

GOVERNMENT REGULATION
NUMBER 19 YEAR 1994

REGARDING

HAZARDOUS AND TOXIC WASTE MANAGEMENT

THE PRESIDENT OF THE REPUBLIC INDONESIA

Considering:

- a. that the living environment must be managed in order that it may be in harmony with the concept of sustainable development;
- b. those considerable increases of development in all fields, especially in the field of industry, also increase the amount of waste produced, including those that are hazardous and toxic, that may endanger the environment and the health of human beings;
- c. that to prevent environment pollution and danger to the health of human beings and other living organisms, hazardous and toxic waste material must be managed in a specific manner to eliminate or reduce its hazardous properties;
- d. that in relation to the above mentioned matters it is deemed necessary to stipulate a regulation on the treatment of hazardous and toxic waste by a Government Regulation;

In view of :

1. Article 5 point (2) of the 1945 Constitution;
2. Act No. 4 of 1982 regarding Basic Provisions for the Management of the Living Environment (State Gazette of 1982 No.12, Supplement to the State Gazette of No.3215);
3. Act No. 5 of 1984 regarding Industrial Affairs (State Gazette of 1984 Number 22, Supplement to the State Gazette of No. 3274)

DECIDES:

To stipulate :

GOVERNMENT REGULATION REGARDING THE MANAGEMENT OF HAZARDOUS AND TOXIC WASTE.

CHAPTER I

GENERAL PROVISIONS

Article 1

As defined under this Government Regulation:

1. Waste shall mean the residue of an activity and/or a production process.
2. Hazardous and toxic waste, abbreviated "B3 waste", shall mean any waste containing dangerous and/or toxic material, which due to its characteristics and/or concentration and/or amount, either directly or indirectly, may damage and/or pollute the living environment and/or endanger human health;

3.The management of B3 waste shall mean a series of operations, including the storing, collecting, transporting, processing of B3 waste and the disposal of the products of such processing;

4.B3 waste producer shall mean any person or corporation which produces B3 waste and temporarily stores such waste within the.location of its operation before the waste is delivered to a collector or processor of B3 waste

5.B3 waste collector shall mean any corporation engaged in collecting B3 waste from B3 waste producers, with the purpose to store before delivery to the B3 waste processor;

6.B3 waste processor shall mean any corporation operating B3 waste processing facilities, including the final disposal of its products;

7.B3 waste processing shall mean a process to change the characteristics and composition of B3 ' waste to render it harmless and/or non-toxic, or to enable B3 waste to be purified and/or recycled;

8.B3 waste transporter shall mean any corporation engaged in the transportation of B3 waste;

9.Transportation of B3 waste is the process of moving B3 waste from the producer to the collector and/or the processor, including to the place of final disposal using transportation facilities.

Article 2

The treatment of B3 waste is aimed at eliminating or reducing the hazardous and toxic properties of B3 waste, so that it will not endanger human health and will prevent pollution and damage to the environment.

Article 3

Waste classified as B3 waste shall be waste that has any one or more of the following characteristics:

- a.explosive;
- b.inflammable;
- c.reactive;
- d.toxic;
- e.infectious;
- f.corrosive; and
- g.other wastes, that after toxicity testing, are determined to be a B3-type of waste.

Article 4

- 1.The types of B3 waste include:
 - a.B3 waste from a non-specific source;
 - b.B3 waste from specific sources; and
 - c.B3waste from expired chemical material, spill,discarded packaging, and disposal of products that do not meet their specifications.
- 2.Details of each of the types identified in paragraph (1) are attached to this Government Regulation.

Article 5

Every person and corporation is prohibited to dispose of B3 waste directly into water, soil or air.

Article 6

- 1.B3 waste producers are required to process B3 waste.
- 2.B3 waste producers who are unable to process the B3 waste that they Produce is required to deliver the B3 waste to B3 waste processors.

3.If B3 waste processors as stated in point (2) are not yet available or unable to process B3 waste, the obligation and responsibility to process B3 waste remains with the producer concerned.

4.The delivery of B3 waste by the producer as states in point (2) may be done directly to a B3 waste processor or through a B3 waste collector.

5.The B3 waste collector is required to deliver B3 waste received from the producer to the B3 waste processor

6.The waste collector is prohibited to carry out collection activities if the B3 waste processor is not available.

Article 7

Radio active waste management shall be performed by the authority responsible for the treatment of radio-active material in accordance with regulations currently in effect.

CHAPTER II STORAGE, COLLECTION AND TRANSPORTATION

Article 8

1.The B3 waste producer may store B3 waste produced for no more than ninety days before delivery to the processor or collector.

2.Storage of B3 waste as mentioned in point (1), shall be in a warehouse specifically built for this purpose.

3.Storage of B3 waste as specified in point (2) shall be built with capacity in accordance with the amount of B3 waste that will be temporarily stored and shall meet the following requirements:

a.a flood-free warehouse, and is declared as geologically stable;

b.construction plans shall accommodate the characteristics of the waste and the procedure to mitigate pollution.

4.Further provision concerning the procedure and technical requirements for storage of B3 waste shall be stipulated by the Environment Impact Management Agency.

Article 9

1. The B3 waste producer shall maintain and keep records on:

a.type, characteristics, quantity, and time of production the B3 waste;

b.type, characteristics, quantity and time of delivery of the B3 waste;

c.name of the B3 waste transporter which delivers the B3 waste to a collector or processor.

2.The B3 waste producer shall submit records as described in point (1) to the Head of the Environmental Impact Management Agency at least once every 6 (six) months.

3.The records as mentioned in point (1) shall be used for:

a.an inventory of amount of B3 waste produced;

b.the basis for evaluating B3 waste treatment policy.

Article 10

1.Collection of B3 waste may be carried out by an enterprise engaged in B3 waste collection operations.

2.Any producer of B3 waste may act as a B3 waste collector.

3.If the waste producer acts as a B3 waste collector, it shall comply with all provisions applicable to B3 waste collectors.

Article 11

1. The B3 waste collector shall comply with the following requirements:
 - a. observe the characteristics of the B3 waste;
 - b. have a laboratory for detecting the B3 waste characteristics;
 - c. have an area of one hectare at minimum;
 - d. have facilities to respond in the event of accidents.,
 - e. the construction and material of building used shall be suitable to the characteristics of the B3 waste;
 - f. the location shall be flood-free, declared as geologically stable, far from water resources, not in an catchmen area and far from any settlement or other public facilities.
2. Further provisions concerning requirements as specified in point (1) shall be stipulated by the Environmental Impact Management Agency.

Article 12

1. The B3 waste collector shall make a record of:
 - a. type, characteristics, amount of B3 waste and the time received from the producer;
 - b. type, characteristics, amount of B3 waste and the time delivered to the waste processor;
 - c. name of the B3 waste transporter who delivered the B3 waste to the collector or to the B3 processor.
2. The B3 waste collector shall submit records as specified in point (1) at least once every six months to the Head of the Environmental Impact Management Agency.

Article 13

1. The B3 waste collector may store the B3 waste that it has collected for ninety days delivery to the B3 waste processor.
2. The B3 waste collector shall be responsible for the B3 waste it has collected and stored.

Article 14

1. The transportation of B3 waste may be performed by an enterprise which carries out B3 waste transportation operations.
2. The B3 waste producer may act transporter.
3. If the B3 waste producer acts as transporter, it shall abide by the provisions here in applicable to B3 waste transporter.

Article 15

1. Delivery of B3 waste by the producer of collector to the transporter shall be accompanied by the B3 waste manifest.
2. The B3 waste transporter shall have in its possession a B3 waste manifest whenever B3 waste is transported.
3. The format of the B3 waste manifest specified in point (1) shall be stipulated by the Environmental Impact Management Agency with due observance of the Minister of Communication's considerations.

Article 16

The B3 waste transporter shall deliver the B3 waste and the load manifest as mentioned in Article 15 point (1) to the collector or processor of B3 waste appointed

by the B3 waste producer.

Article 17

Transportation of B3 waste shall be carried out by special transportation facilities which meet the transportation requirements and procedures as stipulated in the regulations currently in effect.

CHAPTER III P R O C E S S I N G

Article 18

1. The B3 waste processor is obliged to prepare an environmental impact analysis, an environmental management plan and an environmental monitoring plan to carry out its activities, either separately from or integrated with its main business.
2. The B3 waste processor that operates an incinerator must possess:
 - a. an incinerator with specifications suitable for the characteristics and the amount of waste in processes;
 - b. facilities to prevent air pollution to comply with the funnel emission standard, the incineration efficiency of 99.99% and destruction and removal efficiency (DRE) as follows:
 1. DRE for Polyorganic hydrocarbon (POHCS) shall be 99.99%;
 2. DRE for Polychlorinated biphenyl (PCBS) shall be 99.9999%;
 3. DRE for Polychlorinated dibenzofurans shall be 99.9999%;
 4. DRE efficiency for Polychlorinated dibenzo-p-dioxin shall be 99.9999%;
 - c. The residue from incineration in incinerator ash must be disposed of in accordance with the following provisions for stabilization and solidification (landfill).
3. The B3 waste processor who conducts stabilization and solidification processing must fulfill the following provisions:
 - a. the mixing material must be able to bind the hazardous and toxic material, so as to reduce the toxicity and hazardous characteristics up to the stipulated critical ambient standard;
 - b. the result of stabilization and solidification must be analyzed with TCLP (Toxicity Criteria Leaching Procedure) to determine the mobility of the organic and inorganic compounds.
4. The B3 waste processor who conducts physical and chemical processing that produces:
 - a. liquid waste, must comply with the provisions of the Government Regulation No. 20 of 1990 concerning Water Pollution Control;
 - b. gas waste and dust, must comply with provisions of the regulation currently in effect concerning air pollution control and work safety;
 - c. solid waste, must comply with the provisions on stabilization and solidification, and/or landfill, and/or incineration.
5. The B3 waste processor who conducts processing by landfill, must meet the following provisions:
 - a. the selection of the location of the landfill shall meet the following requirements:
 1. flood-free area;
 2. soil permeability 10⁻⁷ cm/second;
 3. designated as waste disposal or industrial estate according to the spatial planning layout;
 4. geologically stable;
 5. not a catchment area, particularly used for drinking water;
 - b. the landfill must be constructed using a double liner system with run off control, leachate collection and treatment, well monitor and final liner approved by the Environmental Impact Management Agency.

c.the landfills already full shall be covered by soil, and the subsequent use shall not be for settlement or other general facilities.

6.Further provisions on technical requirements for processing B3 waste shall be determined by the Environmental Impact Management Agency.

Article 19

1. The location for dumping the products of B3 waste processing shall meet the following requirements:

- a.flood-free area;
- b.soil permeability 10⁻⁷ cm/second;
- c.designated as waste disposal or industrial estate in the spatial planning layout;
- d.geologically stable;
- e.not a catchment area, particularly used for drinking water;

2.Further provisions concerning the procedures and the requirements for dumping the products of B3 waste processing shall be determined by the Environmental Impact Management Agency.

Article 20

1.The B3 waste processor, including its final disposal, shall ensure the following requirements for locations used for processing and dumping:

- a.top layer must be covered with soil with minimum thickness of 0.60 meter of soil;
- b.the locations shall be fenced and marked as B3 waste dumping location;
- c.undertake monitoring of the ground water and of other impacts which may arise from B3 waste leaking into the environment for at least 30 (thirty) years after the closing the site.

2.Further provisions on the performance of the obligations mentioned in point (1) shall be determined by the Environmental Impact Management Agency.

CHAPTER IV P E R M I T S

Article 21

1.Any enterprise carrying out collecting, transporting or processing, including the final dumping of B3 waste, shall acquire the following permits:

- a.From the Environmental Impact Management Agency, for collecting or processing activities, including final dumping;
- b.From the Minister of Communication, for transporting activities, after consultation with the Environmental Impact Management Agency.

2.For processing activities that are part of the main activity, an operation permit for processing and storing facilities should be obtained from the Environmental Impact Management Agency and such activities shall be performed in accordance with the provisions of this Government Regulation.

3.The requirements for obtaining an operating permit as mentioned in point (1) letter a and point (2) are as follows:

- a.possessing the legal basis for the business, validated by the relevant authority;
- b.name and address of application;
- c.activities performed;
- d.location of activities;
- e.name and address of the person responsible for the activities;
- f.raw material and processing operations used;
- g.B3 waste facility specification;
- h.amount and characteristics of B3 waste collected, transported or processed;

- i. lay-out of the waste pipe, waste processor, and the temporary location of B3 waste storage before it is processed and the location of dumping after the B3 waste is processed;
 - j. pollution prevention device for liquid waste, emission and B3 waste processing.
4. Further provisions for the procedure for obtaining permit as mentioned in point (1) letter a and point (2) shall be the Environmental Impact Management Agency, and for point (1) letter a shall be determined by the Minister of Communication.

Article 22

1. A location permit for B3 waste processing shall be issued by the Head of the Land Office of the Regency/Municipality in accordance with the spatial planning layout and the recommendation from the Environmental Impact Management Agency.
2. The recommendation as described in point (1) shall be based on the result of a survey of environmental impact analysis and technical feasibility, including the geohydrology of the proposed location.

Article 23

1. For B3 waste processing activities, an environmental impact analysis, environmental management plan and environmental monitoring plan shall be completed.
2. The environmental impact analysis, environmental management plan, and environmental monitoring plan shall be submitted together with the operating license application, to be Environmental Impact Management Agency as mentioned in Article 21.
3. The approval of environmental impact analysis, environmental management plan, and environmental monitoring plan shall be issued by the Environmental Impact Management Agency.

Article 24

1. The decision to issue the operating permit under Article 21, point (2) shall be given at least 30 (thirty) work days from the day of approval of the environmental management plan, and environmental monitoring plan by the responsible agency.
2. The conditions and responsibilities mentioned in the environmental management plan and environmental monitoring plan which have been approved by the responsible agency shall be an integral part of the operating permit as mentioned in Article 21.

Article 25

1. If the B3 waste producer also acts as a processor and the processing location is within the area of the main activities, environmental impact analysis, for the processing activity can be done as an integral part of the environmental impact analysis for the main activity.
2. If the B3 waste processing is carried out by the producer at the location of the main activity, only the environmental management plan, and environmental monitoring plan which have been approved by the responsible agency shall be submitted to the Environmental Impact Management Agency together with the operation permit application as mentioned in Article 21 point (2).
3. The decision concerning a permit application as mentioned in point (2) shall be issued by the Environmental Impact Management Agency at least 30 (thirty) work days from the acceptance of the environmental management plan, and environmental monitoring plan which have been approved by the responsible agency.
4. The conditions and responsibilities mentioned in the environmental management plan and the environmental monitoring plan as described in point (2) of this

article shall be an integral part of the permit as mentioned in Article 21 point (2).

Article 26

If the B3 waste producer also act as a processor, but the processing location is different from the main activity, then the provisions concerning the processing of B3 waste in this Government Regulation shall be applied.

CHAPTER V SUPERVISION

Article 27

1. Any person or enterprise shall be prohibited from importing B3 waste into the jurisdiction of the Republic of Indonesia.
2. The transportation of B3 waste from abroad through the jurisdiction of the Republic of Indonesia must first report in writing to the government of the Republic of Indonesia.
3. Export of B3 waste may be carried out after obtaining written approval from the Government of the receiving country and the Government of the Republic of Indonesia.
4. Further provisions concerning procedures for exporting B3 waste shall be stipulated by the Minister of Trade after consultation with the Environmental Impact Management Agency.

Article 28

Any enterprise undertaking storing, collection, transporting and processing including the disposal of B3 waste, shall be prohibited from diluting the waste for the purpose of reducing toxicity.

Article 29

1. Any B3 waste packaging shall display symbols and labels showing the characteristics and type of B3 waste.
2. The Environmental Impact Management Agency shall determine the symbols and labels as mentioned in point (1) for each type of B3 waste.

Article 30

1. Supervision of B3 waste Management shall be carried out by the Environmental Impact Management Agency with due observance of the provision of Article 7.
2. Supervision as mentioned in point (1) includes monitoring of compliance with the requirements and of technical and administrative conditions carried out by the producer, collector, transporter and processor, including the disposal of B3 waste.

Article 31

1. In undertaking the supervisory duty, the supervisor for the B3 waste management shall be equipped with an identification card and an assignment letter issued by the Environmental Impact Management Agency.
2. The supervisor described in point (1) shall be authorized to:
 - a. enter the premises of the producer, collector and processor, including the final location of dumping of B3 waste;

- b. take samples of B3 waste for laboratory analysis;
- c. ask for information relevant to the implementation of B3 waste management;
- d. take photographs to supplement his supervisory report.

Article 32

The producer, collector, transporter and processor, including those carrying out the disposal of B3 waste, must assist the supervisor in carrying out his/her tasks as stated in Article 31.

Article 33

1. The Environmental Impact Management Agency shall submit a report on the implementation of B3 management periodically, but at least once annually, to the President, with a copy to the Minister responsible for environmental management.
2. The Minister responsible for environmental management evaluates the reports in order to prepare a policy on the management of B3 waste.

Article 34

1. To protect the health of workers and supervisors working for B3 waste management, a periodic medical check up shall be conducted.
2. The workers' medical check up as mentioned in point (1) shall be arranged by the B3 waste manager.
3. The medical check up for supervisor of B3 waste management as mentioned in point (1) shall be carried out by the agency responsible for manpower health.

Article 35

1. Producer, collector, transporter and processor of B3 waste shall be responsible for emergency response and pollution of the environment as a result of emission or spilling of B3 waste under their responsibility.
2. Further provision on emergency response and pollution as described in point (1) shall be determined by the Environmental Impact Management Agency.

Article 36

1. Producer, collector, transporter and processor of B3 waste shall take immediate action to tackle pollution or environmental damage caused by their activities.
2. If B3 waste producer, collector, transporter, and processor does not undertake any emergency response as described in point (1), or the emergency response is inadequate, the Environmental Impact Management Agency, or a third party requested by the Environmental Impact Management Agency, may carry out such actions at the expense of the producer, collector, transporter or processor of the B3 waste concerned.

CHAPTER VI SANCTIONS

Article 37

1. The Environmental Impact Management Agency shall issue a written warning to a producer, collector, transporter or processor that violates the provisions of Articles 5, 6, 8, 9, Article 11, point (1), Article 12, 13, 16, 18, 19, Article 20, point (1), Article 21, 28, point (1) and Article 29, point (1).

2.If within 15 (fifteen) days from the issuance of the written warning described in point (1), the party so warned does not heed the warning or continues to point

to observe the provision of the Article being violated, the Environmental Impact Management Agency may temporarily stop the operation of the storing,

collecting or processing facilities involved, including the dumping of B3 waste, until the party so warned observes the provision being violated.

3.if the party warned complies with the provision it previously violated, the Environmental Impact Management Agency shall immediately revoke the decision to

stop the operation described in point (2)

Article 38

The B3 waste transporter who violates the provisions of Article 17 shall be liable to a sanction according to the regulation on communication.

Article 39

Any enterprise which violates the provisions of Articles 5, 6, 8, 10, 13, 14, 17, Articles 18 point (2), Articles 19, 10, 21, 28, and Articles 35 point (1) causing pollution and/or damage to the environment shall be liable to punishment as provided for in Article 22 of Act No. 4 of 1982 regarding the Basic Provisions for the Management of the Living Environment.

CAPTER VII TRANSITIONAL PROVISIONS

Article 40

1.If at the time of coming into effect of this Government Regulation, a waste operation does not meet the requirements of this Government Regulation, then the

person or enterprise producing, collecting, transporting and/or processing the B3 waste, shall individually as well as jointly be proportionally liable for cleaning

and/or restoring of the environment within at least 5 (five) years.

2.Should the person or enterprise who produces, collects, transports and processes B3 waste as mentioned in point (1), fail to carry out cleaning and/or

restoration of the environment, the Environmental Impact Management Agency may carry out or authorize third parties to carry out the cleaning and

restoration of the environment at the expense of the person or enterprise producing, collecting, transporting and/or processing the B3 waste, either individually

or jointly be proportionally responsible

Article 41

Any person or enterprise which is already out collection or processing operations, as this Government Regulation takes effect, shall apply for a license as mentioned

in Article 21 in this Government Regulation within one year of the effective date of this regulation.

CHAPTER VIII CLOSING PROVISION

Article 42

This Government Regulation shall take effect on the date of promulgation. For the information of the public, this Government Regulation shall be published in the

State Gazette of the Republic of Indonesia.

Stipulated in Jakarta on 30 April 1994

PRESIDENT OF
THE REPUBLIC OF INDONESIA

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SOEHARTO

Elucidation

APPENDIX

Table 1

Table 2

Table 3