

DECREE NO. 2001/165/PM OF 8 MAY 2001 TO LAY DOWN THE TERMS AND CONDITIONS FOR PROTECTING SURFACE WATER AND GROUNDWATER AGAINST POLLUTION

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 Law 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 to organize the Government, amended and supplemented by Decree No. 98/067 of 28 April 1998;
Mindful of Decree No. 97/206 of 7 December 1997 to appoint a Prime Minister

HEREBY DECREES AS FOLLOWS:

Chapter I

GENERAL PROVISIONS

Article 1:

This Decree specifies the terms and conditions for protecting surface water and groundwater against pollution.

Article 2:

For the purposes of this Decree and its enabling orders the following definitions shall apply,

- (a) **“Sanitation”**: a system that includes collecting, transporting and treating effluents to reduce or eliminate their harmful effects.
- (b) **“Collectors”**: conduits connecting sewer systems to predicted or foreseeable locations for sewage treatment.
- (c) **“Waste”**: any residue of a production, processing or use process, any substance or material produced or more generally, any movable property or building abandoned or destined for abandonment.
- (d) **“Sewage Discharge”**: the channelling of sewage into surface water by pipeline or by any other means, except natural runoff from storm water.
- (e) **“Cooling Water”**: water that is used in industry for open circuit cooling and that has not come into contact with the substance to be cooled.

- (f) **“Surface water”**: Runoff water, watercourses, standing water and, more generally, ordinary surface water and artificial drainage water.
- (g) **“Ordinary surface water”**: water of waterways, water of non-navigable watercourses including their underground stretches, streams, rivers and creeks, whether or not with intermittent flow upstream from where they are classified as non-navigable watercourses, lake water, ponds and other running or stagnant water except water of artificial drainage channels.
- (h) **“Groundwater”**: seepage water and water-table water, and more generally any water that is below the surface of the earth, in the saturation zone in direct contact with the ground or subsoil.
- (i) **“Sewage”**:
Artificially polluted or used water, including cooling water.
Artificial runoff water from rainfall.
Treated water for discharge.
- (j) **“Agricultural wastewater”**: waste water from agricultural or fish farms or establishments where animals are kept or reared resulting in an overall pollutant load of less than a maximum figure set by the regulations in force and which are neither from zoos nor permanent menageries.
The method for calculating the pollutant load shall be set according to the number of animals and species to which they belong.
- (k) **“Domestic waste water”**: water from sanitary installations only, such as:
 - kitchen water;
 - water coming from the cleaning of buildings, such as dwellings, offices, premises where a wholesale or retail trade is practiced, theatres, barracks, campsites, prisons, educational establishments with or without boarding facilities, hospitals, clinics and other establishments where non-infectious patients are accommodated and receive care, swimming pools, hotels, restaurants, drinking places, hairdressing salons;
 - laundry water at home;
 - washing water from cycles not equipped with engines and mopeds;
 - water used for washing less than ten (10) motor vehicles and their trailers per day;
 - as well as, where appropriate, rainwater
 - waste water from washing facilities whose machines are used exclusively by customers.
 - waste water from factories, workshops, depots and laboratories employing less than ten (10) persons, unless the competent authority, for the purpose of granting the discharge authorization, considers that such wastewater are detrimental to the sewers and / or normal operation of a sewage treatment plant and / or the receiving environment and cannot be classified as domestic sewage.
- (l) **“Industrial wastewater”**: wastewater other than domestic sewage and agricultural wastewater.
- (m) **“Effluent”**: any liquid or gaseous discharge of domestic, agricultural or industrial origin, whether treated or untreated discharged directly into the environment.
- (n) **“Public sewers”**: public water drainage channels constructed as underground conduits, ditches or open earth or concreted ditches used for collecting waste water.
- (o) **“Slush”**: the content from an emptied septic tank;
- (p) **“Water inspector”**: a sworn-in officer of the water administration or other concerned administrations, in charge of water quality control, research, establishment and and legal proceeding for sanctioning infringements in accordance with the provisions of the water regime legislation and its implementing instruments;

- (q) **“Pollutants”**: substances liable to pollute;
- (r) **“Parameter”**: the criterion for defining the quality of surface- or ground-water and wastewater.
- (s) **“Pollution”**: discharge of substances or energy into groundwater, ordinary surface water or artificial conduits directly or indirectly with the potential to endanger human health or water supply, to harm living resources and the ecological system, to impair attraction or to interfere with other legitimate uses of water.
- (t) **“Discharge”**: releasing substances or matter into drinkable water, passing or not passing through the soil or subsoil; it refers to a spill, a flow, or a jet.
- (u) **“Artificial flow channels”**: rivulets, drains or conduits for draining rainwater or treated wastewater.

Chapter II

GENERAL MEASURES FOR PROTECTING WATER AGAINST POLLUTION

Article 3 :

- (1) Shall be prohibited, the dumping, flows, disposals, seepages, burial of wastes, spreading, direct or indirect deposits in water of any solid, liquid or gaseous material, especially, any industrial, agricultural or atomic waste likely to:
 - alter the quality of surface or groundwater or seawater within territorial limits;
 - harm public health, aquatic and sub-marine fauna and flora and animals;
 - jeopardize the economic and tourist development of the regions;
 - impair the quality of life and comfort of residents.
- (2) Especially prohibited shall be disposals, dumping or depositing into surface water, public sewers or artificial drainage conduits of:
 - any solid waste, even if previously subjected to mechanical grinding, as well as water or other fluids containing such matter or substances;
 - oils, lubricants and other matter resulting from the cleaning and maintenance of motor vehicles, combustion engines and similar machinery;
 - slushes; and
 - pesticides.
- (3) The list of substances referred to in paragraphs (1) and (2) above may, where necessary, be specified and supplemented, after consulting the administrations concerned, by order of the Minister in charge of water resources.

Article 4:

Any deposit of pollutants in a place where they are likely to be swept by a natural or technological phenomenon into surface water or groundwater, public sewers or artificial drainage conduits shall be subject to prior authorisation of the Minister in charge of water resources.

Article 5:

- (1) The Minister in charge of water shall define, as necessary, the rules for maintaining treatment systems for individuals and for wastewater treatment concerns, especially regarding the number, capacity and location of wastewater treatment plants for collecting and treating slush.

- (2) Sewage tanker firms duly approved by the water authority shall empty septic tanks (of the slush),
 - either by handing it to a farmer, for spreading according to the rules defined by the deed of approval,
 - or by taking it to a treatment plant for sanitizing by a decontaminating firm.

Article 6:

The Minister in charge of the water resources may, according to local hydrogeological conditions, set out specific technical prescriptions, for setting up and constructing individual or collective sanitation facilities, especially latrines, septic tanks, Imhoff digesters, soakaway, trickling filters and drained filtering trenches.

Article 7:

Any collecting, sanitizing or wastewater treatment operations must first obtain the approval of the Minister in charge of water resources.

Chapter III

SPECIFIC WATER PROTECTION MEASURES AGAINST CERTAIN SPILLAGES

Article 8 :

Performance of the following disposal activities shall require prior authorization of the Minister in charge of water resources after the opinion of other concerned administrations; these activities include dumping, flows, disposals, seepages, burial of wastes, spreading, direct or indirect deposits in water of solid, liquid or gaseous matter when they guarantee safety and no nuisances, taking into account the nature of the effluent and the receiving environment.

Article 9:

- (1) The deed granting the authorization shall determine the general and sectoral conditions to which dumping, flowing, disposals, seepages, burial of wastes, spreading, direct or indirect deposits in the waters of the materials concerned are subjected, taking into consideration the balance of environmental ecosystems.
- (2) It shall also lay down the special conditions to be met by the beneficiary of the authorization in order to achieve or maintain the quality of the discharge and the receiving environment in accordance with the requirements set out in Article 8 above.
- (3) The authorization deed shall specify, as the case may be, the conditions relating, inter alia, to:
 - the establishment of control points and control mechanisms, the correct functioning of the control instruments and their accessibility;
 - the obligation to communicate to the water authority the results obtained from measuring spillages and receiving waters, according to a specified regularity;
 - the periods or times during which spillages are permitted
 - the separation of the different types of wastewater authorized for discharge, depending on whether it is domestic, rain, industrial, agricultural or cooling wastewater.

Article 10:

- (1) Authorization for dumping shall be issued for a duration not exceeding 5 (five) years, by order of the Minister in charge of the water, after inquiry and opinion of the other administrations concerned.
- (2) Any refusal of authorization shall be motivated and notified to the applicant.

Article 11:

- (1) The Minister in charge of water resources may, before the expiry of the period for which the dumping authorization has been granted, modify the dumping conditions:
 - a) at the reasoned request of the holder of the authorization;
 - (b) on the proposal of the designated sworn-in officials commissioned for that purpose, if any of the dumping characteristics are changed, or if any of the conditions of the permit are not complied with by the holder of the dumping authorization;
 - (c) at the request of concerned third parties.
- (2) The holder of a dumping authorization shall first notify the water authority in writing of any change in the nature or conditions of the dumping as provided for in the authorization document.

Article 12:

- 1) The application for a dumping authorization shall be stamped at the tariff in force and sent in four (4) copies to the Minister in charge of water who shall proceed, at the expense of the applicant, to verify the elements of the request by at least 2 (two) sworn-in officials.
- (2) The application for a dumping authorization shall contain:
 - information and documents provided for in schedules I and II of this Decree
 - any additional information that would be required by the water authority
 - a receipt of 10 000 (ten thousand) CFAF.

Article 13:

- (1) The application for the renewal of the dumping authorization shall be submitted at least 6 (six) months before the expiry date of the current authorization and shall follow the same procedure as the initial application referred to in Article 12 above.
- (2) A reassembly visit shall be carried out within a maximum of 60 (sixty) days after the date of receipt of the renewal application by the sworn-in control officials appointed and commissioned by the Minister in charge of water, to verify the application of the provisions of the dumping authorizing deed.
- (3) Verification shall include, as necessary and at the expense of the holder of the authorization, measurements made on the effluent and taking of the necessary samples of the dumping, flowing, disposals and receiving waters and their analyzes in laboratories of the Ministry in charge of water or failing that, in laboratories approved by the Minister in charge of water resources.
- (4) A report of the visit shall be written at the request of the water authority and sent to the holder of the dumping authorization who may, within a maximum of 20 (twenty) days after the notification, express his opinion on the said report.

If the conditions of the dumping are judged to be in conformity with those stipulated in the deed of authorization, the Minister in charge of water resources shall pronounce renewal of the authorization. On the contrary, the Minister in charge of water resources shall put the application on hold to give time to the holder of the authorization to comply within a period not exceeding 3 (three) months.

Article 14:

The authorization granted may be modified or withdrawn either at the request of the owner or interested third parties, or at the initiative of the Administration, or by operation of law in the case provided for by the authorization deed.

Chapter IV

MISCELLANEOUS AND FINAL PROVISIONS

Article 15 :

Natural or legal persons who own facilities connected to public or private sewerage networks, artificial waterways or sewage treatment plants, shall be subject to the payment of a tax of sanitation, in accordance with the procedures laid down by the Finance Law.

Article 16:

A joint order of the Ministers in charge of water resources and Minister in charge of standardization respectively shall set the standards and conditions for discharging wastewater.

Article 17:

- (1) The control of dumping covered by this Decree shall be exercised under the authority of the Minister in charge of water resources, by sworn-in officials of the administrations in charge respectively of water, public health, environment and, where appropriate, agriculture and animal husbandry, fisheries and animal industries.
- (2) A regular and signed report, in the form set out in Annex III to this Order shall crown the control.

Article 18:

Owners of dumping facilities established prior to the date of publication of this Decree must, within a maximum period of 1 (one) year, take all necessary measures to comply with the conditions imposed on their effluents to ensure to the middle receiver the characteristics that conform with the regulations and standards in force.

Article 19:

Orders of the Minister in charge of water resources shall lay down, as and when necessary, the terms and conditions for implementing this Decree which shall be registered and published following 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