

# **Drinking Water Management Act**

Promulgated and Effective on November 10, 1972

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Environmental Protection Administration of the Republic of China on Taiwan

English Translation<sup>1</sup>

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## **Chapter 1: General Provisions**

### **Article 1**

The purpose of this Act is to safeguard and improve drinking water quality, and to protect public health. For matters not provided for herein, other relevant laws and regulations shall apply.

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<sup>1</sup> Translators' note: This translation is for informational purposes only and does not represent the binding law of the Republic of China. The binding law appears only in the national language--Chinese. Therefore, for purposes other than acquiring information, reference must be made to the original Chinese version of this Act.

In translating this Act, the translators did not depart from the original Chinese text. Accordingly, ambiguities present in the translation are also present in the original.

In the Chinese version of this Act, each paragraph is referred to as a "section" (*hsiang*). Bracketed text indicates translator additions for purpose of increasing clarity.

## **Article 2**

The “Responsible Agency” for this Act shall be the Environmental Protection Administration under the Executive Yuan at the central government level,<sup>2</sup> the provincial (or municipal) government at the provincial (or municipal) government level, or the county (or city) government at the county (or city) government level.

## **Article 3**

The term “drinking water” used in this Act refers to water supplied for drinking by the general public. Drinking water sources include:

1. tapwater (public water supplied via pipes or other conduits in accordance with sanitation standards and the Tapwater Act);
2. surface water (the entirety or sections of waters in rivers, lakes, dams, ponds or other systems);
3. groundwater (subsurface water); and
4. other waters designated by the Responsible Agency at the central government level.

## **Article 4**

The term “drinking water equipment” used in this Act refers to equipment installed in accordance with the Tapwater Act, public water supply equipment installed by a local communities, stationary equipment installed by public or private enterprises for continuous drinking water supply to the general public, and other equipment designated by a public announcement issued by the Responsible Agency at the central government level.

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<sup>2</sup> Translators' note: Otherwise known as the Environmental Protection Administration of the Republic of China on Taiwan, or “TEPA.”

## Chapter 2: Water Source Management

### Article 5

No activity that may pollute water sources and water quality is allowed within a tapwater source quality protection area or an area within a certain distance from a water-intake point.

The “activity that may pollute water sources and water quality” mentioned in the preceding Section refers to:

1. illegal logging or land development;
2. development of an industrial park or establishment of a polluting factory plant;
3. development of nuclear and other energies facilities as well as construction of radioactive waste storage or disposal sites;
4. dumping, disposing or discarding of garbage, ashes, gravel and soil, sludge, excrement and urine, waste oil, waste chemicals, animal corpses, or other materials which may pollute water source quality;
5. commercial poultry and livestock operations;
6. development of a new residential community, excluding the natural expansion of an aboriginal community as a result of population growth;
7. construction or expansion of golf courses;
8. excavation of gravel, soil and ore;
9. development of a railroad, mass transit system, harbor, or airport subject to the environmental impact assessment process because of the scope and scale of the project;
10. human alterations of river courses which might affect water source self-purification capacity without obtaining a permit in advance from the

Responsible Agency for this Act and the Responsible Agency for the Enterprises Associated with the alteration Project;

11. construction of roads and sports fields without obtaining a permit in advance from the Responsible Agency for this Act or the Responsible Agency for the Enterprises Associated with the road or sports field Project; and
12. other activities designated via public announcement of the Responsible Agency for this Act at the central government level.

The activities listed in Items 1 to 9 and 12 of Section 2 of this Article may not be prohibited if they are deemed necessary for local residents and are approved in advance by the Responsible Agency for this Act.

The boundaries of tap water source quality protection areas and required distances from water drawing points mentioned in Section 1 of this Article shall be proposed within one (1) year of the revision and promulgation of this Act by the Responsible Agency at the provincial (or municipal) government level, or county (or city) government level, and be referred to the Responsible Agency at the central government level for approval and promulgation. For those areas involving two (2) or more counties (or cities), the Responsible Agency at the central government level shall directly specify and promulgate the boundaries and set-off distances within one (1) year of the revision and promulgation of this Act.

After promulgation, the Responsible Agency for this Act may order the owner or user of any pre-existing buildings or those responsible for any land uses in specified drinking water source quality protection areas, or within a certain distance from a water drawing point, to dismantle the building or improve or change the land-uses, if the building or activity is deemed harmful [(polluting)] to water source quality. Any losses resulting from such orders shall be compensated by tapwater and other relevant enterprises.

#### **Article 6**

Except where otherwise approved by the Responsible Agency at the central government level, only surface waters and groundwaters which are consistent with drinking water quality standards are suitable for drinking water.

Drinking water quality standards shall be promulgated by the Responsible Agency at the central government level.

### **Chapter 3: Equipment Management**

#### **Article 7**

Tapwater-related equipment and associated management activities shall be maintained in accordance with the Tapwater Act.

#### **Article 8**

Public drinking water equipment installed by a public or private enterprise designated by the Responsible Agency at the central government level shall not be operated prior to registration at the municipal government or county (or city) government where the equipment is located.

#### **Article 9**

Public or private enterprises shall be responsible for maintaining public drinking water equipment and records of such maintenance in accordance with relevant regulations. The public or private enterprises mentioned in Article 8 shall also submit maintenance records to the Responsible Agency at the municipal government or county (or city) government level where the equipment is located.

The management measures for maintaining the drinking water equipment mentioned in Section 1 of this Article shall be promulgated by the Responsible Agency at the central government level.

#### **Article 10**

The drinking water equipment designated by the Responsible Agency at the central government level shall be consistent with the relevant national standards; if no such standards are available, the Responsible Agency at the central government level shall promulgate the applicable standards.

## Chapter 4: Water Quality Management

### Article 11

The quality of drinking water shall be consistent with drinking water quality standards.

The drinking water quality standards mentioned in Section 1 of this Article shall be promulgated by the Responsible Agency at the central government level.

### Article 12

Public and private enterprises shall periodically inspect public drinking water equipment quality and make the results of these inspections available to the public. The public or private enterprises mentioned in Article 8 shall also submit inspection records, on a periodic basis, to Responsible Agency at the municipal government or county (or city) government level where the equipment is located.

The inspections mentioned in Section 1 of this Article shall be conducted by an inspection and testing institution recognized by the Responsible Agency at the central government level.

### Article 13

The chemicals used for maintaining drinking water quality shall be limited to those designated via public announcement by Responsible Agency at the central government level.

### Article 14

The Responsible Agencies at various government levels shall select locations to periodically conduct relevant sampling and inspections and take necessary measures in accordance with the analysis of the sampling and inspection results. Whenever proven to be detrimental to human health, consumption of the drinking water supply in question shall be immediately prohibited.

The sampling locations, inspection results and response actions mentioned in Section 1 of this Article, if conducted by the Responsible Agencies at provincial (or

municipal) or county (or city) government level, should be reported to the Responsible Agencies at superior level of government.

### **Article 15**

The Responsible Agencies at various government levels may dispatch inspectors who, presenting identification, inspect drinking water equipment and drinking water quality, and acquire relevant samples and documents; the owner, user or manager of a public or private enterprise subject to such inspections shall not refuse, interfere with, or evade such inspection, sampling or document requests.

## **Chapter 5: Penalties**

### **Article 16**

Those persons violating the following provisions shall be punished by imprisonment of no more than one (1) year or detention, with the possible addition of a fine of no more than sixty thousand (60,000) New Taiwan Dollars (“NTD”):

1. violation of the Provisions of Section 1 of Article 5 of this Act and failure to comply after a compliance order is issued by the relevant Responsible Agency;
2. violation of the Provisions under Section 1 of Article 6 of this Act and failure to comply after the violative behaviour is prohibited by the relevant Responsible Agency; and
3. violation of the Provisions under Section 1 of Article 11 of this Act and failure to comply after the violative behaviour is prohibited by the relevant Responsible Agency.

Those persons who commit crimes mentioned in Section 1 of this Article that result in death shall be punished by imprisonment of up to seven (7) years, with the possible addition of a fine of three hundred thousand (300,000) NTD; those persons who commit crimes mentioned in Section 1 of this Article that result in serious bodily injury shall be punished by imprisonment of up to five (5) years, with the possible addition of a fine up to one hundred fifty thousand (150,000) NTD.

### **Article 17**

Any person who knowingly makes untrue statements in documents submitted in accordance with Section 1 of Article 9 and Section 1 of Article 12 , or falsifies relevant business records, shall be punished by imprisonment of up to three (3) years or detention, with the possible addition of a fine of up to sixty thousand (60,000) NTD.

### **Article 18**

Those persons violating Article 13 of this Act shall be punished by imprisonment of no more than one (1) year or detention, with the possible addition of a fine of up to sixty thousand (60,000) NTD.

### **Article 19**

Crimes prescribed in Article 16-18, when committed by representatives<sup>3</sup> of a juristic (legal) person, agents of natural or legal person, or employees or other persons engaged in business activities, shall be punished in accordance with the relevant provisions of this Act. In addition, fines prescribed therein shall be imposed upon the juristic (legal) or natural persons involved.

### **Article 20**

Those persons violating Section 1 of Article 5 of this Act shall be punished by a fine of between one hundred thousand (100,000) and one million (1,000,000) NTD and shall be subject to a compliance order issued by the relevant Responsible Agencies.

### **Article 21**

Those persons violating Section 1 of Article 6 of this Act shall be assessed a fine of between sixty thousand (60,000) and six hundred thousand (600,000) NTD and shall be subject to a compliance order issued by the relevant Responsible Agencies.

### **Article 22**

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<sup>3</sup> Translators' note: "Representatives" are not necessarily "agents" under Taiwan law.

Those persons violating Article 8 of this Act shall be assessed a penalty of between ten thousand (10,000) and one hundred thousand (100,000) NTD and shall be subject to an order for compliance within a specified time period; if the violation continues after the end of the specified time period, additional fines shall be imposed.<sup>4</sup>

### **Article 23**

Those persons who fail to maintain records in accordance with Section 1 of Article 9 of this Act, or fail to publicize the results of drinking water equipment inspections in accordance with Section 1 of Article 12 of this Act, shall be assessed a penalty of between ten thousand (10,000) and one hundred thousand (100,000) NTD, and shall be subject to an order for compliance with a specified time period, if the violation continues after the end of specified time period, then additional fines shall be imposed; those who fail to submit records in accordance with Section 1 of Article 9, or Article 12 of this Act, shall be assessed a penalty of between ten thousand (10,000) and one hundred thousand (100,000) NTD and shall be subject to an order for compliance with a specified time period; if the violation continues after the specified time period, then continuous daily fines shall be imposed.

Those persons violating the provisions contained in the Measures mentioned in Section 2 of Article 9 of this Act, shall be assessed a penalty of between ten thousand (10,000) and one hundred thousand (100,000) NTD, and shall be subject to an order for compliance with a specified time period; if the violation continues after the specified time period, then continuous daily fines shall be imposed.

### **Article 24**

Public or private enterprises the public drinking water quality of which violates the provisions of Section 1 of Article 11 of this Act, shall be assessed a penalty of between sixty thousand (60,000) and six hundred thousand (600,000) NTD and shall be subject to an order for compliance within a specified time period; if the violation continues after the end of the specified time period, then continuous daily fines shall be imposed; if the drinking water quality violations are deemed to be particularly serious, the Responsible Agency may prohibit drinking of the water in question.

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<sup>4</sup> Translators' note: "Additional fines" may be interpreted to subject the violator to successive fines for violations that are not immediately corrected.

### **Article 25**

Any person who evades, interferes with, or refuses to allow the inspections prescribed in Article 15, who refuses to provide required samples or documents, or who provides false samples or documents, shall be assessed a penalty of between thirty thousand (30,000) and three hundred thousand (300,000) NTD, and shall be subject to additional penalties<sup>5</sup> and compulsory inspections.

### **Article 26**

Penalties associated with this Act, except as otherwise prescribed by this Act, shall be assessed by the Environmental Protection Administration under the Executive Yuan at the central government level, by the Environmental Protection Department at the provincial government level, by Environmental Protection Bureaus at the municipal government level, or by county (or city) governments at the county (or city) government level.

### **Article 27**

For failures to pay fines imposed in accordance with the Act, an order for compliance within a specified time period shall be issued and, if the violation continues after the end of the specified time period, the case shall be referred to a court of law for enforcement.

## **Chapter 6: Supplementary Provisions**

### **Article 28**

This Act applies to the management of water source quality for packaged or containerized water offered for sale; the Food Sanitation Management Act shall apply to the sanitation, labeling, and advertisement of containers, packaging and manufacturing, as well as water quality inspection, of packaged or containerized water.

### **Article 29**

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<sup>5</sup> Translators' note: "Additional penalties" may be interpreted to subject the violator to successive administrative penalties for violations that are not immediately corrected.

The public or private enterprises designated in accordance with Article 8 shall, within six (6) months after the date specified via public announcement, submit a registration application for drinking water equipment installed prior to the designation.

**Article 30**

The implementation rules for this Act shall be prescribed by the Responsible Agency at the central government level.

**Article 31**

This Act shall come into force upon the date of promulgation.