case where intending to change the minor matters as prescribed by the Presidential Decree.

(2) The head of *Si/Gun* may, in a case where there occur groundwater problems prescribed by the Presidential Decree such as lowering of the water level or water pollution within his jurisdiction, devise the regional management plans after going through the consultation with the Mayor/ *Do* governor and then request the Minister of Construction and Transportation to approve them. *<Newly Inserted by Act No. 7569, May 31, 2005>*

(3) The Minister of Construction and Transportation shall, when he intends to approve the regional management plans under paragraph (1) or (2), consult in advance with the Minister of Environment. *<Amended by Act No. 7569, May 31, 2005>*

(4) The Mayor/*Do* governor or the head of *Si/Gun* shall, when he has obtained approval for the regional management plans under paragraph (1) or (2), without delay announce it publicly under the conditions as prescribed by the Presidential Decree. In this case, the former shall notify the head of related administrative agency and the head of *Si/Gun* thereof, and the latter the Mayor/*Do* governor. The same shall apply when the devised regional management plans are altered (except for the case of modifying the insignificant matters under the proviso of paragraph (1)). *<Amended by Act No. 7569, May 31, 2005>*

(5) The regional management plans shall contain the matters of each subparagraph of Article 6 (1) and those for controlling the volume of groundwater in the competent areas.

(6) Matters necessary for the procedure for devising the regional management plans shall be prescribed by the Presidential Decree.

(7) The Mayor/*Do* governor or the head of *Si/Gun* may let a specialized groundwater survey institute perform as an agent the business concerning devising the regional management plans. *<Newly Inserted by Act No. 7569, May 31, 2005>*

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 7 (Permit on Development and Utilization of Groundwater)

(1) Any person who desires to develop and utilize groundwater shall, in advance, obtain the permit for doing so from the head of *Si/Gun* under the conditions as prescribed by the Presidential Decree: *Provided*, That this provision shall not apply to the case falling under any one of the following subparagraphs: <Amended by Act No. 5955, Mar. 31, 1999; Act No. 7569, May 31, 2005>

1. In a case where he utilizes naturally-springing groundwater or incidentally-developed groundwater by permitted, licensed or reported projects under other Acts;
2. In a case where he develops and utilizes a private well or public well without using a power-driven equipment;
3. In a case where he obtains the permit under Article 13 (1) 1; and
4. Deleted. <by Act No. 6368, Jan. 16, 2001>

(2) Any person who desires to apply for the permit as provided in paragraph (1) shall first go through the groundwater impact investigation initiated by the groundwater impact investigation agency as prescribed in Article 27, and then, submit the investigation report made by the groundwater impact investigation agency to the head of *Si/Gun* who shall, in his turn and under the Presidential Decree, examine the investigation report and reflect the result of his examination in the content of the permit. In this case, the Mayor/*Do* governor shall examine it in view of the basic plan and the regional management plans. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001>

(3) In one of the following cases, the head of *Si/Gun* may not grant the permit as prescribed in paragraph (1) or may put a limitation on the volume of groundwater to be collected: <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6655, Feb. 4, 2002; Act No. 7569, May 31, 2005>

1. In a case where it is apprehended to exhaust the water sources of the neighboring area or cause subsidence of ground thereof, or where it is apprehended to inflict a damage on the safety of the surrounding facilities;
2. In a case where it is apprehended to pollute groundwater or to destroy the natural ecosystem;
3. In a case where it is apprehended to damage the proper management of groundwater, or the urban management planning or other public business, etc. under the National Land Planning and Utilization Act; and
4. Other cases which are admittedly necessary for the preservation of groundwater and which are prescribed by the Presidential Decree.

(4) Having decided not to grant the permit as prescribed in paragraph (3), the head of *Si/Gun* shall notify in writing the applicant concerned of the reasons therefor. <Amended by Act No. 5955, Mar. 31, 1999>

(5) The head of *Si/Gun* may, where deemed specially necessary for the preservation of groundwater, grant a permit pursuant to paragraph (1) on condition that he shall undergo the

inspection upon the completion of construction. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001>

(6) The provisions of paragraphs (1) through (5) shall be applied *mutatis mutandis* to the case where an alteration is to be made to what is prescribed by the Presidential Decree among the permitted matters: *Provided*, That if the development and utilization of groundwater falls under Article 8 (1) 2 or 5 due to the alteration of the permitted matters, the groundwater may continue to be used after reporting to the head of *Si/Gun* as prescribed in Article 8 (1). <Amended by Act No. 7569, May 31, 2005>

(7) The categories, methods, evaluation criteria of the groundwater impact investigation, and the guidelines for and contents of the investigation report and other necessary matters, as provided in paragraph (2), shall be determined by the Presidential Decree.

Article 7-2 (Permit for Development and Utilization of Groundwater in Vicinity of Rivers)

(1) Where the head of *Si/Gun* deems that groundwater is developed and utilized within the scope as prescribed by the Presidential Decree from the river area under Article 2 (1) 2 of the River Act in granting a permit under Article 7 (1), he shall consult in advance with the management agency of the relevant river under Article 12 of the River Act, by appending the investigation report under Article 7 (2). <Amended by Act No. 7569, May 31, 2005>

(2) The river management agency under paragraph (1) may, where deemed that the development and utilization of the relevant groundwater bring an impact to flowing volume of a river, request the restriction on the intake volume and intake hours and the prohibition of intake, etc. to the head of *Si/Gun*, and the head of *Si/Gun* shall comply with it unless there exist any special reasons. In this case, the river management agency shall, where it is obvious that the vested river user under Article 34 of the River Act suffers losses due to the relevant permit, have the applicant for the permit obtain the consent of the vested river user. <Amended by Act No. 7569, May 31, 2005>

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 7-3 (Valid Term of Permit for Development and Utilization of Groundwater)

(1) The valid term of the permit for the development and utilization of groundwater under Article 7 (1) shall be for 5 years.

(2) The head of *Si/Gun* may, upon an application of the receiver of the permit for the development and utilization of groundwater, grant a permit for extending the valid term. In this case, the relevant extended period shall be for 5 years.

(3) Matters necessary for the procedure, etc. for an application for extending the valid term under paragraph (2) shall be prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 8 (Report on Development and Utilization of Groundwater)

(1) In one of the following cases, any person who intends to develop and utilize groundwater may, under the conditions as prescribed by the Presidential Decree, do so after making report thereon to the head of *Si/Gun*, notwithstanding the provisions of Article 7: <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

1. In a case where groundwater is to be developed and utilized at the site of the facilities installed by the national defense and military installation projects as prescribed in Article 2 of the National Defense and Military Installations Projects Act;
2. In a case where groundwater is to be developed and utilized below the scale as prescribed by the Presidential Decree for the purpose of running the agricultural business under subparagraph 1 of Article 3 of the Framework Act on Agriculture and Rural Community or the fishery business under subparagraph 1 of Article 2 of the Act on the Special Measures for Development of Agricultural and Fishing Villages;
3. In a case where the head of *Si/Gun* admits the necessity of urgent development and utilization of groundwater due to an accident or other natural disasters;
4. In a case where the State or a local government is to develop and utilize groundwater as the water to be supplied at the time of emergency by way of precaution against the time of war or other emergencies; and
5. In a case, other than those of subparagraphs 1 through 4, where groundwater is to be developed and utilized below the scale as prescribed by the Presidential Decree.

(2) In a case where an alteration is to be made to the important matters as prescribed by the Presidential Decree among the matters reported under paragraph (1), a report thereon shall be made to the head of *Si/Gun*: *Provided*, That permission shall be acquired from the head of *Si/Gun* as prescribed in Article 7 unless the development and utilization of groundwater fall under any subparagraphs of paragraph (1) due to the alteration of the permitted matters. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 7569, May 31, 2005>

(3) The head of *Si/Gun* may, where the development and utilization of groundwater under paragraph (1) fall under any of the subparagraphs of Article 7 (3), restrict the intake volume and intake period based upon the results of the groundwater impact investigation performed by the groundwater impact investigation agency under Article 27, and take the necessary measures such as a corrective order, the order to suspend the use or the order for joint utilization under the conditions as prescribed by the Presidential Decree, and, order the person failing to comply with it without any justifiable reasons to close his facilities. <Newly Inserted by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

Article 8-2 (Loss of Effect of Report)

In the following cases, the report on the development and utilization of groundwater as prescribed in Article 8 shall loss its effect. In this case, the head of *Si/Gun* shall notify the reporter of the

matters related to the loss of effect without any delay:

1. In a case where the reporter notifies the head of *Si/Gun* of the fact that he does not intend to develop and utilize groundwater, or the head of *Si/Gun* ascertains it; and
2. In a case where the construction does not start without justifiable reasons within three months from the date of report, or the construction continues to be suspended for three months or longer after the start.

[This Article Newly Inserted by Act No. 7569, May. 31, 2005]

Article 9 (Report on Completion of Construction Work)

(1) When any person who has obtained the permit under Article 7 or any person who has made the report under Article 8 completes the relevant construction work, he shall make the report thereon to the head of *Si/ Gun* under the conditions as prescribed by the Presidential Decree. *<Amended by Act No. 5955, Mar. 31, 1999>*

(2) The head of *Si/Gun* may order correction or take necessary steps as prescribed by the Presidential Decree when the construction work is not completed as permitted under Article 7 or as reported under Article 8, and different from the reported matters under paragraph (1) including the location of the development and utilization facilities, etc. as prescribed by the Presidential Decree, or may order the person who fails to perform them without justifiable reasons to shut down the development and utilization facilities. *<Newly Inserted by Act No. 7569, May 31, 2005>*

Article 9-2 (Utilization, etc. of Flowing-out Groundwater)

(1) Persons intending to install the underground structures such as the subway or tunnels, or those intending to install the structures and other facilities beyond the scale as prescribed by the Ordinance of the Ministry of Construction and Transportation, shall, where groundwater flows out due to them, take measures to reduce it.

(2) Notwithstanding the measures under paragraph (1), where groundwater flows out beyond the scale as prescribed by the Ordinance of the Ministry of Construction and Transportation after the completion of construction works for relevant facilities or structures, etc., he shall devise the plans for making it use for such usages as prescribed by the Presidential Decree under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation, and report thereon to the head of *Si/Gun*.

(3) The head of *Si/Gun* shall issue the order for improvements with fixing the period under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation, to the persons who fail to take measures to reduce the flowing-out groundwater under paragraph (1), or those who fail to devise the plans for using the flowingout groundwater under paragraph (2), or those who is deemed to use a remarkably small quantity of the flowing-out groundwater.

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 9-3 (Report on Completion of Development and Utilization of Groundwater)

Persons who obtain the permit or approval, etc. pursuant to this Act or other Acts, or who develop and utilize groundwater after making a report thereon shall, where they fall under Article 15 (1) 3 through 5, make a report thereon to the head of *Si/Gun* under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation.

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 9-4 (Report, etc. on Excavation Affecting Groundwater)

(1) A person who intends to excavate a land in order to perform the activities falling under any of the following subparagraphs shall in advance make a report on their details to the head of *Si/Gun*, under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation. The same shall apply to the case where such important items as prescribed by the Presidential Decree among the reported matters are to be altered, or the related acts have been completed: <Amended by Act No. 7569, May 31, 2005>

1. Survey of groundwater under Article 5;
2. Groundwater impact investigation under Article 7 (2);
3. Water quality measurement under Article 16-2 (1); and
4. Other acts as prescribed by the Presidential Decree, such as those affecting the volume and quality of groundwater.

(2) The head of *Si/Gun* may request the person who has reported under paragraph (1) to furnish the data required for the groundwater management, such as soil quality and water volume, etc., following the excavation of the land, and the person in receipt of such a request shall comply with it unless there exist any special reasons.

(3) The head of *Si/Gun* may, where the excavation activities under paragraph (1) affect the volume or quality of groundwater to the extent as prescribed by the Presidential Decree or are likely to do so, order an improvement of facilities, or take the necessary measures.

(4) Matters necessary for the report on a land excavation under paragraph (1) and the procedure for furnishing the data required for groundwater management under paragraph (2) shall be prescribed by the Ordinance of the Ministry of Construction and Transportation.

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 9-5 (Post Management, etc. of Facilities for Development and Utilization of Groundwater)

(1) A person who develops and utilizes groundwater after obtaining permit or license, or making reports as prescribed by this Act or other Acts shall take necessary measures for post management such as the maintenance of the development and utilization facilities to preserve the quality of the groundwater, etc.

(2) A person who intends to perform post management under paragraph (1) shall report to the head of *Si/Gun* under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation. The same shall apply where the related actions are completed.

(3) The head of *Si/Gun* may take necessary steps such as corrective order or suspension of use as prescribed by the Presidential Decree against a person who fails to perform post management or makes any false report.

(4) Facilities subject to post management, uses, inspection frequency and other necessary items prescribed in paragraph (1) shall be determined by the Presidential Decree.

[This Article Newly Inserted by Act No. 7569, May 31, 2005]

Article 10 (Revocation of Permit, etc.)

(1) In a case where any person who has obtained the permit under Article 7 falls under one of the following cases, the head of *Si/Gun* may revoke the permit: *Provided*, That where said person falls under the provisions of subparagraph 1, 8 or 9, the Mayor/*Do* governor shall revoke the permit:

<Amended by Act No. 5955, Mar. 31, 1999; Act No. 7569, May 31, 2005>

1. In a case where he has obtained a permit for the development and utilization of groundwater in an unjust method;
2. In a case where he falls under one of subparagraphs of Article 7 (3);
3. In a case where he violates the conditions as prescribed in Article 7 (5);
4. In a case where he fails to make a report on the completion of construction work as prescribed in Article 9 (1) or makes any false report;
5. In a case where he fails to start the construction work, without any justifiable reason, within three months after the date on which the permit was given, or stops the construction work for three or more consecutive months since the construction work was started;
6. In a case where groundwater is not found at the place excavated for the development and utilization of groundwater;
7. In a case where it is impossible to develop and utilize groundwater because the quality of groundwater is bad;
8. In a case where it is impossible to develop and utilize groundwater as permitted;
9. In a case where he has completed the development and utilization of groundwater; and
10. In a case where he fails to comply with the orders to suspend the use of groundwater or improve the quality of groundwater issued under Article 20 (2).

(2) The degree of the bad quality of groundwater as provided in paragraph (1) 7 shall be determined by the Presidential Decree. *<Amended by Act No. 7569, May 31, 2005>*

(3) Before revoking the permit as prescribed in paragraph (1), the head of *Si/Gun* may give the correction order or take other necessary measures with fixing a period under the conditions as prescribed by the Presidential Decree: *Provided*, That this provision shall not apply to the cases of

paragraph (1) 1, 8 and 9. <Amended by Act No. 5955, Mar. 31, 1999>

(4) Having decided to revoke the permit as prescribed in paragraph (1), the head of *Si/Gun* shall notify in writing the person whose permit is revoked of the reasons therefor. <Amended by Act No. 5955, Mar. 31, 1999>

Article 11 Deleted. <by Act No. 5955, Mar. 31, 1999>

CHAPTER III PRESERVATION AND MANAGEMENT OF GROUNDWATER

Article 12 (Designation of Groundwater Preservation Area)

(1) The Mayor/*Do* governor may, where deemed necessary for the preservation and management of groundwater, designate an area that falls under any of the following subparagraphs as the groundwater preservation area: <Amended by Act No. 7569, May 31, 2005>

1. Areas at the upper reaches of a stream which is connected hydraulically to the lower reaches where groundwater is consumed;
2. Areas having an aquifer abundant with groundwater serving as a main water supply source;
3. Areas whose water quality is likely to be lowered as the facilities falling under Article 13 (1) 2 are installed within a radius as prescribed by the Presidential Decree from the center of facilities to develop and utilize groundwater for public water supply as prescribed by the Presidential Decree;
4. Areas where deemed that the developed and utilized volume of groundwater is remarkably higher than the available volume of groundwater as determined by the basic plan or regional management plans;
5. Areas where, due to the excessive development and utilization of groundwater, such phenomena occur, or are likely to occur, as the exhaustion of groundwater, subsidence of ground, or formation of dry stream;
6. Areas where, due to the development and utilization of groundwater, serious harmful impacts are given, or likely to be given, to the rearing of ecosystem; and
7. Other areas as are required for the preservation of volume and quality of groundwater, which are prescribed by the Presidential Decree.

(2) When the Mayor/*Do* governor intends to designate a groundwater preservation area or alter the designation, he shall consult with the head of a relevant administrative agency: *Provided*, That this provision shall not apply to the case where an alteration is to be made to the insignificant matters as prescribed by the Presidential Decree.

(3) In a case where it is necessary to designate a groundwater preservation area which extends beyond the spheres of jurisdiction of not less than two Special Metropolitan Cities, Metropolitan

Cities, or *Dos*, the relevant Mayors/*Do* governors shall jointly designate it through a consultation with each other or determine the person who designates it.

(4) In a case where the consultation as prescribed in paragraph (3) has not led to an agreement, the Minister of Construction and Transportation shall designate the person who designates the groundwater preservation area concerned through a consultation with the head of the relevant central administrative agency, and then give a public notice of his designation.

(5) Having designated a groundwater preservation area or altered the designation in accordance with the provisions of paragraph (1), the Mayor/*Do* governor shall give, without any delay, a public notice of what he has done, and report it to the Minister of Construction and Transportation, and notify the head of *Si/Gun* thereof in order to have it available for public perusal. <Amended by Act No. 5955, Mar. 31, 1999>

(6) The Minister of Construction and Transportation may, where the area falling under any subparagraph of paragraph (1) come to fall under any of the following subparagraphs, order the Mayor/*Do* governor to designate such area as the groundwater preservation area: <Newly Inserted by Act No. 6368, Jan. 16, 2001>

1. Area in need of a designation as the groundwater preservation area in order to preserve and manage groundwater, and yet which is deemed to be likely to impede in its preservation and management of groundwater, as it has not been designated as such;
2. Area requested by the Minister of Environment for a water quality preservation; and
3. Other areas as deemed necessary for the preservation and management of groundwater, which are prescribed by the Presidential Decree.

(7) The Mayor/*Do* governor shall, where he has designated the groundwater preservation area, devise and execute the countermeasure for the preservation and management of groundwater. <Newly Inserted by Act No. 6368, Jan. 16, 2001>

(8) The scope of, procedures for, or other necessary matters for the designation of the groundwater preservation area shall be determined by the Presidential Decree.

Article 12-2 (Collection of Residents' Opinions)

(1) The Mayor/*Do* governor shall collect opinions of the residents when intending to designate the groundwater preservation areas or alter the designation thereof under Article 12, and shall reflect them when deemed appropriate: *Provided*, That this shall not apply to such matters that require confidentiality for national defense or security (limited to the cases where the head of the central administrative agency concerned makes a request), or such minor matters as prescribed by the Presidential Decree.

(2) Matters necessary for collecting opinions of the residents under paragraph (1) shall be determined by the Municipal Ordinance of a Special Metropolitan City, a Metropolitan City or a *Do* in accordance with the standards as prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7569, May 31, 2005]

Article 13 (Prohibition of Actions within Groundwater Preservation Area)

(1) Any person who desires to do the following acts within the groundwater preservation area shall obtain a permit for it from the head of *Si/Gun*: *Provided*, That where the facilities under subparagraph 2 are installed by obtaining an approval or permit under the related Acts, it shall be deemed to have obtained a permit: *<Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>*

1. The act of developing and utilizing groundwater in excess of such scale as prescribed by the Presidential Decree within the scope of extents which are supposed to be reported as provided in Article 8 (1) 5;
2. The act of installing the facilities which discharge, manufacture or store the following substances and which are prescribed by the Presidential Decree:
 - (a) The specified substances hazardous to the water quality as prescribed in subparagraph 3 of Article 2 of the Water Conservation Act;
 - (b) The wastes as prescribed in subparagraph 1 of Article 2 of the Wastes Control Act;
 - (c) The sewage, excreta, and livestock wastewater as prescribed in subparagraphs 1 through 3 of Article 2 of the Act on the Disposal of Sewage, Excreta and Livestock Wastewater;
 - (d) The toxic chemicals as prescribed in subparagraph 2 of Article 2 of the Toxic Chemicals Control Act; and
 - (e) The soil pollutants as prescribed in subparagraph 2 of Article 2 of the Soil Environment Conservation Act; and
3. The act which will bring about such apparent dangers as the lowering of the groundwater level, pollution of the groundwater quality, or subsidence of the ground, and which is prescribed by the Presidential Decree.

(2) The head of *Si/Gun* may, under the conditions as prescribed by the Presidential Decree, prohibit the development and utilization of a new groundwater in the groundwater preservation area.

<Newly Inserted by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(3) The provisions of Articles 7, 9 and 10 shall be applied *mutatis mutandis* to the permit as prescribed in paragraph (1). *<Amended by Act No. 5955, Mar. 31, 1999>*

Article 14 (Deposit of Guaranty Money)

(1) Any person, who develops and utilizes groundwater with the necessary permit or authorization obtained or the necessary report made in accordance with this Act or other Acts, shall deposit the guaranty money as a security on the work for the restoration to the original state: *Provided*, That this provision shall not apply to the case of one of the following subparagraphs: *<Amended by Act No. 7569, May 31, 2005>*

1. In a case where groundwater is developed and utilized by the State, a local government, or a government-invested institution as prescribed by the Framework Act on the Management of Government-Invested Institutions; and
 2. Other cases which ensure the restoration to the original state and which are prescribed by the Presidential Decree.
- (2) Necessary matters concerning the amount, period, method, procedures of the deposit of the guaranty money, and the return of the deposited guaranty money shall be determined by the Presidential Decree.

Article 15 (Restoration to Original State, etc.)

(1) In a case where any person, who develops and utilizes groundwater with the necessary permit or authorization obtained or with the necessary report made in accordance with this Act or other Acts (including the person who does the act falling under one of the subparagraphs of Article 13 (1) with the permit obtained under Article 13), falls under one of the following specifications, he shall restore the facilities and land concerned to its original state: *Provided*, That this provision shall not apply to the case where the restoration to the original state is not necessary and which is, at the same time, prescribed by the Presidential Decree: <Amended by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

1. In a case where the permit or authorization as prescribed in this Act or other Acts is revoked;
 2. In a case where the period allowed for the development and utilization under this Act or other Acts is completed;
 3. In a case where groundwater is not found at the place excavated for the development and utilization of groundwater;
 4. In a case where it is impossible to develop and utilize groundwater because the quality of groundwater is bad;
 5. In a case where the development and utilization of groundwater are completed;
 - 5-In a case where a land has been excavated by making a report under Article 9-4, and where
 2. the actions falling under any subparagraph of paragraph (1) of the same Article are completed;
 - 5-In a case where the effect of the report is lost under Article 8-2; and
 - 3.
 6. Other cases as are required for the restoration to the original state, which are determined by the Presidential Decree.
- (2) When any person, who is responsible to restore the original state in accordance with the provisions of paragraph (1), has not fulfilled his responsibility without any justifiable reason, the head of *Si/Gun* shall order the restoration to the original state after designating the period during which the restoration is to be made. <Amended by Act No. 5955, Mar. 31, 1999>
- (3) The head of *Si/Gun* shall issue to the person falling under one of the following subparagraphs

the order for restoration to the original state after designating the period during which the restoration is to be made: <Amended by Act No. 5955, Mar. 31, 1999; Act No. 7569, May 31, 2005>

1. The person who develops and utilizes groundwater without the necessary permit or authorization obtained when he is supposed to obtain the permit or authorization for developing and utilizing groundwater under this Act or other Acts; and
2. The person who develops and utilizes groundwater without the necessary report made or with the report made in a false manner when he is supposed to make a report on the development and utilization of groundwater under this Act or other Acts: *Provided*, That this shall not apply to any person who reports in order to continue to use groundwater under this Act before a restoration order is given.

(4) The head of *Si/Gun* shall, where falling under any of the following subparagraphs, directly restore the relevant facilities and land to the original state on behalf of the person liable for a restoration to original state under the conditions as prescribed by the Presidential Decree. In this case, the guaranty money under Article 14 may be spent for the restoration to the original state under subparagraph 1: <Newly Inserted by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

1. Where an urgent restoration to the original state is required as the person liable for a restoration to the original state fails to comply with the order for a restoration to the original state under paragraph (2); or
2. Where the facilities for the development and utilization of groundwater or those for the land excavation are abandoned as the person liable for a restoration to the original state is obscure.

(5) Necessary matters concerning the criteria, method, period, etc. of the restoration to the original state as prescribed in paragraphs (1) through (4) shall be determined by the Presidential Decree. <Amended by Act No. 6368, Jan. 16, 2001>

Article 16 (Order for Preventing Pollution of Groundwater, etc.)

(1) Any person, who develops and utilizes groundwater with the necessary permit or authorization obtained or with the necessary report made under this Act or other Acts (including the person who does the act falling under one of the subparagraphs of Article 13 (1) with the permit obtained under Article 13), shall install the facilities necessary for preventing pollution of groundwater, or take other necessary measures, under the conditions as prescribed by the Presidential Decree.

(2) In a case where the Minister of Environment or the head of *Si/Gun* deems it particularly necessary for preventing pollution of groundwater, he may issue, under the conditions as prescribed by the Presidential Decree, the order for taking necessary measures for preventing pollution of groundwater to the installer or manager of the facilities which pollute groundwater or which are apprehended to remarkably pollute groundwater. <Amended by Act No. 5955, Mar. 31, 1999>

Article 16-2 (Prevention of Pollution by Facilities Inducing Groundwater Pollution)

(1) The installer or manager (hereinafter referred to as the "manager of facilities inducing groundwater pollution") of the facilities falling under any of the following subparagraphs (hereinafter referred to as the "facilities inducing groundwater pollution") which pollute groundwater, or are likely to pollute groundwater remarkably, shall take the measures for preventing groundwater pollution and install the observation well for the groundwater pollution, and execute the water quality measurement, and then make a report on the measurements results to the head of *Si/Gun*, under the conditions as prescribed by the Presidential Decree:

1. Facilities as prescribed by the Ordinance of the Ministry of Environment, which are installed in the groundwater preservation area; and
2. Facilities as prescribed by the Ordinance of the Ministry of Environment, which need a continued observation on whether or not they pollute groundwater in order to prevent groundwater pollution.

(2) The manager of facilities inducing groundwater pollution shall, where such groundwater pollution as prescribed by the Presidential Decree is feared to occur or such pollution occurs in the course of operating the relevant facilities, take without delay pertinent measures, and report thereon to the head of *Si/Gun*. In this case, the head of *Si/Gun* shall investigate and verify the reported details, and contrive the pertinent countermeasures, such as the prevention of pollution, etc.

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 16-3 (Measures against Manager of Facilities Inducing Groundwater Pollution)

(1) The Minister of Environment or the head of *Si/Gun* shall, where the groundwater quality comes not to meet the criteria as prescribed by the Ordinance of the Ministry of Environment as a result of the quality measurement under Article 16-2 (1), order the manager of facilities which have provided the causes for groundwater pollution to conduct the purification work capable of restoring the groundwater quality and take other necessary measures, under the conditions as prescribed by the Presidential Decree.

(2) The Minister of Environment or the head of *Si/Gun* may, where the manager of facilities inducing groundwater pollution fails to comply with the order under paragraph (1) or the level of groundwater pollution in the relevant site and its neighboring areas is not lowered within the purification standards for polluted groundwater as prescribed by the Ordinance of the Ministry of Environment after such a purification work, suspend the operation and use of the relevant facilities inducing the pollution, or order to close, remove or relocate them.

(3) Matters necessary for the procedure for measures against the manager of facilities inducing groundwater pollution under paragraph (1) shall be prescribed by the Presidential Decree.

(4) The head of *Si/Gun* may perform the purification work directly when it is unclear who is the manager of the facilities inducing groundwater pollution, or when it is deemed difficult for him to

purify the polluted groundwater. <Newly Inserted by Act No. 7569, May 31, 2005>

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 16-4 (Approval, etc. of Purification Plans for Polluted Groundwater)

(1) The manager of facilities inducing groundwater pollution shall, where he purifies the polluted groundwater under Article 16-2 (2) or has received an order for purification under Article 16-3 (1), make it to meet the purification standards for polluted groundwater as prescribed by the Ordinance of the Ministry of Environment, and devise the purification plan for polluted groundwater under the conditions as prescribed by the Presidential Decree, and submit it to the head of *Si/Gun* and obtain his approval therefor. Of the approved matters, the same shall apply where intending to change the important matters as prescribed by the Ordinance of the Ministry of Environment.

(2) The head of *Si/Gun* shall, where he grants an approval under paragraph (1), specify the execution period of purification projects.

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 17 (Observation and Survey, etc. on Groundwater)

(1) The Minister of Construction and Transportation shall conduct a survey on the changes in the water-level of groundwater under the conditions as prescribed by the Presidential Decree, by installing the nationwide groundwater observation facilities (hereinafter referred to as the "national observation networks"). <Amended by Act No. 6368, Jan. 16, 2001>

(2) The head of *Si/Gun* shall install the regional groundwater observation facilities which are auxiliary to the national observation networks (hereinafter referred to as the "auxiliary observation networks") in order to grasp and analyze the changes in the water-level of groundwater in his competent area. <Newly Inserted by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(3) The head of *Si/Gun* shall, where he intends to install the auxiliary observation networks under paragraph (2), devise the installation plan for auxiliary observation networks containing the location of observation networks, structural drawing, observation equipment, etc. and notify the Minister of Construction and Transportation and the Mayor/*Do* governor thereof. <Newly Inserted by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(4) The Minister of Construction and Transportation and the head of *Si/Gun* shall determine and publicly announce the installation plans for observation networks specifying the location of observation networks, structural drawing, observation items, etc. under paragraphs (1) and (2), and have them available for a perusal by the general public. This shall also apply to the case where intending to change the installation plan for observation networks: *Provided*, That when the Minister of Construction and Transportation and the head of *Si/Gun* publicly announces the basic plan with the installation plan of observation networks included, they shall be deemed to have notified such plan. <Newly Inserted by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(5) Where the installation zone of observation networks under paragraphs (1) and (2) is identical with that of the water quality measurement networks under Article 18, they shall be made to operate under the mutual connections. <Newly Inserted by Act No. 6368, Jan. 16, 2001>

(6) The head of *Si/Gun* shall conduct a research on the conditions of using groundwater, within the sphere of his jurisdiction, in terms of its volume and quality, etc. as prescribed by the Presidential Decree, and then report the result of the research to the Minister of Construction and Transportation and the relevant Mayor/*Do* governor. In this case, the Minister of Construction and Transportation shall notify the Minister of Environment of its details. <Amended by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(7) When the head of a relevant central administrative agency or the head of a local government has given the permit on or authorization of the development and utilization of groundwater or has received a report thereon under the relevant Acts, he shall notify the head of *Si/Gun* thereof, under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation, for the survey on the usage of groundwater as prescribed in paragraph (6). <Amended by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(8) The Minister of Construction and Transportation and the head of *Si/Gun* shall take such necessary measures as request for designation of the groundwater preservation area pursuant to the Presidential Decree when it is deemed that the water-level continues to lower as a result of a survey on the changes in the water-level of groundwater under paragraphs (1) and (2). <Newly Inserted by Act No. 7569, May 31, 2005>

(9) Matters necessary for the installation criteria for observation networks, number of the observation networks, observation methods, etc. under paragraphs (1) through (3) shall be prescribed by the Presidential Decree. <Newly Inserted by Act No. 6368, Jan. 16, 2001>

Article 18 (Measurement of Degrees of Water Quality Pollution)

(1) The Minister of Environment shall conduct the measurement of the degrees of groundwater quality pollution of the whole nation for the preservation of groundwater quality by installing the water quality measurement facilities for groundwater (hereinafter referred to as the "water quality measurement networks"), and then notify the Minister of Construction and Transportation of the result of such measurement. <Amended by Act No. 6368, Jan. 16, 2001>

(2) Matters necessary for the installation criteria for the water quality measurement networks, installation zones, etc. under paragraph (1) shall be determined by the Ordinance of the Ministry of Environment. <Amended by Act No. 6368, Jan. 16, 2001>

Article 18-2 (Expropriation and Use of Lands, etc.)

(1) The Minister of Construction and Transportation, the Minister of Environment, or the head of *Si/Gun* may, where required for the installation of the groundwater observation facilities and the

water quality measurement networks under Articles 17 and 18, expropriate or use the relevant land or structures fixed thereon. <Amended by Act No. 7569, May 31, 2005>

(2) The procedure for an expropriation or use, the compensation for losses, etc. under paragraph (1) shall be governed by the Act on the Acquisition of Land, etc. for Public Works and the Compensation Therefor. <Amended by Act No. 6656, Feb. 4, 2002; Act No. 7569, May 31, 2005>
[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 19 Deleted. <by Act No. 6368, Jan. 16, 2001>

Article 20 (Inspection, etc. of Quality of Groundwater)

(1) Any person, who develops and utilizes groundwater with the permit obtained under Article 7 or 13 or with the report made under Article 8 and who is as prescribed by the Presidential Decree, shall periodically undergo the inspection of water quality by the specialized inspection agency relating to groundwater. <Amended by Act No. 6368, Jan. 16, 2001>

(2) The Minister of Environment or the head of *Si/Gun* may, where the relevant water quality does not meet the water quality criteria as prescribed by the Ordinance of the Ministry of Environment as a result of water quality inspection under paragraph (1), order the necessary measures such as the suspension of groundwater utilization or water quality improvement, etc., under the conditions as prescribed by the Presidential Decree. <Newly Inserted by Act No. 6368, Jan. 16, 2001>

(3) Necessary matters concerning the categories, standards, and procedures of the inspection of the quality of groundwater and matters concerning the specialized inspection agency, etc. shall be determined by the Presidential Decree.

(4) Any person who has undergone the inspection of water quality under paragraph (1) shall keep on file the statement of inspection results. <Amended by Act No. 6368, Jan. 16, 2001>

Article 21 (Entry Inspection, etc.)

(1) As for the person who develops and utilizes groundwater with the permit obtained under Article 7 or 13 or with the report made under Article 8, and the manager of facilities inducing groundwater pollution, the head of *Si/Gun* may, when he deems it necessary, have them make a report or submit documents necessary for proper supervision, or may have a public official under his jurisdiction enter the facilities for the development and utilization of groundwater to check whether the inspection of water quality is made or not, whether the statement of water quality inspection is kept on file or not, or check on the state of development and utilization of groundwater, or inspect the situation of preventive measures for the groundwater pollution under Article 16-2.

<Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001>

(2) The public official who carries out the inspection under paragraph (1) shall show the voucher indicating his identity to the relevant persons.

CHAPTER IV CONSTRUCTION BUSINESS FOR DEVELOPMENT AND UTILIZATION OF GROUNDWATER

Article 22 (Registration, etc. of Construction Business for Development and Utilization of Groundwater)

(1) Any person, who intends to run the construction business for the development and utilization of groundwater, shall secure the capital, technological capability, facilities, etc. as prescribed by the Presidential Decree, and then, file a registration with the head of *Si/Gun* having jurisdiction over the location of his main office. This provision shall also apply to the case where intending to modify such matters as the trade name or title as provided by the Presidential Decree among the registered matters. *<Amended by Act No. 7569, May 31, 2005>*

(2) Deleted. *<by Act No. 5955, Mar. 31, 1999>*

(3) Any person other than the construction businessmen for the development and utilization of groundwater shall not construct the facilities for the development and utilization of groundwater: *Provided*, That this provision shall not apply to the construction work falling under one of the following subparagraphs: *<Amended by Act No. 7569, May 31, 2005>*

1. and 2. Deleted; *<by Act No. 7569, May 31, 2005>*

3. The construction work which falls under Article 7 (1) 2; and

4. Other insignificant construction works as prescribed by the Presidential Decree.

(4) The construction businessmen for the development and utilization of groundwater shall not construct the facilities for the development and utilization of groundwater without the necessary permit or authorization obtained or without the necessary report made in accordance with this Act or other Acts. *<Newly Inserted by Act No. 7569, May 31, 2005>*

Article 23 (Reasons for Disqualification)

Any person who falls under one of the following subparagraphs may not register the construction business for the development and utilization of groundwater:

1. A person adjudged incompetent and quasi-incompetent person;

2. A person who was adjudged bankrupt and has not yet been reinstated;

3. A person who was sentenced to imprisonment or heavier punishment due to his violation of this Act, and for whom two years have not yet elapsed since the date on which the execution of the punishment was completed (including the cases which are regarded the same thing as the completion of the execution of the punishment) or the execution of the punishment was exempted;

4. A person who is under the suspension of the execution of imprisonment without prison labor or heavier punishment as declared by a court;

5. A person for whom two years have not yet elapsed after the registration of his business was cancelled in accordance with the provisions of Article 25 (1); and

6. A juristic person whose officials fall under one of subparagraphs 1 through 5.

Article 24 (Transfer and Takeover of Construction Business for Development and Utilization of Groundwater)

(1) In a case where the construction businessman for the development and utilization of groundwater has transferred or taken over the construction business for the development and utilization of groundwater or has merged his business with another, he shall make a report thereon to the head of *Si/Gun* under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 7569, May 31, 2005>

(2) The transferee or the juristic person newly established by the merger or continuing to exist after the merger, that made the necessary report in accordance with the provisions of paragraph (1), shall respectively succeed to the status, as the construction businessman of development and utilization of groundwater, of the transferer or of the juristic person that existed before the merger.

(3) In a case where the construction businessman for the development and utilization of groundwater died, and therefore, his heir has succeeded to the status of the dead person as the construction businessman, the heir shall make a report thereon to the head of *Si/Gun* under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 7569, May 31, 2005>

(4) The provisions of Article 23 shall be applied *mutatis mutandis* to the reports as prescribed in paragraphs (1) and (3).

Article 25 (Cancellation, etc. of Registration)

(1) In a case where the construction businessman for the development and utilization of groundwater falls under one of the following subparagraphs, the head of *Si/Gun* may cancel his registration: *Provided*, That in case where he falls under any of subparagraph 1, 6, 7, or 11, the head of *Si/Gun* shall cancel the registration concerned: <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

1. In a case where he has filed the registration, as prescribed in Article 22 (1) in an unjust method;
2. In a case where he has failed to meet the registration criteria referred to in Article 22 (1);
3. In a case where he has failed to file the modified registration as prescribed in Article 22 (1) or filed the modified registration in an unjust method;
4. and 5. Deleted; <by Act No. 5955, Mar. 31, 1999>
6. In a case where he falls under one of the subparagraphs of Article 23: *Provided*, That this shall not apply to the case where a juristic person replaces his official falling under one of subparagraphs 1 through 5 of Article 23 within three months after the fact is found out;
7. In a case where he has violated the provisions of Article 26;
8. and 9. Deleted; <by Act No. 5955, Mar. 31, 1999>
10. In a case where he has not run the construction business for two or more consecutive years;

11. In a case where he has performed, intentionally or by gross negligence, the construction work on the facilities for the development and utilization of groundwater in a flimsy manner; and
12. In a case where there is a request from the State or a local government in accordance with such Acts as the National Tax Collection Act or the Local Tax Act.

(2) The construction businessman for the development and utilization of groundwater, who is subject to such dispositions as the cancellation of registration in accordance with the provisions of paragraph (1), may continue to perform the construction work which started before said disposition is taken, under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5955, Mar. 31, 1999>

(3) Necessary matters concerning procedures, etc. of the cancellation of registration as prescribed in paragraph (1) shall be determined by the Presidential Decree. <Amended by Act No. 5955, Mar. 31, 1999>

Article 26 (Prohibition, etc. of Transfer of Title or Name)

The construction businessman for the development and utilization of groundwater shall not have other persons run, using the title or name of the former's firm, the construction business for the development and utilization of groundwater or neither transfer his registration certificate to other persons.

Article 26-2 (Organization of Businessmen's Association)

(1) Firms related to the development and utilization of groundwater and related experts may establish an organization for the development of technologies related to the development and utilization of groundwater, institutional improvement, and other matters for the sound development of the industry (hereinafter referred to as the "association").

(2) The association shall be a juristic person.

(3) In order to establish an association, not less than ten firms related to the development and utilization of groundwater and related experts shall promote and prepare the article of incorporation at the inaugural general meeting, and file an application for an authorization with the Minister of Construction and Transportation.

(4) The Minister of Construction and Transportation shall, when giving an authorization as prescribed by paragraph (3), announce publicly thereof.

(5) The association shall perform the following business:

1. Investigation and research relating to the development and utilization of groundwater;
2. Technological development and education relating to the development and utilization of groundwater and the preservation of water quality;
3. Publication of various materials relating to the development and utilization of groundwater;
4. Business entrusted by the Minister of Construction and Transportation;

5. National publicity for preservation and management of groundwater, and raising awareness for environment protection; and
 6. Other business necessary for achieving the purposes of establishing the association.
- (6) Necessary matters relating to the articles of incorporation of the association, and guidance and supervision of the association shall be determined by the Ordinance of the Ministry of Construction and Transportation.
- (7) The provisions relating to the incorporated association of the Civil Act shall be applied *mutatis mutandis* to the association except for the matters prescribed in this Act.
- [This Article Newly Inserted by Act No. 7569, May 31, 2005]

CHAPTER V GROUNDWATER IMPACT INVESTIGATION AGENCY

Article 27 (Registration of Groundwater Impact Investigation Agency)

- (1) Any person, who intends to do the business of the groundwater impact investigation necessary for applying for the permit under Article 7 or 13, shall register it with the head of *Si/Gun* having jurisdiction over the location of his main office under the conditions as prescribed by the Presidential Decree. The same shall also apply to the case where intending to change such contents as the trade name or the title as prescribed by the Presidential Decree among the registered matters. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>
- (2) Necessary matters concerning the criteria and procedures, etc. for the registration of the groundwater impact investigation agency as prescribed in paragraph (1) shall be determined by the Presidential Decree. <Amended by Act No. 5955, Mar. 31, 1999>

Article 28 (Disqualifications for Groundwater Impact Investigation Agency)

Any person who falls under one of the following subparagraphs may not make an application for the registration of the groundwater impact investigation agency: <Amended by Act No. 5955, Mar. 31, 1999>

1. Any person who falls under one of subparagraphs 1 through 4 of Article 23;
2. Any person for whom two years have not yet elapsed since the registration of the groundwater impact investigation agency was cancelled under Article 29 (1); and
3. Any juristic person one of whose officials falls under one of subparagraph 1 or 2.

Article 29 (Cancellation, etc. of Registration of Groundwater Impact Investigation Agency)

(1) In a case where the groundwater impact investigation agency falls under one of the following subparagraphs, the head of *Si/Gun* may cancel the registration thereof: *Provided*, That in a case where the agency falls under one of subparagraph 1, 3, 4, or 6, the head of *Si/Gun* shall cancel the registration thereof: <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act

No. 7569, May 31, 2005>

1. In a case where it has obtained the registration in an unjust method;
 - 1-In a case where it fails to make a changed registration under Article 27 (1), or has made a
 2. changed registration in an unjust method;
2. In a case where it fails to meet the criteria for registration as prescribed in Article 27 (2);
3. In a case where it falls under one of the subparagraphs of Article 28: *Provided*, That this shall not apply to the case where a juristic person replaces his official falling under one of Article 28 (1) or (2) within three months after the fact is found out;
4. In a case where it has violated the provisions of Article 30;
5. In a case where it has subcontracted the whole business of groundwater impact investigation;
6. In a case where it has done, intentionally or by gross negligence, the groundwater impact investigation in a flimsy manner;
7. Deleted; and <by Act No. 5955, Mar. 31, 1999>
8. Deleted. <by Act No. 7569, May 31, 2005>

(2) Necessary matters concerning procedures, etc. for the cancellation of registration as prescribed in paragraph (1) shall be determined by the Presidential Decree. <Amended by Act No. 5955, Mar. 31, 1999>

Article 29-2 (Registration of Groundwater Purification Business)

(1) Any person who intends to operate the groundwater purification business shall secure the capital, technological capacity, facilities, etc. as prescribed by the Presidential Decree, and file a registration with the head of *Si/Gun* having jurisdiction over the location of his main office. The same shall also apply to the case where intending to change such contents as the trade name or the title as prescribed by the Presidential Decree among the registered matters. <Amended by Act No. 7569, May 31, 2005>

(2) Any person other than those who have made the registration of groundwater purification business shall not operate the groundwater purification business: *Provided*, That this shall not apply to minor purification work as prescribed by the Presidential Decree. <Amended by Act No. 7569, May 31, 2005>

(3) The provisions of Articles 23 through 26 shall be applicable *mutatis mutandis* to the groundwater purification business. In this case, the term "construction business for the development and utilization of groundwater" shall be read as "groundwater purification business", and "construction businessman for the development and utilization of groundwater" as "groundwater purification businessman".

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 30 (Prohibition, etc. of Transfer of Title or Name)

The groundwater impact investigation agency shall not have other persons conduct, using the title or name of the former, the groundwater impact investigation or neither transfer a registration certificate to other persons. <Amended by Act No. 5955, Mar. 31, 1999>

CHAPTER V-2 SECURING AND MANAGEMENT OF FINANCIAL RESOURCES

Article 30-2 (Establishment of Special Account for Groundwater Management)

(1) A *Si/Gun*/autonomous *Gu* may establish a special account in order to finance working expenses, etc. required for the proper development/utilization and preservation/management of groundwater (hereinafter referred to as the "special account") within its jurisdiction.

(2) The special account shall be established by any of the following financial resources:

1. Subsidy from the Special Metropolitan City, a Metropolitan City or a *Do*;
2. Charges for using groundwater as provided in Article 30-3;
3. Proceeds from the general account or another special account;
4. Loans;
5. Gains generated from the management of the funds as prescribed by subparagraphs 1 through 4;
6. Deposit for performance guarantee as prescribed by paragraph (3); and
7. Fines for negligence as provided in Articles 39 and 40.

(3) The performance guarantee under the provisions of Article 14 deposited in cash shall be deposited in the special account.

(4) The special account shall be used for the following purposes:

1. Survey of groundwater under Article 5;
2. Establishment and execution of the regional management plans;
3. Operation of the groundwater preservation areas;
4. Restoration under Article 15;
5. Purification work for polluted groundwater under Article 16-3;
6. Installation and operation of the auxiliary observation networks, and research on the conditions of using groundwater under Article 17;
7. Redemption of loans under paragraph (2) 4;
8. Return of deposits for performance guarantee under paragraph (3); and
9. Other purposes as prescribed by the Presidential Decree necessary for the preservation and management of groundwater.

(5) Matters necessary for the compilation of the budget, settlement of accounts and operation regarding the special account shall be determined by the Municipal Ordinance of *Si/Gun*/autonomous *Gu*.

(6) The head of *Si/Gun* shall establish an annual operational plan for the special account and report to the Minister of Construction and Transportation and the Mayor/*Do* governor under the conditions as prescribed by the Presidential Decree. The same shall apply to the case where intending to change the established operational plan (except for the minor changes as prescribed by the Presidential Decree).

[This Article Newly Inserted by Act No. 7569, May 31, 2005]

Article 30-3 (Imposition and Collection of Charges for Using Groundwater)

(1) The head of *Si/Gun* may, in order to raise funds needed for the proper development/utilization and preservation/management of groundwater, impose and collect the charges for using groundwater on any person who develops and utilizes groundwater with the necessary permit obtained under Article 7 or with the necessary report made under Article 8: *Provided*, That this provision shall not apply to the case which falls under one of the following subparagraphs:

1. In a case that falls under Article 8 (1) 1, 3 and 4;
2. In a case where groundwater is to be developed and utilized for the purpose of running the agricultural business under subparagraph 1 of Article 3 of the Framework Act on Agriculture and Rural Community or the fishery business under subparagraph 1 of Article 2 of the Act on the Special Measures for Development of Agricultural and Fishing Villages;
3. In a case where groundwater is to be developed and utilized for the purpose of running the general water supply business under subparagraph 17 of Article 3 of the Water Supply and Waterworks Installation Act;
4. In a case where the fees for using flowing-out water are imposed under Article 38 (2) of the River Act; and
5. In a case, other than those of subparagraphs 1 through 4, where groundwater is to be developed and utilized for the purposes and in the scales as prescribed by the Presidential Decree.

(2) The charges for using groundwater under paragraph (1) shall be determined by the Municipal Ordinance of *Si/Gun*/autonomous *Gu* as prescribed by the Presidential Decree within the limit of fifty-hundredths of the charges for using water pursuant to Article 19 of the Act on the Improvement of Water Quality and Support for Residents of the Riverhead of the *Han* River System.

(3) Necessary matters relating to the detailed calculation method, imposition and collection, and payment procedure of the charges for using groundwater as provided in paragraphs (1) and (2) shall be determined by the Municipal Ordinance of *Si/Gun*/autonomous *Gu*.

(4) The head of *Si/Gun* shall, when any person who is obliged to pay the charges for using groundwater as provided in paragraph (1) fails to do so within the prescribed period, collect the charges by referring to the practices of the dispositions on defaults of local taxes.

[This Article Newly Inserted by Act No. 7569, May 31, 2005]

CHAPTER VI SUPPLEMENTARY PROVISIONS

Article 31 (Entry, etc. to Land of Third Party)

(1) When it is necessary for the survey, purification, observation, or measurement as prescribed in Article 5, 7 (including the case of *mutatis mutandis* application under Article 13 (2)), 16-4, 17, or 18, the head of a relevant administrative agency, a specialized groundwater survey institute, a groundwater impact investigation agency, or a groundwater purification businessman may enter the land of a third party, or may temporarily use it, or, when it is particularly necessary, may alter or get rid of bamboo trees, dirt, rocks, or other obstacles located thereon. <Amended by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(2) In a case where a specialized groundwater survey institute, a groundwater impact investigation agency, or a groundwater purification businessman intends to enter the land of a third party as prescribed in paragraph (1), it shall obtain the permit for doing so from the head of *Si/Gun* and then notify the owner, occupier, or manager of the land under consideration of the date and place of visit not later than three days before the intended date of visit. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(3) In a case where the head of a relevant administrative agency, a specialized groundwater survey institute, a groundwater impact investigation agency, or a groundwater purification businessman intends to temporarily use the land of a third party or to alter or get rid of bamboo trees, dirt, rocks, or other obstacles thereon as prescribed in paragraph (1), it shall obtain the approval for doing so from the owner, occupier, or manager of the land under consideration: *Provided*, That it may temporarily use the land under consideration or may alter or get rid of the obstacles thereon only with the approval of the head of *Si/Gun* in a case where the owner, occupier, or manager of the land under consideration is not present on the relevant site or their address is so uncertain that getting their approval is practically impossible. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(4) It is impossible to, before the sunrise and after the sunset, enter the land of a third party surrounded by a wall or fence without the permission for doing so from the occupier of the land under consideration,

(5) Any person who intends to do the action as prescribed in paragraph (1) shall show the voucher of authority or permit certificate to the relevant persons.

Article 32 (Compensation for Loss)

(1) In a case where a person who has done the action as prescribed in Article 31 (1) has caused a loss for another person due to the entry into the land concerned, temporary use thereof, or alteration or getting rid of the obstacles, the former shall make a due compensation for the latter.

(2) As for the matter of compensation for the loss as prescribed in paragraph (1), the person who is

responsible for the compensation and the one who has suffered from the loss shall consult with each other.

(3) In a case where the consultation as prescribed in the provisions of paragraph (2) does not lead to an agreement or where the consultation under consideration is not practically possible, the relevant parties may apply for an adjudication to the Land Expropriation Committee concerned.

Article 33 (Fee)

Any person who intends to make an application for the permit, survey or registration falling under any of the following subparagraphs, shall pay the fee under the conditions as prescribed by the Ordinance of the Ministry of Construction and Transportation in the case of subparagraph 1, 2, 4, or 5, or under the conditions as prescribed by the Ordinance of the Ministry of Environment in the case of subparagraph 3 or 6: *Provided*, That if a person who intends to make an application for the permit, survey or registration is the State or a local government, the said fee may be reduced or exempted: <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

1. The permit or modified permit for the development and utilization of groundwater as prescribed in Article 7 (1) or (6);
2. The permit on the acts of developing and utilizing groundwater as prescribed in Article 13 (1) 1;
3. The inspection of the quality of groundwater as provided in Article 20 (1);
4. The registration or modified registration of the construction business for the development and utilization of groundwater as provided in Article 22 (1);
5. The registration or modified registration of the groundwater impact investigation agency as provided in Article 27 (1); and
6. The registration or modified registration of the groundwater purification business under Article 29-2.

Article 34 (Report, Inspection, etc.)

(1) The head of *Si/Gun* may, where deemed it necessary, have a construction businessman for the development and utilization of groundwater, a groundwater impact investigation agency, or a groundwater purification businessman make a report or submit the data necessary for proper supervision, or have a public official under his jurisdiction enter the relevant facilities or offices to conduct necessary inspections. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(2) The public official who conducts inspections in accordance with the provisions of paragraph (1) shall show the voucher indicating his identity to the relevant persons.

Article 34-2 (Education, etc.)

(1) The Minister of Construction and Transportation may establish and execute policy measures

concerning the educational training of the engineers when necessary for efficient utilization of technological human resources relating to the development and utilization of groundwater and technological enhancement.

(2) Workers and engineers in the business relating to the development and utilization of groundwater shall take the educational training the Minister of Construction and Transportation implements, and necessary matters relating to the trainees, contents of the training and the educational institution, etc. shall be determined by the Presidential Decree.

(3) The Minister of Construction and Transportation may entrust the educational training under paragraphs (1) and (2) to the institutions or organizations as prescribed by the Presidential Decree.

[This Article Newly Inserted by Act No. 7569, May 31, 2005]

Article 35 (Hearing)

Where the head of *Si/Gun* intends to make a disposition falling under any of the following subparagraphs, he shall hold a hearing: *<Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>*

1. The revocation of permit for the development or utilization of groundwater as prescribed in Article 10 (1) (including the case of *mutatis mutandis* application under Article 13 (3));
2. Deleted; *<by Act No. 5955, Mar. 31, 1999>*
3. The cancellation of registration for the construction business for the development or utilization of groundwater as prescribed in Article 25 (1) (including the case of *mutatis mutandis* application under Article 29-2 (3)); and
4. The cancellation of registration of a groundwater impact investigation agency as prescribed in Article 29 (1).

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

Article 36 (Delegation of Powers)

(1) Part of the powers of the Minister of Construction and Transportation or the Minister of Environment vested under this Act may be delegated to the head of an agency under his jurisdiction or to the Mayor/*Do* governor under the conditions as prescribed by the Presidential Decree.

(2) Part of the powers of the Mayor/*Do* governor vested under this Act may be delegated to the head of *Si/Gun*. *<Amended by Act No. 5955, Mar. 31, 1999>*

Article 36-2 (Vicarious Execution)

The Minister of Environment or the head of *Si/Gun* may, when any person is given such orders as shutdown order of facilities under Articles 8 (3) and 9 (2) (including the case of *mutatis mutandis* application under Article 13 (3)), restoration order under Article 15 (3) or purification work order under Article 16-3 (1) and (2), and fails to follow the order, execute vicariously as prescribed by the Administrative Vicarious Execution Act and collect the expenses from the violater of the order.

[This Article Newly Inserted by Act No. 7569, May 31, 2005]

CHAPTER VII PENAL PROVISIONS

Article 37 (Penal Provisions)

Any person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than 3 years or to a fine not exceeding 20 million won: *<Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>*

1. The person who develops and utilizes groundwater without the permit as prescribed in Article 7 (1) or with the permit obtained in an unjust manner;
2. Deleted; *<by Act No. 7569, May 31, 2005>*
3. Deleted; *<by Act No. 5955, Mar. 31, 1999>*
4. The person who does the action which falls under one of the subparagraphs of Article 13 (1) without the permit as prescribed in Article 13 (1) or with the permit under consideration obtained in an unjust manner;
5. through 6-2. Deleted; *<by Act No. 7569, May 31, 2005>*
7. The person who has violated the order for preventing the pollution of groundwater as prescribed in Article 16 (2);
8. The person who has failed to comply with the order to purify the substance polluting groundwater, to suspend the operation and use, or to close, remove or relocate the facilities, under Article 16-3 (1) or (2);
9. The person who carries out the construction business for the development and utilization of groundwater, the groundwater impact investigation business, or the groundwater purification business, without filing the registration under Article 22 (1), 27 (1) or 29-2 (1) or with filing the registration by unlawful means;
10. The construction businessman for the development and utilization of groundwater who has constructed the facilities for the development and utilization of groundwater without the permit or authorization in violation of Article 22 (4); and
11. Deleted. *<by Act No 6368, Jan. 16, 2001>*

Article 37-2 (Penal Provisions)

Any person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than 2 years or to a fine not exceeding 10 million won: *<Amended by Act No. 7569, May 31, 2005>*

1. The groundwater impact investigation agency which has made the false investigation report under Article 7 (2);
 - 1-The person who has failed to take measures for preventing the pollution as prescribed in

2. Article 16 (1);
 2. The person who has failed to take the measures for preventing the pollution, to install the observation well, or to execute the water quality observation as prescribed in Article 16-2 (1);
 3. The person who has failed to make a report on an occurrence of pollution, or to take measures for preventing the pollution under Article 16-2 (2); and
 4. Deleted. <by Act No. 7569, May 31, 2005>
- [This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 37-3 (Penal Provisions)

The person who falls under one of the following subparagraphs shall be punished by imprisonment for not more than 1 year or to a fine not exceeding 5 million won: <Amended by Act No. 7569, May 31, 2005>

1. The person who has failed to comply with the limitation on the volume of groundwater to be collected under Article 7 (3);
 - 1-The person who develops and utilizes groundwater without the modified permit obtained, as prescribed in Article 7 (6) (including the case of *mutatis mutandis* application under Article 13 (3)) or with the modified permit obtained in an unjust manner;
2. The person who has failed to comply with a restriction on the intake volume and intake period, or to execute a corrective order, an order to suspend the use, an order for joint utilization, or an order for closure under Article 8 (3);
 - 2-The person who has failed to comply with the order to shut down as prescribed in Article 9 (2) 2. (including the case of *mutatis mutandis* application under Article 13 (3));
3. The person who has failed to take measures to reduce the flowingout groundwater or to devise the utilization plans under Article 9-2 (1) or (2), to comply with the improvement order under paragraph (3) of the same Article;
4. Deleted; <by Act No. 7569, May 31, 2005>
5. The person who has failed to comply with the order for facility improvement or to take the necessary measures under Article 9-4 (3);
6. Deleted; <by Act No. 7569, May 31, 2005>
7. The person who has performed the purification work without obtaining an approval or a modified approval for the purification plan under Article 16-4 (1);
8. and 9. Deleted; <by Act No. 7569, May 31, 2005>
10. The person who has carried on the construction business for the development and utilization of groundwater, the groundwater impact investigation business, or the groundwater purification business, without filing a modified registration or with filing it by unlawful means under Article 22 (1), 27 (1) or 29-2 (1); and
11. The construction businessman for the development and utilization of groundwater, the

groundwater impact investigation agency, or the groundwater purification businessman, who has violated Article 26 (including the case of *mutatis mutandis* application under Article 292 (3)) or 30 and the other party to the title lease or registration certificate lease.

[This Article Newly Inserted by Act No. 6368, Jan. 16, 2001]

Article 38 (Joint Penal Provisions)

If the representative of a juristic person, or an agent, a servant or any other employee of a juristic person or an individual commits any offense under Articles 37 through 37-3 in connection with the affairs of said juristic person or individual, not only shall such an actor be punished accordingly, but the juristic person or individual shall be punished by a fine under the corresponding Article, respectively. *<Amended by Act No. 6368, Jan. 16, 2001>*

Article 38-2 Deleted. *<by Act No. 6368, Jan. 16, 2001>*

Article 39 (Fine for Negligence)

Any person who falls under one of the following subparagraphs shall be punished by a fine for negligence not exceeding 5 million won: *<Amended by Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>*

1. The person who has failed to make a report or a modified report under Article 8 (1) or (2), or made a false report or a false modified report;
2. Deleted; *<by Act No. 7569, May 31, 2005>*
3. The person who has failed to make a report on the utilization plans under Article 9-2 (2);
4. The person who has failed to make a report on the completion of development and utilization of groundwater under Article 9-3;
4-The person who has excavated the land without making a report on excavation under Article 9-2. 4 (1);
5. The person who has failed to make a report on the completion under Article 9-4 (1);
6. The person who has failed to deposit the guaranty money under Article 14;
6-The person who has failed to restore to the original state or comply with the order for
2. restoration to the original state as prescribed in Article 15;
6-The person who has failed to report on the results of water quality inspection as prescribed in
3. Article 16-2 (1) or who has made a false report;
6-The person who has failed to undergo the inspection of water quality as prescribed in Article
4. 20 (1);
6-The person who has failed to follow the order such as the suspension of groundwater
5. utilization or water quality improvement, etc. as prescribed in Article 20 (2);
7. The person who has refused, interfered with or evaded the inspection under Article 21 (1) or 34 (1);

- 7-The construction businessman for the development and utilization of groundwater who has
2. constructed the facilities for the development and utilization of groundwater without the necessary report made as prescribed in Article 22 (4); and
8. The person who has refused, interfered with or avoided the entry under Article 31 (1).

Article 40 (Fine for Negligence)

The person who falls under one of the following subparagraphs shall be punished by a fine for negligence not exceeding 3 million won: <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

1. The person who has failed to make a report on the completion of works under Article 9 (1) (including the case of *mutatis mutandis* application under Article 13 (3));
 - 1-The person who has failed to keep on file the statement of water quality inspection results
 2. under Article 20 (4);
2. The person who has failed to make a report or furnish a data under Article 21 (1) or 34 (1), or furnished a false report or false data;
3. Deleted; <by Act No. 7569, May 31, 2005>
4. The person who has failed to make a report on the transfer or takeover, etc. of the construction business for the development and utilization of groundwater, or the groundwater purification business under Article 24 (1) or (3) (including the case of *mutatis mutandis* application under Article 29-2 (3)), or made a false report; and
5. The person who has committed an act under Article 31 (1) without obtaining a permit or approval, or making a notification under Article 31 (2) or (3).

Article 41 (Procedures, etc. for Imposition and Collection of Fine for Negligence)

(1) The fine for negligence as prescribed in Articles 39 and 40 shall be imposed and collected by the head of *Si/Gun* under the conditions as prescribed by the Presidential Decree. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 6368, Jan. 16, 2001; Act No. 7569, May 31, 2005>

(2) The person who is dissatisfied with the disposition of a fine for negligence prescribed in paragraph (1) may file an objection with the head of *Si/Gun* within thirty days after the date on which he received the notification of the fine for negligence. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 7569, May 31, 2005>

(3) In a case where the person who is subject to the disposition of a fine for negligence as provided in paragraph (1) has filed an objection in accordance with the provisions of paragraph (2), the head of *Si/Gun* shall, without any delay, notify the fact to the pertinent court of law which shall, in its turn, adjudicate on the fine for negligence in accordance with the Non-Contentious Case Litigation Procedure Act. <Amended by Act No. 5955, Mar. 31, 1999; Act No. 7569, May 31, 2005>

(4) In a case where the person concerned has not paid the fine for negligence under consideration

without having filed an objection within the period as prescribed in paragraph (2), the delinquent fine for negligence shall be collected in the same manner as the delinquent local taxes have been collected.

(5) Deleted. <by Act No. 7569, May 31, 2005>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force six months after the day of its promulgation: *Provided*, That the provisions of Chapter IV (Articles 22 through 26) shall enter into force on January 1, 1998.

Article 2 (Applicable Cases concerning Deposit of Guaranty Money)

The provisions of Article 14 shall be first applied to the person who will obtain the relevant permit or authorization, etc. or make the relevant report in accordance with the provisions of this Act or other Acts for the first time after this Act enters into force.

Article 3 (Transitional Measures concerning Report on Development and Utilization of Groundwater)

The person, who made the report on development and utilization of groundwater in accordance with the former provisions concerned at the time this Act enters into force, shall be regarded as having obtained the permit or having made the report as prescribed in Article 7 or 8.

Article 4 Omitted.

Article 5 (Relations with Other Acts and Subordinate and Statutes)

In a case where other Acts and subordinate statutes have quoted some provisions of the former Groundwater Act at the time this Act enters into force and where there are, in this Act, provisions corresponding to the quoted ones, the provisions in this Act shall be regarded as having been quoted instead of the actually quoted ones.

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.

ADDENDA <Act No. 5955, Mar. 31, 1999>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Registration of Groundwater Impact Investigation

Agency)

The groundwater impact investigation agency designated under the previous provisions of Article 27 at the time when this Act enters into force, shall be deemed to be that registered under the amended provisions of Article 27.

Article 3 (Transitional Measures concerning Change of Person Having Authority to Permit)

At the time when this Act enters into force, any permission granted or other various acts taken by the Mayor/*Do* governor, or any report submitted to or other various acts taken toward the Mayor/*Do* governor under the previous provisions, shall be deemed to be acts taken by or toward the head of *Si/Gun* under this Act.

Article 4 (Transitional Measures concerning Administrative Disposition)

The previous provisions shall apply to an administrative disposition with respect to an act before this Act enters into force.

Article 5 (Transitional Measures concerning Penal Provisions, etc.)

The application of penal provisions and a fine for negligence to an act committed before this Act enters into force, shall be subject to the previous provisions.

ADDENDA <Act No. 6368, Jan. 16, 2001>

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

Provided, That the amendment to Article 29-2 shall enter into force on July 1, 2002.

(2) (Transitional Measures for Validity Term of Permit for Development and Utilization of Groundwater) The validity term of the permit for the development and utilization of groundwater set forth by the previous provisions at the time of enforcement of this Act shall be governed by the previous provisions, notwithstanding the amendments to Article 7-3: *Provided*, That where no validity term is fixed, the relevant validity term shall be for 5 years from the date of enforcement of this Act.

(3) (Transitional Measures for Utilization of Groundwater) The person who develops and utilizes groundwater without making a report at the time of enforcement of this Act, who comes to be subject to a report under Article 8 (1), shall make a report to the head of *Si/Gun* within one year from the date of enforcement of this Act, under the conditions as prescribed by the Presidential Decree.

(4) (Transitional Measures for Flowing-out Groundwater) The person who has installed the underground excavation facilities falling under Article 92 (1) at the time of enforcement of this Act shall make a report thereon by devising the utilization plans under paragraph (2) of the same Article within 6 months from the date of enforcement of this Act.

(5) (Transitional Measures for Penal Provisions, etc.) In applying the penal provisions and the fine for negligence to the acts committed before the enforcement of this Act, the previous provisions shall

govern.

(6) Omitted.

ADDENDA <Act No. 6655, Feb. 4, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 25 Omitted.

ADDENDA <Act 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. 7569, May 31, 2005>

Article 1 (Enforcement Date)

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

Article 2 (Transitional Measures concerning Construction Work for Development and Utilization Facilities of Groundwater)

(1) In case the facilities for the development and utilization of groundwater are under construction as prescribed in the previous Article 22 (3) 1 through 3, or the groundwater purification business is underway as prescribed in the previous Article 29-2 (2) 1 or 2 at the time of enforcement of this Act, the amended provisions of Article 22 (3) 1 through 3, or 29-2 (2) 1 or 2 shall not apply until such construction work or business is completed.

(2) In case a construction businessman for the development and utilization of groundwater constructs the facilities for the development and utilization of groundwater at the time of enforcement of this Act, the amended provisions of Article 22 (4) shall not apply until such construction work is completed.

Article 3 (Transitional Measures concerning Penal Provisions, etc.)

In applying the penal provisions or fines for negligence to the acts committed prior to enforcement of this Act, the previous provisions shall apply.

Article 4 Omitted.