

OFFICIAL ANNOUNCEMENT

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ENVIRONMENT
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THE STATE MINISTER OF ENVIRONMENT

DECREE OF THE STATE MINISTER OF ENVIRONMENT
NUMBER : KEP-11/MENLH/3/1994 ; DATED : MARCH 19, 1994

RE

THE TYPES OF BUSINESS OR ACTIVITY SUBJECT TO
AN ENVIRONMENTAL IMPACT ANALYSIS

THE STATE MINISTER OF ENVIRONMENT,

Considering : that in order to implement Government Regulation Number 51 of 1993 on the Analysis of Impact on the Environment, it is deemed necessary to lay down a decree of the State Minister of Environment on the Types of Business or Activity Subject to an Environmental Impact Analysis.

Bearing
in mind

- : 1. Law Number 4 of 1992 on the Principles of Environmental Management (State Gazette Number 12 of 1982, Supplement to State Gazette Number 3215);
2. Law Number 5 of 1990 on the Conservation of Bionatural Resources and Their Ecosystem (State Gazette Number 49 of 1990, Supplement to State Gazette Number 3419);
3. Law Number 24 of 1992 on Spatial Layout (State Gazette Number 115 of 1992, Supplement to State Gazette Number 3501);
4. Government Regulation Number 20 of 1990 on the Control of Water Pollution (State Gazette Number 34 of 1990, Supplement to State Gazette Number 3409);
5. Government Regulation Number 51 of 1993 on the Analysis of Impact on the Environment (State Gazette Number 84 of 1993, Supplement to State Gazette Number 3538);
6. Presidential Decree Number 23 of 1990 on the Environmental Impact Management Board;
7. Presidential Decree Number 32 of 1990 on the Management of Protected Areas;

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8. Presidential Decree Number 44 of 1993 on the Position, Main Task, Function, Organisational Structure and Working System of the Office of State Ministers;
9. Presidential Decree Number 96/M of 1993 on the Establishment of the Sixth Development Cabinet.

With due

observance of :

1. Letters of the State Minister of Environment/Chairman of the Environmental Impact Management Board to Ministers/ Heads of relevant Non Departmental State Institutes Number B-2335/MENLH/12/93 up to Number B-2347/MENLH/12/93 on the Proposed Criteria of Activities Subject to an Environmental Impact Analysis;
2. Oral and written suggestions and views from Ministers/Heads of relevant Non Departmental State Institutes as meant in point 1 above.

HAS DECIDED :

To stipulate : **THE DECREE OF THE STATE MINISTER OF ENVIRONMENT CONCERNING THE TYPES OF BUSINESS OR ACTIVITY SUBJECT TO AN ENVIRONMENTAL IMPACT ANALYSIS.**

Firstly : The types of business or activity subject to an environmental impact analysis shall be as meant in Attachment I to this Decree.

Secondly : The types of business or activity which are excluded from Attachment I to this Decree but the location of the business or activity shares a common border with a protected area as meant in Attachment II to this Decree shall be subject to an environmental impact analysis.

Thirdly : The types of business or activity which are excluded from Attachment I to this Decree but can change the function and/or appropriation of a protected area as meant in the second dictum of this Decree shall be subject to an environmental impact analysis.

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- Fourthly : The types of business or activity which are excluded from Attachment I to this Decree but are located in a protected area as meant in the second dictum of this Decree after the appropriation of the protected area is changed according to the existing legislation shall be subject to an environmental impact analysis.
- Fifthly : If in implementing this decree the responsible institute has doubts about the plan for a business or activity which is excluded from Attachment I to this Decree, the institute shall request confirmation in writing from the State Minister of Environment to determine whether or not the plan for a business or activity is subject to an environmental impact analysis.
- Sixthly : The State Minister of Environment shall issue a decision to the proposal as meant in the fourth dictum.
- Seventhly : The types of business or activity subject to an environmental impact analysis as meant in Attachment I to this Decree shall be wholly or partly subject to a review at least once every 5 (five) years.
- Eighthly : This Decree shall come into force as from the date of stipulation and be subject to a review in case of errors in the future.

Stipulated in : Jakarta
On : March 19, 1994

THE STATE MINISTER OF ENVIRONMENT

signed

SARWONO KUSUMAATMADJA

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ATTACHMENT I :

A LIST OF ACTIVITIES SUBJECT TO AN ENVIRONMENTAL IMPACT ANALYSIS

NO.	TYPES OF ACTIVITY	SIZE
I. THE MINES AND ENERGY SECTOR		
1.	General mining concession in the exploitation stage Production : - Coal - Primary ore - Secondary ore - Minerals other than metal or minerals of group C - Radioactive minerals, including processing, mining and purification	> = 200 ha and/or > = 200,000 tons/year > = 60,000 tons/year > = 100,000 tons/year > = 300,000 tons/years
2.	Transmission	> = 150 KV
3.	Diesel-powered generator/gas-powered generator /steam-powered generator /steam-and gas-powered generator	> = 100 MW
4.	Hydro-powered generator of all types and sizes except solar-powered generator and direct connection	
5.	Geothermal-powered generator	> = 55 MW
6.	Electricity centre of other types	> = 5 MW
7.	Natural oil and gas exploitation	
8.	Refinery	
9.	Natural oil/gas transmission	> = 25 km
II. THE HEALTH SECTOR		
1.	Hospital of class A	
2.	Hospital equivalent to that of class A or first class	
3.	Hospital	> = 400 rooms
4.	Special Hospital with complete and comprehensive service	
5.	Pharmaceutical industry producing the raw material of drug with a full process	
III. THE PUBLIC WORKS SECTOR		
1.	The construction of dam	The height of inundation > = 15 m or the extent of inundation > = 100 ha

No.	TYPES OF ACTIVITY	SIZE
2.	The development of an irrigation area	irrigated land > = 2,000 ha
3.	The development of tidal swamps/lowlands	> = 5,000 ha
4.	The safeguarding of coast in major cities	> = 500,000 residents
5.	The improvement of river in major cities	> = 500,000 residents
6.	Canalization/flood canal in major cities	length > = 5 km or width > = 20 m
7.	Canalization other than No. 6 (coast, swamp etc.)	length > = 25 km or width > = 50 m
8.	The construction of a toll road and flyover	
9.	The construction of highway	length > = 25 km
10.	The construction and betterment of a road with the widening of road using areas outside those belonging to the road of major and metropolitan cities functioning as artery or collector	length > = 5 km or size > = 5 ha
11.	Garbage processing with an incinerator	> = 800 tons/ha
12.	Garbage disposal with a landfill control system	> = 800 tons/ha
13.	Garbage disposal with an open dumping system	> = 80 tons/ha
14.	Disposal with a drainage system using canal in major and metropolitan cities	primary canal with the length of >= 5 km
15.	Waste water The construction of a waste water disposal instalation for residence The construction of a sewerage system	size > = 50 ha service > = 2,500 ha
16.	The utilization of water from a lake, river, water source	rate of flow >= 2 m ³ / second
17.	The construction of public housing and residence	> = 200 ha
18.	The renovation of a city	> = 5 ha
19.	The construction of a high-rise building/flat	height > = 60 m
IV.	THE AGRICULTURAL SECTOR	
1.	Shrimp/fish pond	> = 50 ha
2.	The reclamation of paddy fields in a forest area	> = 1,000 ha
3.	Annual crops plantation	> = 10,000 ha
4.	Seasonal crops plantation	> = 5,000 ha
V.	THE TOURISM, POST AND TELECOMMUNICATION SECTOR	
1.	Hotel	> = 200 rooms or > = 5 ha
2.	Golf course	
3.	Recreational park	> = 100 ha
4.	Tourist resort	
VI.	THE TRANSMIGRATION AND SQUATTER RESETTLEMENT	
1.	The plan for the construction of a transmigration site	> = 3,000 ha

Note : Type of general transmigration for Food crop main undertaking and or plantation.
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NO.	TYPES OF ACTIVITY	SIZE
VII. THE INDUSTRIAL SECTOR		
1.	Cement industry (producing clinker)	
2.	Pulp and paper industry	
3.	Chemical/synthetic fertilizer industry	
4.	Petrochemical industry	
5.	Steel melting industry	
6.	Lead melting industry	
7.	Copper melting industry	
8.	Alumina industry	
9.	Steel alloy melting industry	
10.	Ingot aluminium industry	
11.	Pellet and sponge industry	
12.	Pig iron industry	
13.	Fero alloy industry	
14.	Industrial estate	
15.	Shipbuilding yard	production > = 3,000 DWT
16.	Aircraft industry	
17.	Integrated plywood industry	including suporting facilities, such as glue industry
18.	Arms, munitions and explosives industry	
19.	Primary pesticide producing industry	
20.	Dry-cell battery industry	
VIII. THE COMMUNICATIONS SECTOR		
1.	The construction of a railway network and its facilities	length > = 25 km
2.	The construction of subway	
3.	Ports of classes I, II and III and their facilities	
4.	Special port	
5.	The reclaimtion of coast	> = 25 ha
6.	The dredging of sea	volume> = 100,000 m3
7.	The working territory (area) of port	
8.	Airport and its facilities	
IX. THE TRADE SECTOR		
1.	Trade centre/relatively concentrated shopping centre	> = 5 ha or the size of building > = 10,000 m2
X. THE DEFENCE AND SECURITY SECTOR		
1.	The construction of a munitions warehouse Munitions warehouse	
2.	The construction of a naval base	of class A, B, C

NO.	TYPES OF ACTIVITY	SIZE
	3. The construction of an air base	of class A, B, C or of the equivalent class
	4. Military exercise ground/artillery range	> = 10,000 ha
XI.	THE NUCLEAR POWER DEVELOPMENT SECTOR	
	1. The construction and operation of nuclear reactor	
	- Power reactor	
	- Research reactor	> = 100 kw
	2. The construction and operation of non-reactor nuclear installation :	
	- Nuclear raw material manufacturer	production > = 50 elements-fire/year
	- Radioactive waste treatment	all installations
	- Irradiator, source activity	> = 1,850 TBg (5,000 Ci)
	- The production of radioisotop for all installations	
XII.	THE FORESTRY SECTOR	
	1. The development of a safari park	> = 250 ha
	2. The development of a zoological garden	> = 100 ha
	3. Forest concession (HPH)	
	4. Sago forest concession	
	5. Timber estate concession	
	6. Nature tourism inside the nature recreational park, hunting park, marine park, national park and grand forest park	
XIII.	THE HAZARDOUS AND TOXIC SUBSTANCE CONTROL SECTOR	
	The disposal, procesing facility of hazardous and toxic waste.	
XIV.	THE INTEGRATED/MULTISECTORAL ACTIVITY SECTOR	
	The business or activity consisting of more than one activities is subject to an interelated environmental impact analysis involving the authority of more than one responsible institutions and is within the unit of the spread of ecosystem.	

ATTACHMENT II :

A LIST OF PROTECTED AREAS

The protected areas as meant in the elucidation of Article 7 paragraph (1) of Law Number 24 of 1992 on Spatial Layout and Article 37 of Presidential Decree Number 32 of 1990 on the Management of Protected Areas shall be as follow :

1. Protected forest area
2. Peaty area
3. Water catchment area
4. Coastal plain
5. River plain
6. Areas near a lake/dam
7. Areas near a water source
8. Wildlife reserves (consisting of nature preserves, wildlife reserves, recreational forest, plasm germ protection area, and wild animal evacuation area)
9. Marine nature preserves and other waters (including marine waters inland waters, coastal area, estuary, a group of coral or coral reef, and atoll having typical characteristics in the form of a diverse and/or unique ecosystem).
10. Mangrove-covered coastal area
11. National park
12. Grand forest park
13. Nature recreational park
14. Cultural and scientific preserves (including watery karst, archaeological site or valuable historical heritage)
15. Natural disaster-prone area.