

PROCEDURE FOR PERMITS FOR MANAGEMENT OF HAZARDOUS AND TOXIC WASTE

(Regulation of the Minister of Living Environment Number 18 Year 2009,
dated May 22, 2009)

STATE MINISTER OF LIVING ENVIRONMENT,

In view of:

Considering:

- a. that to implement the provision in Article 40 paragraph (1) letter a and paragraph (2) of Government Regulation Number 18 Year 1999 concerning Management of Hazardous and Toxic Waste, it is necessary to stipulate Regulation of the State Minister of Living Environment concerning Procedure for Permits for Management of Hazardous and Toxic Waste;
- b. that Decision of the Head of Environmental Impact Control Agency Number: Kep-68/Bapedal/05/1994 (BN No. 5798 pgs.3B-4B) concerning Procedure for obtaining License for Final Storage, Collection, Operation of Processing Equipment, Processing and Piling of Hazardous and Tonix Waste is no longer justified with the developing condition;
- c. that based on the consideration referred to in letters a and b, it is necessary to stipulate Regulation of the State Minister of Living Environment concerning Procedure for Permits for Management of Hazardous and Toxic Waste;

1. Law Number 23 Year 1997 (*BN No. 6092 pages 19A-21A and so forth*) concerning Management of Living Environment (Statute Book of the Republic of Indonesia Year 1997 Number 68, Supplement to Statute Book of the Republic of Indonesia Number 3699);
2. Law Number 32 Year 2004 (*BN No. 7183 pages 1A-11A and so forth*) concerning Regional Government (Statute Book of the Republic of Indonesia Year 2004 Number 125, Supplement to Statute Book of the Republic of Indonesia Number 4437) as amended several times and lately amended by Law Number 12 Year 2008 (BN No. 7661 pgs.. 11B-18B and so forth) concerning Second Amendment to Law Number 32 Year 2004 concerning Regional Government (Statute Book of the Republic of Indonesia Year 2008 Number 59, Supplement to Statute Book of the Republic of Indonesia Number 4844);
3. Government Regulation Number 18 Year 1999 (*BN No. 6427 pages 1A-6A and so forth*) concerning Management of Hazardous and Toxic Waste (Statute Book of the Republic of Indonesia Year 1999 Number 31, Supplement to Statute Book of the Republic of Indonesia Number 3815) as

amended several times and lately amended by Government Regulation Number 85 Year 1999 (*BN No. 6441 pages 2A-6A and so forth*) concerning Amendment to Government Regulation Number 18 Year 1999 concerning Management of Hazardous and Toxic Waste (Statute Book of the Republic of Indonesia Year 1999 Number 190, Supplement to Statute Book of the Republic of Indonesia Number 3910);

4. Government Regulation Number 27 Year 1999 (*BN No. 6442 pages 10A-12A*) concerning Analysis on Living Environmental Impact (Statute Book of the Republic of Indonesia Number 59, Supplement to Statute Book of the Republic of Indonesia Number 3838);

5. Government Regulation Number 38 Year 2007 concerning Distribution of Regional Affairs between the Government, Regional Government of Province and Regional Government of Regency/ Municipality of Regency/ Municipality (Statute Book of the Republic of Indonesia Year 2007 Number 82, Supplement to Statute Book of the Republic of Indonesia Number 4737);

6. Regulation of the President of the Republic of Indonesia Number 9 Year 2005 (*BN No. 7184 pages 2A-23A and so forth*) concerning Capacity, Duty, Function Organizational Structure and Work Procedure of the State Ministry of the Republic of Indonesia as amended several times and lately amended by Regulation of the Presi-

dent of the Republic of Indonesia Number 94 Year 2006;

DECIDES:

To stipulate:

REGULATION OF STATE MINISTER OF LIVING ENVIRONMENT ON THE PROCEDURE OF PERMITS FOR MANAGEMENT OF HAZARDOUS AND TOXIC WASTE.

Article 1

What is meant in this Regulation of the Minister by:

1. hazardous and toxic waste, hereinafter referred to as B3 waste shall be remnants of business activities and/or activities containing hazardous and/or toxic material which due to its nature and/or concentration and/or volume, either directly or indirectly may pollute and/or damage the living environment, and/or may endanger living environment, and/or may endanger living environment, health, lifespan of human and/or other living creature.
2. Management of B3 waste shall be a series of activities covering reduction, storage, collection, transportation, utilization, processing, and piling up of B3 waste.
3. Utilization of B3 waste as the main activity shall be business activity using B3 waste as main material in activity processing that produces product.

4. Producer of B3 waste shall be the person which business and/or activity is to produce B3 waste.
5. By-product shall be any product from B3 waste utilization process still in the form of non-end product still used as basic material by industry and/or other activities that comply with SNI, international standard, or other recognized.
6. License for B3 mangement hereinafter referred to as license shall be decision of the State administrator containing approval to application for management of B3 waste issued by the Minister, Governor, or Regent/Mayor.
7. Applicant shall be business entity submitting application for license for B3 waste management.
8. B3 waste processing business entity shall be business entity exercising B3 waste management as the main business activity and/or management of B3 waste originating not from its own activities and in the notary deed of establishment of business entity it states B3 waste management field or sub-field.
9. National scale collection shall be activity in collecting B3 waste originating from two (2) or more provinces.
10. Provincial scale collection shall be B3 waste collecting activity originating from two (2) or more regency/municipality.
11. Regency/Municipality scale collection shall be collecting activity of B3 waste originating from one regency/municipality.
12. Recommendation shall be certificate constituting the basis for issuing license for business and/or activity.
13. Deputy Minister shall be Echelon I Official of the State Ministry functioning to formulate policy and coordinate implementation of the policy and on the management of hazardous and toxic waste.
14. Minister shall be Minister exercising administration affairs in the management of living environment.

Article 2

- (1) Type of B3 waste management activity must be supported by license for the following activities:
 - a. transportation;
 - b. temporary storage;
 - c. collection;
 - d. utilization;
 - e. processing; and
 - f. piling up.
- (2) B3 waste producer may not carry out B3 waste collection as referred to in paragraph (1) letter c.
- (3) The collecting activity referred to in paragraph (1) letter c may only be granted license if:
 - a. technology for B3 waste utilization is availalbe; and/or
 - b. holds cooperation work contract with the B3 waste processing party and/or piling up party.

- (4) The cooperation contract referred to in paragraph (3) letter b shall be obliged to state the responsibility of the respective party in the event of pollution to the living environment.
- (5) The utilization activity referred to in paragraph (1) letter d may be in the form of:
 - a. main activity; or
 - b. not main activity.

Article 3

- (1) B3 waste transporting activity referred to in Article 2 paragraph (1) letter a,ist have license from the Minister handling matters on communication after obtaining recommendation from the Minister.
- (2) Temporary storage activity of B3 waste referred to in Article 2 paragraph (1) letter b must have license from the Regent/Mayor.
- (3) B3 waste collecting activitye referred to in Article 2 paragraph (1) letter c must have license from:
 - a. the Minister for B3 waste collection of national scale after obtaining recommendation from the Governor;
 - b. Governor for B3 waste collection of province scale;
 - c. Regent/Mayor for B3 waste collection of regent/mayor scale
- (4) B3 waste utilization activity referred to in Article 2 paragraph (5) letter a must have license from the relevant agency according to his/her

authority after obtaining recommendation from the Minister.

- (5) B3 waste utilization activity referred to in Article 2 paragraph (5) letter b must have license from the Minister.
- (6) B3 waste processing activity referred to in Article 2 paragraph (1) letter e and letter f must have license from the Minister.

Article 4

- (1) The application for recommendation from the Minister referred to in Article 3 paragraph (1) must comply with the requirements set forth in Attachment I that constitutes inseparable part of this Regulation of the Minister.
- (2) B3 waste transportation may be permitted only if the producer has conducted the the cooperation work contract with the B3 waste utilizing, processing and/or collecting company.

Article 5

- (1) B3 waste management that requires trial test of the tools, processing installation, method of processing, and/or utilization must first obtain trial test approval from the Minister.
- (2) The authority to issue approval for trial test referred to in paragraph (1) is delegated to the Deputy Minister.
- (3) Implementation of trial test referred to in paragraph (1) must be witnessed by the staff of the State Ministry of Living Environment.

Article 6

- (1) The business and/or activity using product and/or by-product produced by the business and/or activity on B3 waste utilization is not obliged to have license.
- (2) The product referred to in paragraph (1) must have passed producing process and comply with the Indonesian National Standard (SNI), international standard, or other standard recognized nationally or internationally.

Article 7

The authority to issue recommendation referred to in Article 3 paragraph (1) and dan paragraph (4) and license referred to in Article 3 paragraph (5) may be delegated to the Deputy Minister.

Article 8

- (1) Any company which main activity is B3 waste management and/or processing not originating from own activity must have insurance on living environment against or resulting from B3 waste management.
- (2) Limit of insurance accountability/responsibility referred to in paragraph (1) is fixed minimum Rp5.000.000. 000,00 (five billion Rupiahs).

Article 9

- (1) Any company which main activity is management of B3 waste and/pr processing B3 waste not originating from its own activity must have:

- a. analyzing laboratory or analyzing device for B3 waste at the location of activity; and;
- b. educated personnel in the field of analysis and management of B3 waste.

- (2) The provision referred to in paragraph (1) is exempted from B3 waste transporting activity referred to in Article 2 paragraph (1) lettera.

Article 10

- (1) The applicant shall submit application for license for management of B3 waste to the Minister, Governor, or Regent/Mayor according to their respective authority.
- (2) The application for license referred to in paragraph (1) shall be submitted by filling in the application form for license for management of B3 waste as set forth in Attachment II constituting inseparable part of this Regulation of the Minister.
- (3) The application for license referred to in paragraph (1) must comply with the requirements at least as set forth in Attachment III constituting inseparable part of this Regulation of the Minister.
- (4) The application for trial test for management of B3 as referred to in Article 4 must comply with the requirements at least as stated in paragraph (3) using the application form for trial test of management of B3 waste as set forth in Attachment IV that constitutes inseparable part of this Regulation of the Minister.

Article 11

The decision referred to in Article 10 shall be processed in phases:

- a. administrative evaluation shall be evaluation on the completeness of administrative requirement submitted by the applicant referred to in Article 10;
- b. technical verification namely evaluation on justification of the requirements submitted by the application referred to in Article 10 paragraph (3) based on real condition at the location of activity supported by Minutes;
- c. stipulation of requirements and technical provision stated on the license to be issued; and
- d. final decision for granting license by the Minister.

Article 12

- (1) The decision on application for license referred to in Article 11 letter d may be in the form of approval or rejection.
- (2) The license issued must comply with the requirement referred to in Article 11 letter a and letter b.
- (3) Rejection to license referred to in paragraph (1) must be supported by reason for rejection.
- (4) The authority to reject license referred to in paragraph (1) may be delegated to the Deputy Minister.

Article 13

- (1) The decision for license referred to in Article 11 shall be issued within 45 (forty-five) working days as of the date the complete application for license is received.
- (2) If the application for license referred to in paragraph (1) is incomplete or fails to comply with the requirements, the application letter for license shall be returned to the applicant.

Article 14

- (1) The license referred to in Article 11 letter d shall be in the form of Decision of the Minister.
- (2) The decision of the Minister referred to in paragraph (1) shall at least state:
 - a. identity of the company covering the name of the company, the address, field of business, and the person in charge;
 - b. type of management of B3 waste;
 - c. location/area of B3 waste management activity;
 - d. type and characteristic of the B3 waste;
 - e. obligation to be fulfilled;
 - f. requirement as indicator in carrying out the obligation;
 - g. validity of the license;
 - h. system of supervision; and
 - i. reporting system.

(3) Validity of license is five (5) years and may be extended.

Article 15

(1) Application for license extension shall be submitted to the Minister, Governor, or Regent/ Mayor within two (2) months prior to expiry of validity.

(2) The application for license extension referred to in paragraph (1) shall use application form for extension of license as set forth in Attachment V that constitutes inseparable part of this Regulation of the Minister.

Article 16

If changes take place on the type, characteristic, volume, and/or method of management of B3 waste, the applicant shall be obliged to submit application for new license.

Article 17

(1) The Minister, Governor, and/or Regent/Mayor shall exercise supervision on the license implementation system for management of B3 according to their respective authority.

(2) The supervision referred to in paragraph (1) conducted by the Environmental Supervision Officer (PPLH) and / or Officer Supervisor Regional Environment (PPLHD).

Article 18

With the enforcement of this regulation, B3 waste transport, collection, utilization, processing

and hoarding business and/or activity as the main activity and/or treatment of B3 waste being not direct activity already securing license shall be adjusted to the provisions of Articles 8 and 9 paragraph (1) in no later than 6 (six) months.

Article 19

With the enforcement of this regulation, Decision of the Head of the Environmental Impact Controlling Agency Number Kep-68/BAPEDAL/05/1994 on Procedures for Securing License to Store, Collect, Operate Final Treatment and Collection Instrument of Hazarduous and Toxic Waste shall be revoked and declared null and void.

Article 20

This regulation shall come into force as from the date of stipulation.

Stipulated in Jakarta

On May 22, 2009

THE STATE MINISTER
FOR ENVIRONMENTAL AFFAIRS

sgd

RACHMAT WITOELAR

Catatan Redaksi :

- Due to technical reason no Attachment is attached herein.

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