

**SYSTEM OF PERMITS AND SUPERVISION ON MANAGEMENT OF HAZARDOUS
AND TOXIC WASTE MATERIAL AND SUPERVISION ON RECOVERY
FROM THE RESULT OF POLLUTION BY HAZARDOUS AND
TOXIC WASTE MATERIAL BY REGIONAL GOVERNMENT**

(Regulation of the State Minister of Living Environment Number 30 Year 2009,
dated August 5, 2009)

STATE MINISTER OF LIVING ENVIRONMENT,

Considering:

- a. that based on the provision in Article 40 paragraph (2) of Government Regulation Number 18 Year 1999 concerning Management of Hazardous and Toxic Waste Material, procedure for obtaining permit for storage and collection of hazardous and toxic waste material shall be stipulated by the Minister in-charge of administration affairs on management of living environment;
- b. that based on the provision in Article 64 paragraph (1) of Government Regulation Number 18 Year 1999 concerning Management of Hazardous and Toxic Material, any person or business entity producing, collecting, transporting, processing or piling up Hazardous and Toxic Waste Material either individually or proportionally shall be obliged to clean and/or recover the environment;
- c. that under Article 9 of Government Regulation Number 38 Year 2007 concerning Distribution of Administration Affairs between the Government, Regional Government of Regency/Municipality, implementation of authority on permits and supervision on management of hazardous and toxic

waste material and supervision on implementation of recovery from the result of pollution by hazardous and toxic waste material by regional government shall be conducted based on the norm, standard, procedure, and criteria stipulated by the Minister;

- d. that based on the consideration referred to in letters a, b, and c it is necessary to stipulate Regulation of the State Minister of Living Environment concerning Management of hazardous and toxic waste material and supervision on recovery from the result of pollution by hazardous and toxic waste material by the Regional Government;

In view of:

- 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 Administration (Statute Book of the Republic of Indonesia Year 2004 Number 125, Supplement to Statute Book of the Republic of Indonesia Number

- 4437) as lately amended by Law Number 12 Year 2008 concerning Second Amendment to Law Number 32 Year 2004 concerning Regional Administration (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 Material (Statute Book of the Republic of Indonesia Year 1999 Number 31, Supplement to Statute Book of the Republic of Indonesia Number 3815) as 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 Material (Statute Book of the Republic of Indonesia Year 1999 Number 32, Supplement to Statute Book of the Republic of Indonesia Number 3910);
 4. Government Regulation Number 38 Year 2007 concerning Distribution of Administration Affairs between the Government, Regional Government of Province and Regional Administration of Regency/Municipality *Pembagian Urusan Pemerintahan Antara Pemerintah, Pemerintahan Daerah Provinsi* (Statute Book of the Republic of Indonesia Year 2007 Number 38, Supplement to Statute Book of the Republic of Indonesia Number 4737);
 5. Presidential Regulation 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 of the Republic of Indonesia as amended several times and lately amended by Presidential Regulation Number 94 Year 2006;
 6. Decision of the State Minister of Living Environment Number 07 Year 2001 concerning Supervisory Official of Living Environment and Supervisory Official of Living Environment of the Region;
 7. Decision of the State Minister of Living Environment Number 58 Year 2002 concerning Work Procedure of Supervisory Official of Living Environment of Province / Regency/Municipality;
 8. Regulation of the State Minister of Living Environment Number 18 Year 2009 concerning Procedure for Permits for Management of Hazardous and Toxic Waste Material;

DECIDES:

To stipulate:

REGULATION OF THE STATE MINISTER OF LIVING ENVIRONMENT CONCERNING SYSTEM OF PERMITS AND SUPERVISION ON MANAGEMENT OF HAZARDOUS AND TOXIC WASTE MATERIAL AND SUPERVISION ON RECOVERY FROM THE RESULT OF POLLUTION BY HAZARDOUS AND TOXIC WASTE MATERIAL BY REGIONAL GOVERNMENT.

CHAPTER I

GENERAL PROVISION

Article 1

What is meant in this Regulation of the Minister by:

1. Hazardous and toxic waste material hereinafter referred to as B3 waste shall be the remnants of business and/or activity operation containing hazardous and/or toxic waste material which due to its concentration and its volume, either directly or indirectly may pollute and/or damage living environment, and/or may hazardous to living environment, health, human lifespan and other living creature.
2. Management of B3 waste shall be activity covering reduction, storage, collection, transportation, and piling up B3 waste.
3. Storage of B3 waste shall be B3 waste storage activity conducted by the producer, collector, user, processor and/or piling up person of B3 waste for the purpose of temporary storage.
4. B3 collection shall be collecting activity of B3 waste from the producer of B3 waste for the purpose of temporary storage before delivery to the user, processor, and/or piling up of B3 waste from the producer of B3 waste for the purpose of temporary storage before delivery to the user, processor, and/or piling up person of B3 waste.
5. Nation scale collection of B3 waste shall be collecting activity of B3 which location of collector and producer of B3 waste is cross province and/or the source of B3 waste comes from two (2) provinces or more.
6. Provincial scale collection of B3 waste shall be collecting activity of B3 waste which location of collector of B3 waste is cross regency/municipality and/or from B3 waste source originating from one (1) or more regency/municipality in one (1) province.
7. Regency/municipality scale collection of B3 waste shall be collecting activity of B3 waste from the producer of B3 waste which source is located in one (1) regency/municipality.
8. Recovery from the result of pollution by B3 waste shall be a series of activities in the cleaning and/or recovery of quality of the living environment that has been polluted by B3 waste in order to justify with its allocation.
9. Recommendation shall be certificate constituting the basis of consideration to issue business and/or activity permit.
10. Minister shall be Minister exercising administration affairs in the management of living environment.

Article 2

- (1) The scope governed in this Regulation of the Minister covers:
 - a. permits covering:
 1. permit for temporary of B3 waste; and
 2. permit for collection of B3 waste of provincial and regency/municipality scale.
 - b. recommendation for permit for collection of B3 waste of national scale;
 - c. supervision on B3 waste management;
 - d. supervision on recovery from the result of pollution by B3 waste; and
 - e. management.
- (2) The permit referred to in paragraph (1) letter a point 2 shall not include lubrication oil/used oil.

CHAPTER II**PERMITS****Article 3**

(1) The Governor shall be authorized to issue:

- a. permit for B3 collection of provincial scale;**
- and**
- b. recommendation for permit for collection of B3 waste of national scale.**

(2) The Regent/Mayor shall be authorized to issue permit for temporary storage of B3 waste and collection of B3 waste of regency/municipality scale.

Article 4

Business entity which main activity is collecting B3 must have:

- a. analyzing laboratory or analyzing instrument for B3 waste at the location of B3 waste collecting activity; and**
- b. skilled workers in analyzing sector and management of B3 waste.**

Article 5

(1) Any business exercising temporary storage activity and/or collecting B3 waste shall be obliged to submit request for permit to:

- a. the Governor for permit for collecting B3 waste of Provincial scale; or**
- b. the Regent/Mayor for permit for temporary storage and permit for collecting B3 waste of regency/municipality scale.**

(2) The application for permit for temporary storage and/or collecting B3 waste referred to in

paragraph (1) shall be submitted by the applicant by filling-in and completing application for permit and administration and technical requirement as specified in Attachments I and II that constitute inseparable part of this Regulation of the Minister.

Article 6

Collection activity of B3 waste may be permitted only if:

- a. the type of B3 waste may be utilized; and/or**
- b. the B3 waste collecting business has entered into cooperation contract with the user, processor and/or piling party of B3 waste that already have permit.**

Article 7

The decision referred to in Article 5 shall be processed in phases:

- a. administration evaluation such as complete administration requirement submitted by the applicant referred to in Article 5;**
- b. technical verification such as justification evaluation between the requirements submitted by the applicant as referred to in Article 5 paragraph (2) in real condition at the location of activity in accordance with the work reference on report of permits verification as specified in Attachment III constituting inseparable part of this Regulation of the Minister supported by Minutes;**
- c. stipulation of requirements and technical provision contained in the permit to be issued; and**

d. decision.....

- d. decision for application for permit by the Governor or Regent/Mayor.

Article 8

- (1) Decision for application for permit referred to in Article 7 letter d may be in the form of issue or rejection.
- (2) Permit shall be issued if the application for permit for temporary storage and/or collection of B3 waste complies with the administrative requirement as referred to in Article 7.

Article 9

- (1) Decision for permit referred to in Article 8 shall be issued within 45 (forty-five) working days effective as of complete receipt of application letter for permit
- (2) If the application for permit referred to in paragraph (1) is not complete yet or fails to comply with the requirement, the application letter shall be returned to the applicant
- (3) If within the period referred to in paragraph (1) the Governor or Regent/Mayor fails to issue decision to the application for permit, the application for permit shall be considered approved.

Article 10

- (1) The Governor or Regent/Mayor shall be obliged to submit the status of compliance with the administrative requirement for application for permit to the applicant within seven (7) working days as of the date the application for permit and administrative document are received.

- (2) The Governor or Regent/Mayor shall be obliged to submit the status of compliance with the technical requirement to the applicant within seven (7) working days as of the date of technical verification is made.

Article 11

- (1) Decision in the form of issue of permit referred to in Article 8 paragraph (1) shall be issued in the form of decision of the Governor or decision of the Regent/Mayor.
- (2) The decision referred to in paragraph (1) shall be complied to:
- a. the Minister for decision of the Governor; or
 - b. the Minister and Governor for decision of the Regent/Mayor.
- (3) The decision of the Governor or Regent/Mayor referred to in paragraph (2) letter b shall at least contain:
- a. identity of the business entity covering the name of business entity, the field of business, the name of the person in-charge of activity;
 - b. source of B3 waste;
 - c. location/area of B3 waste management activity;
 - d. type and characteristic of B3 waste;
 - e. obligations to be implemented, such as:
 1. compliance with the type of B3 waste stored /collected;
 2. compliance with the storage and/or collection requirement of B3 waste in accordance with the statutory regulation;

3. compliance with the storage and/or collection requirement according to the type and characteristic of the B3 waste;
4. prevention of spill of B3 waste;
5. recording of balance sheet of B3 waste;
6. compliance with the period of storage and/or collection of B3 waste; and
7. submission of report on the permits processing for storage and/or collection of B3 waste.

- f. supervisory system; and
- g. validity of the permit.

- (4) The balance sheet of B3 waste referred to in paragraph (3) letter e point 5 shall be recorded according to the format as specified in Attachment IV constituting inseparable part of this Regulation of the Minister.

Article 12

The rejection to application for permit referred to in Article 8 paragraph (1):

- a. shall be made if the application for permit fails to comply with administrative requirement and/or technical requirement as referred to in Article 7; and
- b. shall be issued in the form of certificate from the Governor or certificate of the Regent/Mayor supported by reason for rejection.

Article 13

- (1) Permit for storage and/or collection of B3 waste is valid for five (5) years and is extendable.
- (2) The application for permit extension referred to in paragraph (1) shall be submitted to the

Governor or Regent/Mayor within 60 (sixty) working days prior to expiry of the validity.

- (3) The application for permit extension referred to in paragraph (1) shall use the form as specified in Attachment V constituting inseparable part of this Regulation to the Minister.
- (4) Permit extension shall be processed in accordance with the provision referred to in Article 5, Article 6, and Article 7.

Article 14

In the occurrence of change to the type, characteristic, and/or method for storage and collection of B3 waste, new application must be submitted.

Article 15

- (1) Permit for collection and/or storage of B3 waste shall expire if:
 - a. validity of the permit expires; or
 - b. is revoked by the Governor or Regent/Mayor according to their respective authority.
- (2) The revocation referred to in paragraph (1) letter b shall be exercised in the event of violation to implementation of B3 waste management as governed in the permit.
- (3) The revocation of permit referred to in paragraph (1) letter b must be preceded by two (2) consecutive reminder letters within two (2) months period.

Article 16

- (1) Implementation of technical verification of permits shall be conducted by verification team

consisting of Chairman of the Team and at least one (1) member of the Team.

(2) The Chairman of the Team referred to in paragraph (1) must be the person that acts as Supervisory Official of Living Environment of the Region (PPLHD) that complies with the requirements below:

- a. attended training in B3 waste management; and/or
- b. has worked at least two (2) years on management of living environment.

(3) Members of the Team referred to in paragraph (1) must comply with the requirements below:

- a. have attended training on management of B3 waste; and/or
- b. have worked at least one (1) year on management of living environment.

Article 17

(1) The Team referred to in Article 16 paragraph (1) shall be obliged to hold assignment letter.

(2) The assignment letter referred to in paragraph (1) must be issued by the agency in charge of living environmental management of province or regency/municipality.

CHAPTER III

RECOMMENDATION FOR PERMIT FOR COLLECTION OF B3 WASTE OF NATIONAL SCALE

Article 18

Any business entity conducting collection of B3 waste of national scale must have permit from the Minister after obtaining recommendation for permit for collection from the Governor.

Article 19

(1) To obtain permit for collecting B3 waste of national scale as referred to in Article 18, any business entity shall submit application for permit for collecting B3 waste of national scale to the Governor.

(2) After receiving application for recommendation for permit referred to in paragraph (1) the Governor shall be obliged to:

- a. evaluate fulfillment of administration completeness;
- b. conduct technical verification to scrutiny the authenticity of administrative and technical requirements with the condition at the location of business and/or activity in accordance with work reference in the report on permit verification as specified in Attachment III that constitutes inseparable part of this Regulation of the Minister supported by Minutes; and
- c. issue decision for recommendation for permit for collecting B3 waste of national scale.

(3) The decision for recommendation for permit referred to in paragraph (2) letter c:

- a. may be in the form of approval or rejection to application for recommendation for permit for collecting B3 waste of national scale; and
- b. is issued within 30 (thirty) working days as of receipt of the application for recommendation for permit.

(4) If within the period referred to in paragraph (3) letter b the Governor fails to issue decision for

recommendation for permit, then the application for permit is deemed to have approved.

- (5) The approval for application for recommendation for permit referred to in paragraph (3) letter a shall be issued in the form of certificate from the Governor in a format as specified in Attachment VI that constitutes inseparable part of this Regulation of the Minister.
- (6) The rejection to application for recommendation for permit for collecting B3 waste of national scale referred to in paragraph (3) letter a must be supported with reason for rejection.

Article 20

- (1) Verification of recommendation for permit for collecting B3 waste of national scale shall be conducted by the Verification Team.
- (2) The verification referred to in paragraph (1) shall be conducted by the Verification Team consisting of the Chairman of the Team and at least one (1) member of the Team.
- (3) The Chairman of the Team referred to in paragraph (2) must be the person that acts as Supervisory Official of Living Environment of the Region (PPLHD) that complies with the requirements below:
- a. has attended training on management of B3 waste; and/or
 - b. has worked for at least two (2) years on management of living environment.
- (4) Members of the Team referred to in paragraph (2) must comply with the requirements below:
- a. have attended training on management of B3 waste; and/or

- b. have worked for at least one (2) year in the field of management of living environment.

Article 21

The approval for recommendation for permit for collecting B3 waste of national scale referred to in Article 19 is valid for one (1) time application for permit for collecting B3 waste of national scale.

CHAPTER IV

SUPERVISION ON MANAGEMENT OF B3 WASTE AND RECOVERY FROM B3 WASTE POLLUTION

Article 22

- (1) The Governor shall be authorized to conduct supervision on management of B3 waste and recovery from B3 waste pollution of provincial scale.
- (2) The Regent/Mayor shall be authorized to conduct supervision on the implementation of management of B3 waste and recovery from B3 waste pollution of regency/municipality scale.

Article 23

- (1) Supervision on the management of B3 waste and recovery from B3 waste pollution shall be conducted by the Supervisory Team.
- (2) The Supervisory Team referred to in paragraph (1) consists of the Chairman and at least one (1) member of the Team.
- (3) The Chairman of the Team referred to in paragraph (2) must be Supervisory Official of Living Environment of the Region that complies with the requirements below:

- a. has attended training on management of B3 waste; and/or
- b. has worked for at least two (2) years on management of living environment.

(4) Members of the Team referred to in paragraph (2) must comply with the requirements:

- a. have attended training on management of B3 waste; and/or
- b. have worked at least one (1) year on management of living environment.

Article 24

(1) The Supervisory Team referred to in Article 23 paragraph (1) in carrying out their duty shall be obliged to hold assignment letter.

(2) The assignment letter referred to in paragraph (1) shall be issued by the head of agency responsible in living environmental management of province or regency/municipality.

Article 25

Provincial PPLHD or Regency/Municipality

PPLHD in carrying out the supervision referred to in Article 23 paragraph (1) shall be guided by method of supervisory in the management of B3 waste as specified in Attachment VII and method of supervisory in recovery from B3 pollution as specified in Attachment VIII that constitutes inseparable part of this Regulation of the Minister.

Article 26

The PPLHD referred to in Article 23 paragraph (1) is authorized:

- a. enter into the producing, storage, utilization, collection, processing and piling-up area of B3 waste and B3 waste polluted environmental area;
- b. take sample of B3 waste, B3 waste administrative document, and other samples;
- c. ask information relating to management of B3 waste and environmental recovery from B3 waste pollution;
- d. take photographs; and
- e. examine and prepare report on the status of business entity on permits for B3 waste management.

CHAPTER V

MANAGEMENT

Article 27

(1) Management in implementation of permits and supervision of B3 waste and management of supervision of recovery from B3 waste pollution in provincial level shall be exercised by the Minister.

(2) Management in the implementation of permits and supervision on B3 waste supervision on recovery from B3 waste pollution in regency/municipality level shall be exercised by the Minister and/or Governor.

CHAPTER VI

FINANCE

Article 28

The fee for application for permit and recommendation referred to in Article 5 and Article 19

shall be charged to the applicant for permit or recommendation.

b. Regional Budget and Expenditure (APBD) of province for management exercised by the Governor.

Article 29

The fee for exercising supervision referred to in Article 23 paragraph (1) shall be charged to:

- a. Regional Budget and Expenditure (APBD) of province for supervisory in provincial level; or
- b. Regional Budget and Expenditure (APBD) of regency/municipality in regency/municipality level.

Article 30

The for management referred to in Article 27 shall be charged to:

- a. State Budget and Expenditure (APBN) for management exercised by the Minister; or

CHAPTER VII

CLOSING

Article 31

This Regulation of the Minister takes effect on the date it is stipulated.

Stipulated in Jakarta

On August 5, 2009

STATE MINISTER OF LIVING ENVIRONMENT,

sgd.

RACHMAT WITOELAR

====(MA)=====