

**THE MINISTRY OF
NATURAL RESOURCES
AND ENVIRONMENT**

No. 24/2016/TT-BTNMT

THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Hanoi, September 09, 2016

CIRCULAR

**ON DETERMINATION AND ANNOUNCEMENT OF DOMESTIC WATER SUPPLY
PROTECTION ZONE**

Pursuant to the Law on Water Resources dated June 21, 2012;

Pursuant to the Government's Decree No. 21/2013/ND-CP dated March 04, 2013 defining functions, tasks, entitlements and organizational structure of the Ministry of Natural Resources and Environment;

At the request of the Director of the Department of Water Resources Management and Director of the Department of Legal Affairs;

The Minister of Natural Resources and Environment hereby promulgates a Circular on determination and announcement of domestic water supply protection zone.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Circular provides for determination and announcement of domestic water supply protection zones.

Article 2. Regulated entities

This Circular applies to regulatory authorities, organizations, individuals and households involved in determination and announcement of domestic water supply protection zones and activities within the domestic water supply protection zone in the territory of the Socialist Republic of Vietnam.

Article 3. Rules for determining domestic water supply protection zones

1. Ensure prevention and reduction of negative effects on quality of water of domestic water extraction works and other functions of water.

2. Conform to topographical, geological and hydro-geological conditions, flow regime, water characteristics, scope of extraction, floor plan and other characteristics related to the maintenance of domestic water quality.

3. Conform to current use of land and socio-economic development of the area where the domestic water extraction work is located.

Chapter II

DETERMINATION AND ANNOUNCEMENT OF DOMESTIC WATER SUPPLY PROTECTION ZONES

Article 4. Cases in which domestic water supply protection zone must be determined and announced

Works used for extracting water for domestic purposes or multiple purposes, including supply of domestic water (below collectively referred to as “domestic water extraction works”) of producers, traders and services provider (below collectively referred to as “organizations”) must have domestic water supply protection zone determined and announced. They include:

1. Surface water extraction work with a capacity of over 100 m³/24 hours.
2. Groundwater extraction work with a capacity of over 10 m³/24 hours.

Article 5. Boundary of the domestic water supply protection zone for the surface water extraction work

1. The boundary of the domestic water supply protection zone for the surface water extraction work along rivers, streams, canals and ditches includes safety perimeter of river, stream, canal and ditch water that is being extracted, and upstream and downstream areas and is the distance from the extraction area. To be specific:

a) In case the water extraction work has a capacity exceeding 100 m³ per 24 hours but not exceeding 50,000 m³ per 24 hours, the boundary of the domestic water supply protection zone shall be at least:

- 1,000 m upstream and 100 m downstream, regarding mountainous areas;
- 800 m upstream and 200 m downstream, regarding delta and midland areas.

b) In case the water extraction work has a capacity of at least 50,000 m³ per 24 hours, the boundary of the domestic water supply protection zone shall be at least:

- 1,500 m upstream and 100 m downstream, regarding mountainous areas;
- 1.000 m upstream and 200 m downstream, regarding delta and midland areas.

2. The boundary of the domestic water supply protection zone for the surface water extraction work in reservoirs is the distance from the extraction area. To be specific:

- a) The boundary shall be at least 1,500, regarding the reservoir water extraction work along rivers and streams and not transcend the boundary of the reservoir water safety perimeter;
- b) The boundary shall include entire reservoir foundation in case the reservoir water extraction work is different from the one specified in Point a of this Clause.

Article 6. Boundary of the domestic water supply protection zone for the groundwater extraction work

1. Regarding the groundwater extraction work that has a capacity exceeding 10 m^3 per 24 hours but not exceeding $3,000\text{ m}^3$ per 24 hours, the boundary of the domestic water supply protection zone shall be at least 20 m from the mouth of the well.
2. Regarding the groundwater extraction work that has a capacity of at least $3,000\text{ m}^3$ per 24 hours, the boundary of the domestic water supply protection zone shall be at least 30 m from the mouth of the well.

Article 7. Procedures for determining and announcing the domestic water supply protection zone

1. During preparation of an application for issuance of the water extraction license, the organization directly investing in, managing and operating the water extraction work shall, according to Articles 5 and 6 of this Circular, make a proposal for specific boundary of the extraction work's domestic water supply protection zone and submit it to the Department of Natural Resources and Environment of the area where the work is located.
2. According to the proposal specified in Clause 1 of this Article and current use of land in the areas where the extraction work is located, the Department of Natural Resources shall determine boundary of the extraction work's domestic water supply protection zone.
3. Within thirty (30) working days from the date on which the water extraction license issued by the Ministry of Natural Resources and Environment is received or from the date on which the People's Committee of the province issues the water extraction license, the Department of Natural Resources and Environment shall request the People's Committee of the province to approve the domestic water supply protection zone.

The approved contents include name of the extraction work; water sources, scope of the extraction work, extraction location, boundary of the domestic water supply protection zone for the extraction work.

4. Within thirty (30) working days from the date on which the decision on approval for boundary of the domestic water supply protection zones is available, the People's Committee of the province shall direct the Department of Natural Resources and Environment to publish the list of

domestic water supply protection zones for the extraction works through mass media and on local website, send a written notice thereof to the People's Committee of the province and People's Committee of the commune where the extraction works are located, and the Department of Water Resources Management.

Chapter III

RESPONSIBILITY AND IMPLEMENTATION

Article 8. Responsibilities of organizations, individuals and households

1. The organization, individual or household that is living or producing, trading or providing services within the domestic water supply protection zone must comply with regulations on water source and groundwater safety perimeter, and other requirements for water resource protection in accordance with regulations of the law on water resources.

2. The organization directly managing and operating the water extraction work specified in Article 4 of this Circular shall:

a) make a proposal for the boundary of the domestic water supply protection zone, which is within its extraction work and include it in the application for issuance of the water extraction license;

b) cooperate with the People's Committee of the district or the People's Committee of the commune where the water extraction work is located and relevant authorities in determining the boundary of the domestic water supply protection zone on site after the approval or announcement;

c) protect the water source under its management; supervise activities carried out within the domestic water supply protection zone for the work. In case acts of causing pollution or potentially causing pollution, threats to safety of water extraction and other violations of the law on water resources within the domestic water supply protection zone for the extraction work are found, remedial actions shall be promptly taken and reported to the nearest local government.

Article 9. Responsibilities of the Department of Natural Resources and Environment

1. Determine the domestic water supply protection zone and request the People's Committee of the province to approve it after the work is issued with a license by a competent authority.

2. Announce the domestic water supply protection zone under the direction of the People's Committee of the province.

3. Encourage, instruct and supervise organizations and individuals within its area determining the boundary of the domestic water supply protection zone on site after the approval or announcement.

4. Submit periodic consolidated reports on determination and announcement of domestic water supply protection zones for domestic water extraction works within its area to the Ministry of Natural Resources and Environment through the Department of Water Resources Management before December 31.

Article 10. Responsibilities of People's Committees at all levels

1. The People's Committee of the province shall:

- a) approve the domestic water supply protection zone for the water extraction work.
- b) direct the Department of Natural Resources and Environment in determining and announcing the domestic water supply protection zone for the water extraction work within its area;
- c) direct inspection and supervision of activities carried out within the domestic water supply protection zone.

2. The People's Committee of the district and the People's Committee of the commune shall:

- b) cooperate with the organizations having domestic water extraction works and relevant authorities in determining the boundary of the domestic water supply protection zone on site after the approval or announcement;
- b) adopt solutions for protecting domestic water quality within their area;
- c) within their power, receive and address issues concerning domestic water supply protection zones for water extraction works within their area.

Article 11. Transition clause

1. In case a work has been issued with the water extraction license before the effective date of this Circular:

- a) The Department of Natural Resources and Environment shall consolidate and compile the list of domestic water supply protection zones and submit it to the People's Committee of the province for approval.
- b) Domestic water supply protection zones shall be determined, approved and announced within two (02) years from the effective date of this Circular.

2. In case the domestic water extraction work is being operated and due to current site plan it is impossible to establish a domestic water supply protection zone as prescribed in Articles 5 and 6 of this Circular, the People's Committee of the province shall, according to characteristics and scope of the work, water characteristics and other requirements for water protection, consider deciding on the boundary of domestic water supply protection zone which must be less than the minimum boundary and the water quality must be maintained.

Article 12. Effect

1. This Circular comes into force from October 25, 2016.
2. The People's Committee of the province shall direct the implementation of this Circular within its area.
3. The Department of Water Resources Management shall consult and assist the Minister of Natural Resources and Environment in providing guidance and inspecting the implementation of this Circular nationwide.
4. Difficulties that arise during the implementation of this Circular should be promptly reported to the Ministry of Natural Resources and Environment for consideration./.

**PP. THE MINISTER
THE DEPUTY MINISTER**

Chu Pham Ngoc Hien

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