



MANAGEMENT OF HAZARDOUS AND TOXIC WASTE
 (Regulation of Governor of Jakarta Capital City Provincial Special Region
 Number 76 Year 2009, dated May 26, 2009)

WITH THE BLESSING OF THE ONE AND ONLY GOD

GOVERNOR OF JAKARTA CAPITAL CITY
 PROVINCIAL SPECIAL REGION

Considering:

- a. that implementation of management and supervision of hazardous and toxic waste as governed in Regulation of the Governor Number 103 Year 2005, is no longer justify with the ongoing growth and the provisions in the statutory regulation;
- b. that based on the consideration referred to in letter a, implementation of Government Regulation Number 38 Year 2007 concerning Distribution of Administrative Affairs between the Government, Regional Government of Province and Regional Government and Regency/Municipality Administration, it is necessary to stipulate Governor Regulation on the implementation of hazardous and toxic waste management;

In view of:

1. Law Number 5 Year 1984 concerning Industry;
2. Law Number 23 Year 1992 (BN No. 5324 page 16A and so forth) concerning Health;
3. Law Number 23 Year 1997 (BN No. 6092 pages 19A-21A and so forth) concerning Living Environment Management;
4. Law Number 10 Year 2004 (BN No. 7169 pages 14A-21A and so forth) concerning Establishment of Statutory Regulation;
5. Law Number 32 Year 2004 (BN No. 7183 pages 1A-11A and so forth) concerning Regional Administration as amended several times and most recently amended by Law Number 12 Year 2008 (BN No. 7676 pages 26A-32A and so forth);
6. Law Number 29 Year 2007 concerning Provincial Regional Administration of Jakarta Capital City Special Region as Capital City of the Unitary State;
7. Government Regulation Number 18 Year 1999 (BN No. 6427 pages 1A-6A and so forth) concerning Management of Hazardous and Toxic Waste as lately amended by by Government Regulation Number 85 Year 1999 (BN No. 6441 pages 2A-6A and so forth) concerning Management of Hardous and Toxic Material;
8. Government Regulation Number 27 Year 1999 (BN No. 6442 pages 10A-12A and so forth) concerning Analysis of Environmental Impact (AMDAL);
9. Government Regulation Number 38 Year 2007 concerning Distribution of Administration Af-fair between the Central Government, Regional

- Government of Province, and Regency/Municipality Administration;
10. Decision of the State Minister of Living Environment Number 07 Year 2001 concerning Living Environment Supervisory Official and Regional Living Environment Supervisory Official;
 11. Decision of the State Minister of Living Environment Number 56 Year 2002 concerning General Guideline for Living Environment System for Supervisory Official;
 12. Decision of the State Minister of Living Environment Number 57 Year 2002 concerning Work Procedure of State Minister of Living Environment;
 13. Decision of the State Minister of Living Environment Number 58 Year 2002 concerning Work Procedure of Living Environment Supervisory Official of Province /Regency/Municipality;
 14. Regulation of the State Minister of Living Environment Number 14 Year 2006 concerning Types of Business Plan and/or Activities that must be supported by Analysis on Living Environment Impact;
 15. Regulation of the State Minister of Living Environment Number 3 Year 2007 concerning Collecting and Storage Facilities for Hazardous and Toxic Waste at the Port;
 16. Regional Regulation Number 10 Year 2008 concerning Regional Instrument Organization;
 17. Decision of the Governor Number 2863 Year 2001 concerning Type of Business Program and/or that must be supported by AMDAL at the DKI Jakarta Province;

18. Decision of the Governor Number 180 Year 2002 concerning type of Business program and/or activities that must be supported by Environmental Management Effort and Environmental Monitoring Effort in Jakarta DKI Province;

DECIDES:

To stipulate:

REGULATION OF THE GOVERNOR CONCERNING IMPLEMENTATION OF HAZARDOUS AND TOXIC WASTE MANAGEMENT.

CHAPTER I

GENERAL PROVISION

Part One

Interpretation

Article 1

What is meant in this Regulation of the Governor by:

1. State Minister of Living Environment hereinafter referred to as KLH shall be the State Minister of Living Environment of the Republic of Indonesia.
2. Region shall be Jakarta Capital City Provincial Special Region.
3. Governor shall be Governor of Jakarta Capital City of Provincial Special Region.
4. Regional Instrument Working Unit hereinafter referred to as SKPD shall be Regional Instrument responsible in the management of Living Environment a Jakarta Capital City of Provincial Special Region.

5. **Technical Agency Management shall be Every Work Unit of Regional Instrument /Technical Management Agency shall be Every Work Unit of Regional Instrument/Regional Instrument Work Unit granting business license relating to business operations according to the respective field and duty..**
6. **Hazardous and Toxic Waste hereinafter referred to as B3 Waste or business remnants and/or activities containing hazardous and/or toxic material due to the nature and/or concentration and/or volume thereof, either directly or indirectly, that may cause pollution and/or damage the Living Environment, health, lifespan of human being and other living things.**
7. **Management of B3 Waste shall be a series of activities covering reduction, storage, collection, utilization, process and cause of B3 Waste.**
8. **Storage of B3 Waste shall be conducted by the producer, collector, utilizer, processor, and piling agent of B3 Waste for temporary storage.**
9. **B3 Waste collector shall be business entity collecting B3 Waste for the delivery to the processing place and/or utilizer and/or piling of B3 Waste..**
10. **B3 Waste collection on Provincial scale shall be activities in collecting B3 Waste and producer of B3 Waste which source is cross regency/ municipality in one Province.**
11. **Collection of B3 Waste on National scale shall be collecting activity of B3 Waste and B3 Waste producer which source is cross Province.**
12. **B3 Waste transport shall be business entity transporting B3 Waste.**
13. **B3 Waste transport shall be transporting activity of B3 Waste and producer of and/or collector and/or utilizer and/or processor and/or piling party of B3 Waste.**
14. **Utilizer of B3 Waste shall be business entity which technically is able to utilize B3 Waste and is accountable.**
15. **Utilizer of B3 Waste shall be recovery activity (recovery) and/or re-use activity and/or recycle with the purpose to change the B3 Waste into any product that may used safely within the environment and human health..**
16. **Process of B3 Waste shall be process to change the characteristic and composition of B3 Waste by eliminating and/or reducing the hazardous nature and/or toxicity of the waste.**
17. **Business Entity shall be business entity covering limited liability, State-owned Business Entity or Regional-owned Business Entity, Firm, Cooperatives, Foundation, Pension Fund, and other form of Business Entity which activities are producing and/or managing B3 Waste.**
18. **Management shall be activities conducted by SKPD and/or Technical Management Agency to provide direction to the business entity in managing B3 Waste for compliance with the provisions in the statutory regulation.**
19. **Supervisory shall be Regional Living Environment Supervisory Official (PPLHD) functioning at the agency and is responsible for living management supervisory.**

20. Supervisory shall be activities conducted directly and/or indirectly by Regional Living Environment Supervisory Official (PPLHD) to perceive the level of administration of the business responsibility and/or activities toward the provisions in the statutory regulation and/or requirements for permits in B3 Waste Management.

21. Analysis on Environmental Impact hereinafter referred to as AMDAL shall be study on the significant impact and the importance of any business and/or activity planned on the Living Environment that is not needed for decision making concerning implementation of business and/or activity.

22. UKL and UPL shall be Environmental Management Effort and Environmental Monitoring Effort on business plan and/or activity plan that will not cause significant and important impact, or by means of technology the importance of impact that can be managed and having specific nature for the respective type of business or activity relevant to the impact it caused.

Part Two

Scope

Article 2

The scope of this Regulation of the Governor shall cover:

- a. permits for temporary storage of Be Waste;
- b. permits for collecting B3 Waste on Provincial scale except used lubricant/oil;

- c. recommendation for collection of B3 Waste on National scale except used lubricant/oil;
- d. development of B3 Waste Management; and
- e. supervision of B3 Waste Management.

Part Three

Objective and Target

Article 3

Structuring Regulation of Governor is meant

to:

- a. improve compliance with B3 Waste Management;
- b. improve performance in B3 Waste Management; and
- c. prevent pollution and damage to the environment.

Article 4

The targets of B3 Waste Management

Limbah are:

- a. improve perception on the provision in the statutory regulation relating to B3 Waste Management;
- b. improve compliance with the operator of B3 Waste Management;
- c. reduce the volume of B3 waste residue produced by (reuse, recycle, recovery) 3R waste (reduced volume of of B3 Waste residue produced by the 3R effort (reuse, recycle, recovery);
- d. iprove utilization of facility and infrastructure for B3 Waste Management; and
- e. improve control and supervision of B3 Waste traffic beginning from the source or producer up the Management facility and/or final disposal.

CHAPTER II

PERMITS AND RECOMMENDATION

Part One

Permits

Article 5

(1) Types of permits governed by B3 Waste Management shall be:

- a. permit for temporary storage of B3 Waste; and**
- b. permit for collection of B3 Waste on Provincial scale except use lubricant/oil.**

(2) Temporary storage activity of B3 Waste and collection of B3 waste on Provincial scale except use lubricant/oil must obtain approval from the SKPD.

(3) Permit for temporary storage of B3 Waste and permit for collection of B3 Waste on Provincial scale except used lubricant/oil, must comply with the administrative requirement and technical requirement in accordance with the provisions in the statutory regulation.

(4) The procedure chart for issue permit for temporary storage of B3 Waste and collection of B3 Waste on Provincial scale except used lubricant/oil as referred to in paragraph (1) letters a and b as set forth in Attachment I to this Regulation of the Governor.

(5) Permit may be issued within 30 (thirty) working days at the latest if the administrative and technical requirements are complied with and after verification on the field is made.

(6) Validity of permit for temporary storage of B3 Waste and collection of B3 Waste on Provincial scale except used lubricant/oil is three (3) Years.

(7) Application for extension shall be submitted within 60 (sixty) working days prior to expiry of the permit validity.

(8) In the event of a change to the type of waste, storage location and collection of B3 Waste on Provincial scale except used lubricant/oil, the business entity shall be obliged to submit application for new permit.

Part Two

Recommendation

Article 6

(1) Any business entity collecting B3 Waste on National scale except used lubricant/oil shall be obliged to obtain recommendation for permit from the SKPD.

(2) The recommendation for permit for collection of B3 Waste on National scale except used lubricant/oil shall be issued after complying with the administrative requirement and technical requirement in accordance with the provisions in the statutory regulation.

(3) The recommendation for permit shall be issued within 15 (fifteen) working days after verification is made in the field.

(4) Approval for recommendation for permit for collection of B3 Waste on National scale except

for used lubricant/oil shall be valid only for one (1) time application for permit.

(5) Procedure chart for issue of recommendation for collecting B3 Waste on National scale except for used lubricant/oil as referred to in paragraphs (1) and (2) as set forth in Attachment II to this Regulation of the Governor.

Article 7

(1) Selection of location for temporary storage of B3 Waste and collection of B3 Waste except for used lubricant/oil must comply with the space layout stipulated by the Space Layout Service Office.

(2) The permit and recommendation for B3 Waste Management shall be granted after obtaining recommendation from AMDAL or UKL-UPL from the SKPD.

CHAPTER III

TREATMENT OF B3 WASTE

Part One

Management

Article 8

(1) Any B3 Waste Management must be conducted by business entity.

(2) The region may establish Public Service Entity and/or other business to carry out B3 Waste Management specifically originating from small scale source.

(3) The B3 Waste collected from small scale business referred to in paragraph (2) shall be

further delivered to the B3 Waste Management business entity.

Article 9

(1) The producer of B3 Waste may store B3 Waste produced within 90 (ninety) days at the longest prior to delivery to the collector or utilizer or processor of piling party of B3 Waste.

(2) If the B3 Waste produced is less than 50 (fifty) kilogram per day, the B3 Waste producer may store the B3 waste it produces for more than 90 (ninety) days prior to delivery to the collector or utilizer or processor or piling party of the B3 waste after obtaining approval from the SKPD.

(3) The procedure on technical requirement concerning the work procedure for M3 waste Management shall refer to the provisions in the statutory regulation.

Part Two

Obligations

Article 10

(1) Any business entity producing B3 waste shall be obliged to:

- a. conduct 3R (reuse, recycle dan recovery) on the B3 waste it produces;
- b. conduct TCLP laboratory analysis for the waste not registered as B3 waste;
- c. separate B3 waste from domestic waste;
- d. fill-in balance sheet on waste in accordance with the applicable format;

Article 12

- e. obtain copy of manifest on B3 waste from the B3 waster transporter; and
 - f. submit report on the B3 waste Management at least once in three (3) months to the SKPD.
- (2) Any business entity transporting B3 waste must be supported by waste document/manifest.
- (3) Any business entity that operates in B3 waste Management must have standard operating procedure that is justified with the characteristic and specification of the B3 waste produced, covering:
- a. emergency alert system;
 - b. accident control in the B3 waste Management; and
 - c. recovery from B3 waste pollution.

CHAPTER IV

MANAGEMENT AND SUPERVISION

Part One

Management

Article 11

- (1) Management of business entity that operates in B3 waste Management in the Region shall be conducted by the SKPD in coordination with the Technical Management Agency and other Agency.
- (2) The B3 waste Management referred to in paragraph 1 (satu) shall:
- a. make orientation of the statutory regulation on B3 waste Management;
 - b. technical management; and
 - c. explanation on the procedure for B3 waste Management.

- (1) In the management referred to in Article 11 must be adjusted to the main duty and function of the respective Technical Management Agency.
- (2) Periodical meeting for coordination on the implementation of management and supervision of B3 waste Management with the Technical Management Agency shall be convened at least once in three (3) months or at any time as needed.

Part Two

Supervision

Article 13

- (1) Supervision shall be conducted on B3 waste management.
- (2) Supervision on B3 waste shall be conducted by the SKPD and may be coordinated with the Technical Management Agency.
- (3) The supervision of B3 waste Management referred to in paragraph (2) shall consist of:
- a. direct supervision on the location of B3 waste Management activity; and
 - b. indirect supervision by evaluating the report on the B3 waste Management activity.
- (4) Implementation of supervision shall be conducted periodically at least once in three (3) months and at any time as needed.
- (5) The supervisory official shall be obliged to report in writing on the result of supervision on the B3 waste Management to the SKPD.

Article 14

The duty of the supervisory official referred to in Article 13 shall cover:

- a. inventory of the types of waste produced by the business entity; and
- b. conduct supervision, monitoring and verification of the B3 waste Management by business entity producing and/or conducting B3 waste Management.

Article 15

The supervisory official in conducting overview of the field shall be entitled to:

- a. enter the B3 waste Management area;
- b. take sample of the B3 waste for examination at the laboratory as needed;
- c. ask for information relating to the implementation of the supervision of B3 waste Management;
- d. taking photograph of the B3 waste Management activity; and
- e. drawing up Minutes on the result of field overview acknowledged by the business entity being visited.

Part Three

Supervision, Emergency Alert and Control

B2 Waste Management Accident

Article 16

- (1) SKPD shall be obliged to have standard operational procedure for supervision of emergency alert on the B3 Waste Management according to its authority.

- (2) Implementation of supervision of emergency alert and control of accident shall be conducted according to the standard of operation of the applicable procedure.

- (3) Implementation of emergency alert and control of accident shall be conducted by the business entity concerned.

- (4) SKPD may coordinate with other agency/party in handling greater impact which the source of pollution is unable to handle.

Article 17

- (1) SKPD shall be obliged to have standard operation for supervising recovery of the B3 waste Management according to its authority.

- (2) Implementation of supervision of recovery activity shall be conducted according to the standard operation of the applicable procedure.

- (3) Implementation of recovery resulting from B3 waste pollution shall constitute the responsibility of the source of pollution/waste producer.

- (4) Cost of recovery resulting from B3 waste pollution shall be the responsibility of the source of pollution/waste producer.

- (5) Implementation of recovery shall constitute the responsibility of the Region if:

- a. the party responsible for activities is declared bankrupt by court judgment;
- b. the source of pollution is unknown and the party in charge of activity is unknown.

**CHAPTER V
REPORTING**

Article 18

- (1) Result of the management and supervision implemented by the SKPD as referred to in Article 10 up to Article 16 shall be reported to the Governor through the Secretary of the Region with copy to the State Minister of Living Environment.
- (2) Masyarakat dapat ikut berperan serta dengan melaporkan setiap kejadian pelanggaran dalam Management limbah B3 kepada SKPD.

Article 19

Procedure for management and supervision of Hazardous and Toxic Waste referred to in Article 11 up to Article 18, shall be as set forth in Attachment III to this Regulation of the Governor.

**CHAPTER VI
FINANCE**

Article 20

The finance needed for implementation of this Regulation of the Governor shall be charged to the Regional Budget and Expenditure Budget (APBD) of Jakarta Capital City of DKI Province and other legal and non-binding source of finance.

**CHAPTER VII
PENALTY**

Article 21

- (1) Any business entity that manages B3 waste by violating the provisions governed in this

Regulation of the Governor shall be charged administrative penalty.

- (2) The administrative penalty referred to in paragraph (1) shall be in the form of:
- a. written reminder;
 - b. force effort; and
 - c. revocation of permit for B3 waste Management.
- (3) Administrative penalty shall be in the form of written reminder and force effort on any violation in the B3 waste Management referred to in paragraph (2) letters a and b issued by the SKPD.
- (4) The administrative penalty in the form of revocation as referred to in paragraph (2) letter c shall be charged by the agency granting the permit.
- (5) If the violation is committed by business entity is in the form of crime this shall be charged legal penalty according to the provisions in statutory regulation.

**CHAPTER VIII
CLOSING PROVISION**

Article 22

By the time this Regulation of the Governor takes effect, Regulation of the Governor Number 103 Year 2005 concerning Management and Supervision of Hazardous and Toxic Waste Management shall be revoked and declared null and void..

Article 23

This Regulation of the Governor shall take effect on the date it is enacted.

For public cognizance, this Regulation of the Governor shall be announced by placing it in Regional State Gazette Jakarta Capital City of Special Provincial Region.

Stipulated in Jakarta

On May 26, 2009

GOVERNOR OF JAKARTA DKI PROVINCE,

Sgd

FAUZI BOWO

Enacted in Jakarta
On June 3, 2009
SECRETARY OF THE REGION OF
JAKARTA DKI PROVINCE,
Sgd.
M U H A Y A T
NIP 050012362

REGIONAL GAZETTE OF JAKARTA DKI PROVINCE
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Note from Editor:

- due to technical reason no Attachment is available.

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