

**DECREE OF THE STATE MINISTER OF ENVIRONMENTAL AFFAIRS
NO. KEP-39/MENLH/8/1996 ; DATED AUGUST 26, 1996**

R E

**THE TYPES OF BUSINESSES OR ACTIVITIES WHICH SHALL, BY WAY
OF OBLIGATION, BE COMPLETED WITH AN ANALYSIS
ON ENVIRONMENTAL IMPACTS**

THE STATE MINISTER OF ENVIRONMENTAL AFFAIRS,

- Considering :**
- a. that to enforce Government Regulation No. 51 of 1993 on the Analysis on Environmental impacts, it is necessary to stipulate a decree of the State Minister of Environmental Affairs on the Types of Businesses or Activities which shall, by way of Obligation, be completed with an Analysis of Environmental Impacts;
 - b. that as for the Decree of the State Minister of Environmental Affairs No. KEP-11/MENLH/3/1994 on the Types of Businesses or Activities which shall, by way of obligation, be completed with an analysis on environmental impacts, some of the substance it contains is deemed to be no longer compatible with the necessity and is therefore in need of an evaluation;
 - c. that in view of the above, it is necessary to stipulate a Decree of the State Minister of Environmental Affairs on the Types of Businesses or Activities which shall, by way of obligation, be completed with an analysis of environmental impacts.

Bearing
in mind

1. Act No. 4 of 1982 on Basic Stipulations on Environmental Management (State Gazette No. 12 of 1982, Supplement to State Gazette No. 3215);
2. Act No. 5 of 1990 on the Conservation of Biological Natural Resources and Their Ecosystem (State Gazette No. 49 of 1990, Supplement to State Gazette No. 3419);
3. Act No. 24 of 1992 on Spatial Layout (State Gazette No. 115 of 1992, Supplement to State Gazette No. 3501);
4. Government Regulation No. 20 of 1990 on the Control Over Water Contamination (State Gazette No. 34 of 1990, Supplement to State Gazette No. 3409);
5. Government Regulation No. 51 of 1993 on an Analysis of Environmental Impacts (State Gazette No. 84 of 1993, Supplement to State Gazette No. 3538);
6. Presidential Decree No. 32 of 1990 on the Management of Protected Areas;
7. Presidential Decree No. 96/M/1993 on the Establishment of Development Cabinet VI;
8. Presidential Decree No. 44 of 1993 on the Position, Main Tasks, Function, Organizational Structure and Working System of State Ministers;
9. Presidential Decree No. 77 of 1994 on the Agency for the Control over Environmental Impacts;

Observing of :

1. Letter of the State Minister of Environmental Affairs to all Ministers/ Heads of Relevant non-ministerial Government Agencies No. B-1881/MENLH/9/1993 on the Draft for the Improvement of Decree No. KEP-11/MENLH/3/1994;
2. Suggestions and Opinions from all Ministers/Heads of Relevant non-Ministerial Government Agencies.

H A S D E C I D E D :

To stipulate : **THE DECREE OF THE STATE MINISTER OF ENVIRONMENTAL AFFAIRS ON THE TYPES OF BUSINESSES OR ACTIVITIES WHICH SHALL, BY WAY OF OBLIGATION, BE COMPLETED WITH AN ANALYSIS OF ENVIRONMENTAL IMPACTS.**

FIRSTLY : the types of businesses or activities which shall, by way of obligation, be completed with an analysis of environmental impacts shall be as meant in Attachment I to this decree.

- SECONDLY** : The types of businesses or activities which are not included in Attachment I to this decree but whose location is directly bordering on the protected areas as referred to in Attachment II to this decree, shall, by way of obligation, be completed with an analysis of environmental impacts.
- THIRDLY** : The types of businesses or activities which are not included in Attachment I to this decree but which may after the function and or designation of a protected area as referred to in the Second Dictum of this decree shall, by way of obligation, be completed with an analysis of environmental impacts.
- FOURTHLY** : the types of businesses or activities which are not included in Attachment I to this decree but which are situated in protected areas referred to in the Second Dictum to this decree, shall by way of obligation, be completed with an analysis of environmental impacts after they have undergone a change in their designation pursuant to the prevailing laws.
- FIFTHLY** : If in the enforcement of this decree, government agencies responsible have doubt as to the types of planned businesses or planned activities not found in Attachment I to this decree, the said government agencies shall be obligated to request the State Minister of Environmental Affairs in writing for ascertainment as to the stipulation on the obligation to draw up an analysis of environmental impacts (AMDAL).
- SIXTHLY** : The State Minister of Environmental Affairs shall make a Decree on the Proposal as referred to in the Fifth Dictum.
- SEVENTHLY** : The Types of Businesses or Activities which shall, by way of obligation, be completed with an Analysis of Environmental Impacts as meant in Attachment I to this Decree shall be reviewed at least once in 5 (five) years.
- EIGHTLY** : With the stipulation of this Decree, Decree of the State Minister of Environmental Affairs No. KEP-11/MENLH/3/1994 on the Types of Businesses or Activities which shall, by way of obligation, be completed with an analysis of Environmental Impacts shall be declared null and void.
- NINTHLY** : This decree shall take effect as from the date of stipulation.

Stipulated at J A K A R T A
On August 26, 1996

THE STATE MINISTER OF ENVIRONMENTAL AFFAIRS
signed
SARWONO KUSUMAATMADJA

ATTACHMENT I TO :

LIST OF TYPES OF BUSINESSES OR ACTIVITIES TO WHICH
AMDAL IS OBLIGATORY

NO.	TYPES OF BUSINESSES OR ACTIVITIES	MEASUREMENT UNIT
I.	MINES AND ENERGY	
1.	Area of General Mining Territory Production exploitation phase :	> = 200 Ha and or
-	Coal	> = 200,000 tons/year
-	Primary ores	> = 160,000 tons/year
-	Secondary ores	> = 100,000 tons/year
-	Extracted substances which are not metals or C category extracted substances	> = 300,000 m ³ /year
-	Radioactive extracted substances, including processing, mining and refining	all measurement units
2.	Transmission	> 150 KV
3.	Diesel engine-powered electricity generating plant (PLTD)/gas-powered electricity generating plant (PLTG)/steam-powered electricity generating plant (PLTG)/steam-powered electricity generating plant (PLTU)/gas-and-steam-powered electricity generating plant (PLTGU)	> = 100 MW
4.	- water-powered electricity generating plant (PLTA) with the height of the dike/dam being	> = 15 M or
-	PLTA with the area of flooding being	> = 200 Ha
-	PLTA with direct flowing	> = 50 MW
5.	Tidal-wave-powered electricity generating plant (LPTP)	> = 55 MW
6.	Nuclear-powered electricity generating plant (PLTN)	all measurement units

NO.	TYPES OF BUSINESS OR ACTIVITIES	MEASUREMENT UNIT
7.	Electricity generating plants of other types	> = 5 MW
8.	- Oil and gas exploitation and production development on land	> 1,500 BOPD
	- Oil and gas exploitation and production development in the sea	> 5,000 BOPD
	- geothermal exploitation and production facility development (total capacity)	> = 55 Mw
9.	Oil refinery	All commercial measurements
10.	Oil and gas transmission (excluding piping in the field);	> = 25 Km
11.	Underground water collection (shallow and deep artesian wells)	> = 50 liters second (from 1 well/or from 5 wells in an area of < 10 Ha
II.	FORESTRY	
1.	The construction of a safari park	> = 250 Ha in area
2.	The construction of a zoo	> = 100 Ha in area
3.	Forest concession (HPH)	All measurement units
4.	Sago forest concession	All measurement units
5.	Timber estate concession	> = 10,000 Ha
6.	Bamboo forest concession in a forest area	All measurement units
7.	Management of nature-related tourism in *) :	
	- a national park	> = 100 Ha in area
	- a nature-related tourism park	> = 100 Ha in area
	- a hunting park	> = 10,000 Ha in area
	- a great forest park	> = 100 Ha

NO.	TYPES OF BUSINESS OR ACTIVITIES	MEASUREMENT UNIT
*)	Activities pursuant to Decree of the Forestry Minister No. : 167/Kpts-II/1994	
III.	COMMUNICATIONS	
1.	Railway line network	> = 25 km in length
2.	Train auxiliary infrastructures (depots, terminals, maintenance building and stations)	> = 5 ha in area
3.	Subways	All measurement units
4.	Railway flyover	> = 5 km in length
5.	River dredging	> = 50,000 m ³ in volume
6.	Harbours and their facilities	
a.	Quays These quays shall include special quays for fishery, mining, industry, forestry, etc.	> = 200 m in length , or > = 6,000 M ² in area with massive construction
b.	Breakwaters	> = 200 m in length
c.	Harbour supporting facilities (terminals, warehouses, containers, etcetera)	> = 5 ha in area
7.	Dredging :	
a.	Capital dredging	> = 250,000 m ³ in volume
b.	Maintenance dredging	> = 500,000 m ³ in volume
8.	Reclamation (landfill)	> = 25 ha in area or > = 500,000 m ³ in volume
9.	Dumping activities	> = 250,000 m ³ in volume
10.	Construction of a new airport and its facilities	All measurement unit (Class I up to Class V)

NO.	TYPES OF BUSINESS OR ACTIVITIES	MEASUREMENT UNIT
11.	Development of an airport and its facilities	Classes I, II, III on the basis of development plans (master plans, spatial layout plans, etcetera.
12.	Expansion of an airport/or its facilities	<p>a. Removal of residents of > = 500 families or clearance of land of > = 10,000 ha</p> <p>b. Coastal area reclamation of > = 25 ha in area or > = 10,000 m³ in volume</p>
IV. TOURISM, POST AND TELECOMMUNICATIONS.		
1.	Hotels	> = 200 bedrooms or > = 5 ha in area
2.	Golf courses	All measurement units
3.	Recreational parks	> = 100 ha
4.	Tourist resorts	All measurement units
V. H E A L T H.		
1.	Hospitals of Class A and Class B or their equivalents	All measurement units
2.	Pharmaceutical industries producing the raw materials for medicines	On a commercial scale
VI. NUCLEAR ENERGY DEVELOPMENT.		
1.	Construction and operation of nuclear reactors : - Energy reactors - Research reactors	All installations > = 100 Kwt
2.	Construction and operation of non-reactor nuclear installations : - production of nuclear fuel - uranium processing and purifying installation - radioactive waste treatment - irradiators (Categories II up to IV of source activities radio - isotope production - factories producing pressure lantern mantle	> 50 burning elements produced per year > = 100 tons of yellow cake /year All installations > 37,000 Tbg 100,000 Ci) All installations All installations

NO.	TYPES OF BUSINESS OR ACTIVITIES	MEASUREMENT UNIT
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VII. AGRICULTURE

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|----|--|-----------------------|
| 1. | Rice-field plotting in a forest area | > = 1,000 ha in area |
| 2. | Cultivation of food crops and seasonal horticulture with or without processing units | > = 3,000 ha in area |
| 3. | Cultivation of seasonal estate crops with or without processing units | > = 5,000 ha in area |
| 4. | Cultivation of annual estate crops with or without processing units | > = 10,000 ha in area |
| 5. | Cultivation of shrimp/fish pond breeding | > = 50 ha in area |

VIII. PUBLIC WORKS.

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|----|--|--------------|
| 1. | Construction of dikes or dams : | |
| | - height | > = 15 m |
| | - or backwater area of | > = 200 ha |
| 2. | Irrigation area : | |
| | a. Construction with an area of | > = 1,000 ha |
| | b. rehabilitation and improvement with the impact area or the additional area of | > = 2,000 ha |
| | c. rice-field plotting, with an area of (per group) | > = 500 ha |
| 3. | Swamp development : | |
| | a. reclamation of tidal swamps with an area of | > = 5,000 ha |
| | b. reclamation of non-tidal swamps/low lands with an area of | > = 2 km |
| 4. | Coast safeguarding, with a length of | > = 2 km |
| 5. | Normalization of rivers : | |
| | a. Large/metropolitan cities : | |
| | - length | > = 3 km |
| | - or area | > = 5 ha |
| | b. medium-sized cities, length | > = 5 km |
| | c. rural areas, length | > = 10 km |
| 6. | Canalization/flood canals : | |
| | a. large/metropolitan cities : | |
| | - length | > = 5 km |
| | - or area | > = 10 km |
| | b. medium - sized cities, length | > = 10 km |

NO. TYPES OF BUSINESS OR ACTIVITIES

MEASUREMENT UNIT

c.	rural areas, length	> = 25 km
7.	Construction of toll roads and flyovers	All measurement units
8.	Highway construction :	
a.	Large/metropolitan cities :	
-	length	> = 5 km
-	or area	> = 5 ha
b.	medium-sized cities, length	> = 10 km
c.	rural areas, length	> 25 km
9.	Road improvement with widening outside the area belonging to the roads in large/metropolitan cities (functioning as arteries or collectors) :	
-	length	> = 5 km
-	or area	> = 5 ha
10.	Garbage :	
a.	disposal under the system of controlled landfill/sanitary landfill, with a volume of	> = 1,000 m ³ per day
b.	final dumping site (TPA) in a tidal area, with a volume of	> = 700 m ³ / day
c.	Construction of transfer station, with a capacity of	> = 2,000 m ³ /day
11.	Housing/residential area construction :	
a.	medium-sized and small cities, in an area of	> = 100 ha
b.	large cities, in an area of	> = 50 ha
c.	metropolitan cities in an area of	> = 25 ha
12.	Rejuvenation of residential areas in large and metropolitan cities, with an areas of	> = 5 ha
13.	Construction of sewage mud treatment installation (IPTL) and or waste water treatment installation (IPAL), with an area of	> = 10 ha
14.	Construction of a waste water piping system with a service area of	> = 500 ha
15.	Drainage in a residential area :	
a.	Construction of drainage in large/metropolitan cities :	
-	width	> = 5 m
-	or length	> = 3 km

NO.	TYPES OF BUSINESS OR ACTIVITIES	MEASUREMENT UNIT
b.	Construction of drainage in medium - sized cities :	
	- width	> = 10 m
	- or length	> = 5 km
16.	Construction of apartment/office buildings :	
	- area	> = 3 ha
	- or floor are per building	> = 50,000 m ²
17.	Clean water in large/metropolition cities :	
a.	Construction of distribution network, area of service being	> = 1,500 ha
b.	Construction of transmission network, length being	> = 5 km
18.	Water collection from lakes, rivers, springs or other water sources, the debit being	> = 500 litres/second
IX.	INDUSTRY AND TRADE.	
1.	Cement industry (made through clinker production)	All measurement units
2.	Pulp industry	All measurement units
3.	Chemical (Synthetic) fertilizer industry	All measurement units
4.	Upstream petrochemical industry	All measurement units
5.	Coarse steel making industry	All measurement units
6.	Base lead (Pb) making industry	All measurement units (including recycling industry)
7.	Base copper (Cu)/copper cathode manufacturing industry	All measurement units (Raw materials from copper concentrate)
8.	Alumina smelting industry	All measurement units
9.	Base aluminum making industry	All measurement units (Raw materials from alumina)
10.	Iron making industry	All measurement units
11.	Ferro alloy making industry	All measurement units

NO.	TYPES OF BUSINESS OR ACTIVITIES	MEASUREMENT UNIT
12.	Industrial estates	All measurement units (including integrated industrial complexes)
13.	Dockyard industry with a graving dock system	> = 3,000 DWT
14.	Aeroplane industry	All measurement units
15.	Plywood industry integrated with logponds	All measurement units
16.	Industry making arms, ammunition and explosives	All measurement units
17.	Industry making active materials of pesticide	All measurement units
18.	Dry battery industry	All measurement units (those using Hg as the raw material)
19.	Wet battery (electricity accumulator) industry	Capacity of > 100,000 units/year
20.	Relatively concentrated trade/shopping centres	> = 5 ha in area or area of building of > 10,000 m ²

X. TRANSMIGRATION AND RESETTLEMENT OF FOREST TRAMPERS.

1. Activity plan for the construction of transmigration resettlement areas and up-building of transmigration-related undertakings > = 1,500 ha in area

Remarks :

- The type is that of general transmigration or self-initiated transmigration;
- Scope of study : SKP

X. DEFENCE AND SECURITY

- | | | |
|----|--|---|
| 1. | Construction of munition store-houses, central storehouses of munitions and regional store-houses of munitions | All measurement units |
| 2. | Construction of a naval base | A, B and C classes |
| 3. | Construction of an airbase | A, B and C classes or their equivalents |
| 4. | Combat training centre/rifle-firing ground | > = 10,000 ha in are |

STATE MINISTER OF ENVIRONMENTAL AFFAIRS

signed

SARWONO KUSUMAATMADJA

ATTACHMENT II :

LIST OF PROTECTED AREAS

protected areas as meant in the Elucidation of Article 7 paragraph (1) of Act No. 24 of 1992 on spatial layout and Article 37 of Presidential Decree No. 32 of 1990 on the management of protected areas shall be as follows :

1. Protected forest areas.
2. Peat-land areas.
3. Water-absorption areas.
4. Coastal borderlines.
5. River borderlines.
6. Areas around lakes/reservoirs.
7. Areas around springs.
8. Nature conservation areas (comprising natural reserves, animal reserves, tourist forests, areas for the protection of germ plasm and animal refuge).
9. Areas of nature conservation of the sea and other waters (including sea waters, continental waters, coastal areas, estuaries, coral reefs, atolls with their unique ecosystem and/or diversity).
10. Mangrove coastal areas.
11. National parks.
12. Greater forest parks.
13. Parks for nature-related tourism.
14. Areas of cultural and scientific reserves (including areas of watery quartz, areas with special local culture, areas where archeological situs or highly valuable historical legacies are located).
15. Areas vulnerable to natural disasters.

THE STATE MINISTER OF ENVIRONMENTAL AFFAIRS

signed
SARWONO KUSUMAATMADJA