

# DECREE NO. 2001/163/PM OF 8 MAY 2001 TO REGULATE AND PROTECT THE AREA AROUND POINTS OF CATCHMENT, TREATMENT AND STORAGE OF DRINKABLE WATER

## THE PRIME MINISTER, HEAD OF GOVERNMENT,

- Mindful of the Constitution ;
- Mindful of Law No.96/12 of 5 August 1996 relating to Environmental Management;
- Mindful of Law No.98/005 of 14 April 1998 on the water regime;
- Mindful of Decree No.92/089 of 4 May 1992 to specify the duties of the Prime Minister, amended and supplemented by Decree No.95/145 of 4 August 1995;
- Mindful of Decree No. 97/205 of 7 December 1997 on the organization of the Government, amended and supplemented by Decree No. 98/067 of 28 April 1998;
- Mindful of Decree No. 97/206 of 7 December 1997 appointing a Prime Minister,

## HEREBY DECREES AS FOLLOWS:

### Chapter I

## GENERAL PROVISIONS

### Article 1:

This Decree regulates the areas of protection around the points of catchment, treatment and storage of drinkable water.

### Article 2:

For the purposes of this Decree and its enabling orders, the following definitions shall be used:

#### "Potable water":

shall mean any surface, underground or spring water which, naturally or after an appropriate physico-chemical or microbiological treatment, can be consumed without danger to health.

#### "Area of protection":

shall mean the protected area defined around a catchment, treatment or storage point for drinkable water intended for supply;

#### "Immediate protection area":

shall mean the prevention area or geographical area within which water catchment, treatment and storage plants may be reached by pollutants without substantially degrading or dissolving the latter or where effective removal is possible.

#### "Close protection area":

shall mean the monitoring area or geographical area that includes all or part of the watershed that is likely to supply an existing or potential water catchment point.

#### "Remote protection area":

shall mean the control area or geographical area outside the surveillance zone.

#### "Water catchment point":

shall mean the geographical area where the drinkable water catchment facilities are implanted. Such facilities include especially wells, boreholes, drainages and other facilities intended to operate drinkable water catchments, including catchments from springs.

#### "Water treatment point":

shall mean a geographical area where the facilities and other equipment constituting a drinkable water treatment station are set up.

#### "Water storage point":

shall mean a geographical area where the reservoirs and other storage basins of untreated or treated drinkable water are set up.

## Chapter II

## DEMARCATING PROTECTION AREAS

### Article 3:

- (1) To protect the quality of drinkable water intended for supply, a protection area shall be demarcated around the water catchment, treatment and storage points.
- (2) Protection areas shall include, as the case may be, areas of immediate, close and/or remote protection.
- (3) Lands in protection areas shall be public utility.

### Article 4:

- (1) The tapping authorization deed shall fix and demarcate, if applicable, the limits and modalities for delimiting an immediate protection area around catchment, treatment and storage facilities of water intended for supply.
- (2) The immediate protection area referred to in paragraph (1) above shall cover the geographical area in which water catchment, treatment and storage facilities may be affected by any pollutant without sufficiently degrading or dissolving the latter, or without the possibility of completely removing the pollutant.

### Article 5:

- (1) The Minister in charge of water resources shall state in the deed authorizing water tapping the following:

- limits of the catchment points of drinkable water and procedure for delimiting the protected areas related thereto; and
- conditions for modifying the above mentioned limits.

(2) Lands within the boundaries of the drinkable water tapping point must be in full ownership and fenced, if necessary. All activities, except those duly authorized by the public utility declaration deed, shall be prohibited therein.

#### Article 6:

- (1) The water authorization deed shall fix and determine, as the case may be, the limits and methods for demarcating a close protection area around the catchment, treatment and storage facilities for water intended for consumption.
- (2) The close protection area referred to in paragraph (1) above shall cover the geographical area that encloses all or part of the (geographical) area that can supply existing or potential water tapping points.

#### Article 7:

- (1) The Minister in charge of water resources shall fix and determine in the tapping authorization deed, the limits and modalities for demarcating a distant protection area around the points of capture, treatment and storage of drinkable water.
- 2) The Minister shall prohibit, regulate or subject to authorization, after investigation and opinion of other administrations, the facilities, depots and activities referred to in article 10 below, and especially the installation of pipelines, reservoirs or deposits of liquid or gaseous hydrocarbons, radioactive products, chemicals and waste water of any kind in the vicinity of the capture, treatment and storage points of drinkable water.

## Chapter III

### PROTECTING THE CAPTURE, TREATMENT AND STORAGE POINTS FOR DRINKABLE WATER

#### Article 8 :

The Minister in charge of water resources may, on the proposal of the competent territorial administrative authority, prohibit the tapping of surface or underground water, for one of the reasons duly noted hereafter, that is:

- risk of water course or water table drying up
- obvious pollution of the water course or water table
- risk to public health and
- for public utility reason.

#### Article 9:

(1) The Minister in charge of water resources may, in view of the report of sworn-in control officials, take all necessary and urgent measures to ensure the protection of the quality of water intended for supply, as well as the protection of drinkable water tapping, treatment and storage facilities.

(2) The Minister may, especially, prohibit, regulate or subject to authorization the discharge or deposit of materials and conduct of any activity that can pollute water supply or threaten the viability of hydraulic facilities and equipment.

#### Article 10:

- (1) Without prejudice to legislative and regulatory provisions governing the protection of surface water or groundwater against pollution, the following shall be prohibited within the immediate protection areas:
- drilling of wells, exploitation of open cut quarries and backfilling of open pit excavations;
  - transporting, storing, disposing, evacuating or burying household refuse, trash, rubbish and radioactive products and any other products or materials liable to affect water quality;
  - installing pipelines, tanks or other deposits of liquid or gaseous hydrocarbons, chemicals and waste water of any kind;
  - doing surface or underground constructions;
  - passage of animals, spreading of manure, any organic or chemical fertilizer and any other pesticide, fertilizer or insecticide;
  - in general, any fact or activity that can directly or indirectly alter the quality of water or the viability of hydraulic facilities and equipment.
- (2) A durable material barrier must delimit the immediate protection area demarcated around drinking water tapping, treatment and storage points.

## Chapter IV

### MONITORING AND CONTROLLING WATER CATCHMENT, TREATMENT AND STORAGE POINTS

#### Article 11 :

- (1) The monitoring and control of compliance of measures of protection of catchment, treatment and storage of drinkable water points shall be conducted by sworn-in officials of the water resources administration or other administrations concerned, who are duly commissioned for this purpose.
- (2) The sworn-in officials referred to in the preceding paragraph shall examine, control or investigate and gather all necessary information. They may especially:
- take samples of water or material for analysis by an approved laboratory;
  - have access to the facilities in question to conduct any checks deemed necessary; and
  - find and record offenses in a regularly written report.

#### Article 12:

- (1) When sworn-in officials establish an offense during control, for reasons of proven safety and validity they may:
- temporarily prohibit the use of facilities and appliances that do not function in a compliant manner;
  - seize on site the facilities and appliances referred to above;
  - prescribe the immobilization of dangerous or unhealthy objects;
  - affix seals to ensure prohibitions, seizures and fixed assets;

- prescribe urgent and temporary measures to reduce insecurity or insalubrity resulting from non-compliance with the laws and regulations in force;
- propose to the Minister in charge of water resources, in case of extreme urgency, the renovation of the premises or the site by the offender at the latter's expense.

(2) In any case, the report of the offense must be forwarded immediately to the Minister in charge of water resources who shall take all appropriate measures and if necessary, proceed to prosecute, in accordance with the legislation in force.

## Chapter V

### MISCELLANEOUS AND FINAL PROVISIONS

#### Article 13 :

Measures for protecting the catchment, treatment and storage points of water intended for consumption, to which the concessionary companies of a public service for the exploitation and distribution of drinking water are subjected, shall be fixed by the related terms of reference.

#### Article 14:

The Minister in charge of water resources can, if necessary, specify by order the conditions for implementing this Decree.

#### Article 15:

The Ministers in charge of water resources and the Minister in charge of environment shall each, within his jurisdiction, be responsible for the implementation of this Decree, which shall be registered, published according to the procedure of urgency, and inserted in the Official Gazette in English and in French.

Yaounde, 8 May 2001

**Peter Mafany Musonge**  
Prime Minister, Head of Government

## II.14

### DECREE NO. 2001/164/PM OF 8 MAY 2001 TO SPECIFY THE TERMS AND CONDITIONS FOR TAPPING SURFACE WATER OR GROUNDWATER FOR INDUSTRIAL OR COMMERCIAL PURPOSES