

# **ENVIRONMENTAL MANAGEMENT AND MONITORING DOCUMENT OF BUSINESSES AND/OR ACTIVITIES NOT HAVING ENVIRONMENTAL MANAGEMENT DOCUMENT**

(Regulation of the State Minister for Environmental Affairs Number 12 Year 2007  
dated September 27, 2007)

THE STATE MINISTER FOR ENVIRONMENTAL AFFAIRS,

Considering:

- a. that every business and/or action plan having impact on the environment is obliged to have environmental management document;
- b. that in fact businesses and/or activities have brought impact on the environment and have run but have not had environmental management document;
- c. that by virtue of authority of the State Minister for Environmental Affairs, it is necessary to take a policy which may be used as a reference and legal basis for businesses and/or activities already operating but not having environmental management document;
- d. that based on the considerations as meant in letters a, b and c, it is necessary to stipulate a regulation of the State Minister for Environmental Affairs regarding Environmental Management and Monitoring Document of Businesses and/or Activities Not Having Environmental Management Document;

In view of:

1. Law Number 23 Year 1997 regarding Environmental Management (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 regarding Regional Administration (Statute Book of the Republic of Indonesia Year 2004 Number 125, Statute Book of the Republic of Indonesia Number 4437) as already amended by Law Number 8 Year 2005 regarding Stipulation of Government Regulation In Lieu of Law Number 3 Year 2005 regarding the Amendment to Law Number 32 Year 2004 regarding Regional Administration to Become A Law (Statute Book of the Republic of Indonesia Year 2005 Number 108, Statute Book of the Republic of Indonesia Number 4548);
3. Government Regulation Number 27 Year 1999 regarding Environmental Impact Analysis (Statute Book of the Republic of Indonesia Year 1999 Number 59, Statute Book of the Republic of Indonesia Number 3838);
4. Government Regulation Number 38 Year 2007 regarding Sharing of Public Administration Affairs between the Government, Provincial Governments and Regental/Municipal Governments (Statute Book of the Republic of Indonesia Year 2007 Number 82, Statute Book of the Republic of Indonesia Number 4737);

5. Presidential Regulation Number 9 Year 2005 regarding Statute, Tasks, Functions, Organizational Structures and Working Arrangements of State Ministries as already amended the latest by Presidential Regulation Number 94 Year 2006;
6. Decree of the State Minister for Environmental Affairs Number 86 Year 2002 regarding Technical Guidelines on Environmental Management and Monitoring Programs;

**DECIDES :**

To stipulate:

**THE REGULATION OF THE STATE MINISTER FOR ENVIRONMENTAL AFFAIRS REGARDING ENVIRONMENTAL MANAGEMENT AND MONITORING DOCUMENT OF BUSINESSES AND/OR ACTIVITIES NOT HAVING ENVIRONMENTAL MANAGEMENT DOCUMENT.**

Article 1

Referred to in this regulation as:

1. Environmental Management and Monitoring Document hereinafter called DPPL shall be a document containing information and data about a business and/or activity as well as evaluating study on impact of the operating business and/or activity on the environment as well as containing managerial and monitoring measures to prevent environmental pollution and/or destruction.
2. Operating business and/or activity shall be a business and/or activity already conducting physical activity from the phase of construction to operation.
3. Environmental Management Document shall be a document in the form of environmental impact analysis (AMDAL) or Environmental Management Program and Environmental Monitoring Program (UKL-UPL).
4. Minister shall be the minister in charge of environmental affairs.

Article 2

- (1) Party in responsible for operating businesses and/or activities that have no environmental management document shall be obliged to formulate DPPL.
- (2) In formulating DPPL, the party in responsible for businesses and/or activities may seek assistance from consultant.

- (3) The formulator of DPPL as referred to in paragraph (1) shall be obliged have certificate of AMDAL formulation training and have expertise in the field of business and/or action plans to be studied.

#### Article 3

- (1) Procedures for formulating DPPL shall be as contained in Attachment I to this regulation.  
 (2) Format of the formulation of DPPL shall be as contained in Attachment I to this regulation.

#### Article 4

The party in responsible for businesses and/or activities as referred to in Article 2 paragraph (1) shall submit application for DPPL to the Minister, governor or regent/mayor in accordance with their respective scopes of authority.

#### Article 5

- (1) The Minister, governor or regent/mayor shall examine document of DPPL submitted by the party in responsible for the business and/or activity in accordance with their respective scopes of authority.  
 (2) The Minister shall examine DPPL of:
- businesses and/or activities potential to bring about negative impact on the public at large and/or related to defense and security, such as oil and gas exploitation, development of oil refinery, development of international airport, development of ocean seaport and/or integrated waste treatment of dangerous and toxic materials (B3);
  - businesses and/or activities located in more than one province;
  - businesses and/or activities located on sea territory above 12 (twelve) nautical miles; and
  - businesses and/or activities located in the cross border of the state.
- (3) Governors shall examine DPPL of businesses and/or activities located in:
- more than one regental/municipal territory;
  - inter-regental/municipal territory; and
  - sea territory maximally 12 (twelve) nautical miles from the coastline seaward any/or towards the archipelagic waters and one third of the provincial jurisdiction for regency/city.
- (4) Regents/mayors shall examine DPPL of businesses and/or activities outside the authority of the Minister and/or governors as referred to in paragraphs (2) and (3).

- (5) The mechanism of DPPL shall not be applied to businesses and/or activities of nuclear reactor development and operation, non-reactor nuclear installation development and operation, submarine tailing, genetic engineering technology, mining of radioactive minerals and development of ammunition and explosive industry.

#### Article 6

The Minister may supervise the examination of DPPL by governors and/or regents as referred to in Article 5 paragraph (3) and paragraph (4).

#### Article 7

Licensors shall be obliged to mention the requirements and obligation as contained in DPPL in business and/or action permit.

#### Article 8

The formulation of DPPL shall not exempt party in responsible for businesses and/or activities from legal sanction in accordance with legislation in the event that environmental population and/or destruction arising from the said businesses and/or activities is/are found.

#### Article 9

All costs required for formulating and examining DPPL shall be borne by party in responsible for the businesses and/or activities.

#### Article 10

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

Stipulated in Jakarta

On September 25, 2007

The State Minister for Environmental Affairs

sgd

Ir. RACHMAT WITOELAR

Editor's Note:

- Due to technical reason, the attachments are not published.

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