

REGULATION OF THE REGENCY OF TUBAN

NUMBER 10 OF 2019

ON

ENVIRONMENTAL PERMIT

BY THE BLESSINGS OF ALMIGHTY GOD

THE REGENT OF TUBAN,

- Considering:
- a. that the implementation of environmentally sound development is an indispensable requirement in the efforts to guarantee the preservation of environmental functions;
  - b. that in order to provide protection towards the preservation of environmental functions as referred to in point a and in efforts to control business and/or activity that has negative impact to the environment, to provide clarity of procedures, mechanisms, and coordination among Regional Apparatuses in the administration of licensing, and to provide legal certainty, it is necessary to establish a legal instrument in terms of environmental permit;
  - c. that under consideration as referred to in point a and point b and to implement provisions of Article 42 to Article 53 of Government Regulation Number 27 of 2012 on Environmental Permit, it is necessary to issue a Regional Regulation on Environmental Permit.
- Observing:
1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;
  2. Law Number 12 of 1950 on Formation of Regency Areas within the Area of the Province of East Java as has amended with the Law Number 2 of 1965 (State Gazette of the Republic of Indonesia of 1965, Supplement to the State Gazette of the Republic of Indonesia Number 2730);
  3. Law Number 26 of 2007 on Spatial Management (State Gazette of The Republic of Indonesia of 2007 Number 68, Supplement to the State Gazette of the Republic of Indonesia Number 4846);

4. Law Number 25 of 2009 on Public Services (State Gazette of the Republic of Indonesia of 2009 Number 112, Supplement to the State Gazette of the Republic of Indonesia Number 5038);
5. Law Number 32 of 2009 on Environmental Protection and Management (State Gazette of the Republic of Indonesia of 2009 Number 140, Supplement State Gazette of the Republic of Indonesia Number 5059);
6. Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2011 Number 82, Supplement to the State Gazette of The Republic of Indonesia Number 5234);
7. Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times, last by Law Number 9 of 2015 on Second Amendment to Law Number 23 of 2014 on Local Government (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
8. Government Regulation Number 27 of 2012 on Environmental Permit (State Gazette of the Republic of Indonesia of 2012 Number 48, Supplement to the Gazette of the Republic of Indonesia Number 5285);
9. Government Regulation Number 12 of 2017 on Guidance and Supervision of Local Government Administration (State Gazette of the Republic of Indonesia of 2017 Number 73, Supplement to the State Gazette of the Republic of Indonesia Number 6041);
10. Government Regulation Number 24 of 2018 on Electronically Integrated Business License Services (State Gazette of the Republic of Indonesia of 2018 Number 90, Supplementary to the State Gazette of the Republic of Indonesia Number 615);
11. Presidential Regulation Number 87 of 2014 on Implementing Regulation of Law Number 12 of 2011 on Legislation Making (State Gazette of the Republic of Indonesia of 2014 Number 199);
12. Regulation of State Minister of the Environment Number 11 of 2008 on Competency Requirements in the Document Preparation of Environmental Impact Assessment and Requirements for a Competency Training Institution Preparing Document on Environmental Impact Assessment;
13. Regulation of State Minister of the Environment Number 16 of 2012 on Guidelines for the Preparation of Environmental Documents (State Bulletin of the Republic of Indonesia of 2012 Number 424);

14. Regulation of State Minister of the Environment Number 17 of 2012 on Guidelines for Community Involvement in the Environmental Impact Assessment and Environmental Permits (State Bulletin of The Republic of Indonesia of 2012 Number 425);
15. Regulation of State Minister of the Environment Number 8 of 2013 on Procedures for Evaluation and Examination of Environmental Documents and Issuance of Environmental Permits (State Bulletin of the Republic of Indonesia of 2013 Number 1256);
16. Regulation of Minister of Home Affairs Number 80 of 2015 on Formulation of Regional Legal Products (State Bulletin of the Republic of Indonesia of 2015 Number 2036) as amended with Regulation of Minister of Home Affairs Number 120 of 2018 on Amendment to Regulation of Minister of Home Affairs Number 80 of 2015 on Formulation of Regional Legal Products (State Bulletin of The Republic of Indonesia of 2018 Number 157);
17. Regulation of Minister of Environment and Forestry Number P.22/MENLHK/SETJEN/KUM.1/7/2018 on Norms, Standards, Procedures, and Criteria for Electronic Integrated Licensing Services in the Ministry of Environment and Forestry (State Bulletin of the Republic of Indonesia of 2018 Number 930);
18. Regulation of Minister of Environment and Forestry Number P.26/MENLHK/SETJEN/KUM.1/7/2018 on Guidelines on the Preparation and Assessment as well as Examination of Environmental Documents in the Implementation of Electronic Integrated Business Licensing Services (State Bulletin of the Republic of Indonesia of 2018 Number 930);
19. Regulation of Minister of Environment and Forestry Number P.38/MENLHK/SETJEN/KUM.1/7/2019 on Types of Business and/or Activity Plan which Require Environmental Impact Assessment (State Bulletin of the Republic of Indonesia of 2019 Number 1011);
20. Regulation of the Governor of the Province of East Java Number 30 of 2011 on Types of Business and / or Activity that require Environmental Management Effort (UKL) and Environmental Monitoring Effort (UPL) in the Province of East Java (Regional Gazette of the Povince of East Java of 2011 E series Number 1);
21. Regulation of the Regency of Tuban Number 09 of 2012 on Regional Spatial Plan of the Regency of Tuban of 2012 – 2032 (Regional Gazette of the Regency of Tuban of 2012 E Series Number 09);
22. Regulation of the Regency of Tuban Number 16 of 2014 on Public Order and Tranquillity (Regional Gazette of the Regency of Tuban of 2014 E Series Number 09);

23. Regulation of the Regency of Tuban Number 14 of 2016 on Formation and Composition of Regional Apparatus of the Regency of Tuban (Regional Gazette of the Regency of Tuban of 2016 D Series Number 01);

With the Joint Approval of  
THE REGIONAL HOUSE OF REPRESENTATIVES OF  
THE REGENCY OF TUBAN  
and  
THE REGENT OF TUBAN  
HAS DECIDED:

To issue: REGIONAL REGULATION ON ENVIRONMENTAL PERMIT.

CHAPTER I  
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means the Regency of Tuban.
2. Local Government means the Government of the Regency of Tuban.
3. Regent means the Regent of Tuban.
4. Regional Apparatuses mean the supporting elements of the Regent and Regional House of Representatives in terms of the administration of government affairs under the control of Regional authority.
5. Environment Office means to the Environmental Office of the Regency of Tuban.
6. Environmental Permit means a permit granted to any individual who carries out business and/or activities that are required to provide AMDAL or UKL-UPL in regard of environmental protection and management as a prerequisite to obtain a permit of business and/or activities.
7. Business Licensing means any licensing granted to any business actor to start and operate business and/or activities and is granted in form of approval outlined in the form of a letter/decision or fulfilment of the requirements and/or commitment.
8. Electronically Integrated Business License or Online Single Submission, hereinafter abbreviated to OSS,

means business licensing issued by the OSS Institution for and on behalf of the Regent to business actors through an integrated electronic system.

9. Online Single Submission Management and Organization Institution, hereinafter referred to as OSS Institution, mean a non - ministerial government institution that conducts government affairs in capital investment coordination.
10. Business Registration Number, hereinafter referred to as NIB, means the identity of any business actor issued by the OSS Institution after he conducts registration.
11. Business License means the license issued by OSS Institution for and on behalf of the Regent after a business actor carries out registration and for starting business or activity until before the implementation of commercial or operational activity by fulfilling the requirements and/or commitments.
12. Commercial or Operational License means the license that is issued by OSS Institution for and on behalf of the Regent after a business actor obtains a business license and to conduct commercial or operational activity by fulfilling requirements and/or commitments.
13. Commitment means a statement declared by a business actor to fulfil requirements of business and/or commercial license.
14. Environmental Impact Assessment (*Analisis mengenai Dampak Lingkungan Hidup*), hereinafter abbreviated to AMDAL, means a study of significant impacts of business and/or activities planned towards the environment that is needed in the process of decision-making on the implementation of such business and/or activities.
15. Environmental Impact Statement (*Analisis Dampak Lingkungan Hidup*), hereinafter abbreviated as ANDAL, mean a careful and in-depth study concerning significant impacts of a planned business and/or activities.
16. Environmental Management Plan (*Rencana Pengelolaan Lingkungan Hidup*), hereinafter abbreviated to RKL means the efforts of handling impacts on the environment as a result of planned business and/or activities.
17. Environmental Monitoring Plan (*Rencana Pemantauan Lingkungan Hidup*), hereinafter abbreviated to RPL means the efforts of monitoring the components of environment affected by planned business and/or activities.
18. Significant Impacts means a very fundamental change of environment as the result of any business and/or activities.
19. Terms of Reference mean the scope of the study of environmental impact analysis which is the result of scoping.

20. Business and/or Activities mean any form of activity that can cause changes towards environmental zone and cause environmental impacts.
21. Environmental Management and Monitoring Efforts (*Upaya Pengelolaan Lingkungan Hidup dan Upaya Pemantauan Lingkungan Hidup*), hereinafter means abbreviated to UKL-UPL, means the management and monitoring of the business and/or activities that do not have significant impacts towards the environment that is needed for the process of decision-making in regard of the implementation of such business and/or activities.
22. Statement of Environmental Management and Monitoring Undertaking (*Surat Pernyataan Kesanggupan Pengelolaan dan Pemantauan Lingkungan Hidup*), hereinafter abbreviated as SPPL, means the statement of ability of any person in charge of any business and/or activity to undertake management and monitoring towards the environment on the environmental impacts of any business and/or activities that are exempted from the requirements for providing AMDAL or UKL-UPL.
23. Environmental Feasibility Decision means the decision that declares the environmental feasibility of any business plan and/or activity that requires AMDAL.
24. UKL-UPL Recommendation means the letter of approval towards business and/or activities that require UKL-UPL.
25. Initiator means any individual or legal entity who is responsible for any business and/or activity that will be carried out.
26. Standard of Environmental Quality means a threshold limit or level of living creatures, substances, energy, or components that are existing or have to be existing and/or pollutant elements that are still tolerable in a certain resource as an element of environment.
27. Environmental Pollution means the inclusion of living creatures, substances, energy, or other components into the environmental quality standard that has been determined.
28. To Damage Environment means the acts of people who pose direct or indirect changes towards physical, chemical and/or biological properties of the environment exceeding the standardized criteria of environmental damage.
29. Environmental Damage means the direct and/or indirect changes of physical, chemical and/or biological properties of environment exceeding the standardized criteria of environmental damage.
30. AMDAL Evaluation Commission (*Komisi Penilai Amdal*), hereinafter abbreviated to KPA, means the commission whose task is to evaluate AMDAL documents submitted.

31. Examination Team for UKL-UPL mean the team in charge of examining UKL-UPL documents.
32. Technical Team mean the team that is formed by the Regent consisting of the elements of the relevant Regional Apparatuses that carry out the task of assisting AMDAL Evaluation Commission in evaluating AMDAL and UKL-UPL documents as well as other required documents.

## Article 2

- (1) Any business and/or activity that is required to obtain AMDAL or UKL-UPL is required to obtain Environmental Permit.
- (2) Environmental Permit as referred to in section (1) obtained from:
  - a. OSS Institution; and
  - b. the Regent.
- (3) Environmental Permit that is obtained from OSS Institution as referred to in section (2) is obtained through the following stages:
  - a. environmental permit based on commitment; and
  - b. environmental permit declared effective.
- (4) The acquisition of Environmental Permit based on commitment and Environmental Permit declared effective as referred to in section (3) point a and point b regulated in accordance with the provisions of legislation.
- (5) Environmental permit as referred to in section (2) is obtained from the Regent for business and/or activity that is not required to go through OSS with stages of activities covering:
  - a. AMDAL or UKL-UPL preparation;
  - b. AMDAL assessment or UKL-UPL examination; and
  - c. Environmental Permit application as well as issuance.

## CHAPTER II

### Principles and Objectives

#### Part One

#### Principles

### Article 3

The implementation of Environmental Permit is carried out based on the principle of:

- a. sustainable preservation;
- b. justice;
- c. participation; and
- d. good governance.

### Part Two

### Objectives

### Article 4

The implementation of Environmental Permit has the objectives as the attempt to provide protection towards the sustainable preservation of environment, to increase efforts to control business and/or activity that has negative impacts to the environment, to provide clarity of procedure, mechanisms, and coordination among Regional Apparatuses in the administration of permits issuance, and to provide legal certainty for any business and/or activity that requires Environmental Permit.

## CHAPTER III

### AMDAL AND UKL-UPL PREPARATION

### Part One

### General

### Article 5

- (1) Any business and/or activity that has significant impacts towards environment is required to own AMDAL.
- (2) Any business and/or activity that is exempted from mandatory criteria of AMDAL as referred to in section (1) is required to own UKL – UPL.
- (3) Any business and/or activity that is exempted from mandatory criteria of AMDAL or UKL–UPL as referred to in section (1) and section (2) is required to own SPPL.
- (4) Type of business and/or activity that is included in UKL – UPL are required to criteria but poses a big and significant impacts in the Region can be proposed to the Minister to be determined into mandatory AMDAL.



- (5) Provisions concerning business and/or activity that is required to own AMDAL, UKL-UPL and is required to compose SPPL is stipulated in accordance with the provisions of legislation.

#### Article 6

- (1) The location of any planned business and/or activity that is included into are required to criteria of AMDAL or UKL-UPL comply with Regional Spatial Plan.
- (2) The suitability of the location and the Regional Spatial Plan as referred to in section (1) for business and/or activity that is mandatory AMDAL or UKL-UPL can be evidenced with a letter of suitability from the authorized Regional Apparatuses.
- (3) If deemed necessary, the determination of the location suitability and the Regional Spatial plan as referred to in section (1) can be evidenced with other similar documents.
- (4) Other similar documents as referred to in section (3) include the Regent's Recommendation, Detailed Spatial Plan, and Regional AMDAL.

#### Part Two

#### Preparation of AMDAL Documents

#### Article 7

- (1) AMDAL as referred to in Article 5 section (1) is prepared by initiator at the planning stage of a business and/or activity.
- (2) In the event that the location of a planned business and/or activity does not comply with Regional Spatial Plan as referred to in Article 6 section (1), AMDAL documents can not be assessed and it is required to be returned to the initiator.

#### Article 8

- (1) The preparation of AMDAL as referred to in Article 7 section (1) is outlined in the AMDAL documents consisting of:
  - a. Terms of Reference;
  - b. ANDAL; and
  - c. RKL-RPL.

- (2) Terms of Reference as referred to in section (1) point a becomes the basis of preparation of ANDAL and RKL-RPL.

#### Article 9

- (1) In preparing AMDAL documents, initiator uses the following study approach:
  - a. single;
  - b. integrated; or
  - c. area.
- (2) The single study approach as referred to in section (1) point a is carried out in case that the initiator plans to conduct 1 (one) type of business and/or activity with guidance and/or supervision authority 1 (one) Regional Apparatus.
- (3) The integrated study approach as referred to in section (1) point b is carried out in case that the initiator plans to conduct more than 1 (one) type of business and/or activity with interrelated planning and management in one unified ecosystem landscape and the guidance and/or the supervision is under more than 1 (one) Regional Apparatus.
- (4) The area study approach as referred to in section (1) point c is carried out in case that the initiator plans to conduct more than 1 (one) types of business and/or activity with interrelated planning and management, located in one unified zone of area development plan that the management is carried out by the area manager.

#### Article 10

- (1) Initiator in preparing AMDAL documents as referred to in Article 9 involves the participation of community that covers:
  - a. the would-be affected people;
  - b. environmentalist; and/or
  - c. people affected by any form of decision in the process of AMDAL.
- (2) Community participation as referred to in section (1) is carried out through:
  - a. Announcement regarding the planned business and/or activity; and
  - b. Public consultation.
- (3) Community participation as referred to in section (1) is conducted before the preparation of Terms of Reference documents.

- (4) Community as referred to in section (1) has the right to submit suggestions, opinions, and responses towards a planned business and/or activity.
- (5) Suggestions, opinions, and responses as referred to in section (4) submitted in writing to the initiator and the Regent.
- (6) Provisions concerning procedures of community participation in AMDAL preparation are in accordance with the legislation.

#### Article 11

- (1) In terms of preparing AMDAL documents, initiator can compile himself or use the services from other parties.
- (2) Other parties as referred to in section (1) includes:
  - a. Individual AMDAL compiler; or
  - b. AMDAL compiler that is incorporated in a service provider institution of AMDAL documents compiler.

#### Article 12

- (1) AMDAL documents preparation is conducted by AMDAL compiler that owns AMDAL compiler competency certificate.
- (2) Service provider institution of AMDAL documents compiler as referred to in section (1) is required to fulfil requirements.
- (3) AMDAL compiler competency certificate as referred to in section (1) is obtained through a competency test.
- (4) Requirements as referred to in section (2) further regulated in the Regent Regulation.
- (5) To take a competency test as referred to in section (3), any person must attend education and training for AMDAL preparation and be declared graduated.
- (6) Education and training for AMDAL preparation as referred to in section (5) are carried out by AMDAL competency training institute.
- (7) Competency test as referred to in section (5) and the issuance of competency certificate is carried out by AMDAL compiler competency certification institution appointed by the Minister.

#### Article 13

- (1) Any Civil Servant that works for Environment Office is prohibited from compiling AMDAL.

- (2) In the event that the Environmental Office acts as the initiator, Civil Servant as referred to in section (1) can be an AMDAL compiler.

#### Article 14

- (1) Any business and/or activity that poses significant impacts towards the environment is exempted from the obligation of compiling AMDAL as referred to in Article 5 if :
  - a. the planned business and/or activity is located in a particular area that has obtained AMDAL kawasan (special area);
  - b. the planned business and/or activity is located in a regency that has owned regional detailed spatial plan and/or regional strategic area spatial plan; or
  - c. the business and/or activity is conducted in the context of disaster emergency response.
- (2) Business and/or activities as referred to in section (1) point a and point b, are obliged to compile UKL-UPL based on:
  - a. RKL-RPL area documents; or
  - b. regional detailed spatial plan.
- (3) Exemption as referred to in section (1) is in accordance with the provisions of legislation.

#### Part Three

#### Preparation of UKL – UPL

#### Article 15

- (1) UKL-UPL as referred to in Article 5 section (2) is compiled by initiator at the stage of planning of a business and/or activity.
- (2) In the event that the location of business and/or activity is not in accordance with regional spatial plan as referred to in Article 6 section (1), UKL-UPL are not be assessed and are required to be returned to the initiator.

#### Article 16

- (1) The preparation of UKL-UPL as referred to in Article 15 section (1) carried out by filling UKL-UPL forms with format based on the applicable provisions.
- (2) In terms of preparing UKL-UPL documents, initiator compile himself or use services from other parties.

#### Article 17

An initiator of Business and/or activity only compiles 1 (one) UKL-UPL document in the event that:

- a. the business and/or activity planned is more than 1 (one) business and/or activities with interrelated planning and management and located in one unified ecosystem landscape;
- b. the guidance and/or supervision towards the business and/or activity is conducted by more than 1 (one) Regional Apparatus.

#### Article 18

- (1) Civil Servant that works for Environment Office is prohibited from compiling UKL-UPL.
- (2) In the event that the Environmental Office acts as the initiator, Civil Servant as referred to in section (1) can be UKL-UPL compiler.

### CHAPTER 1V

#### ASSESSMENT OF AMDAL AND EXAMINATION OF UKL-UPL

##### Part One

##### Terms of Reference

#### Article 19

- (1) Terms of Reference as referred to in Article 8 section (1) point a is compiled by initiator before preparing ANDAL and RKL-RPL.
- (2) Terms of Reference have been compiled as referred to in section (1) submitted to the Regent through the Secretariat of KPA.
- (3) In accordance with the submission as referred to in section (2), the Secretariat of KPA provides a written statement regarding the administrative completeness of the Terms of Reference.

#### Article 20

- (1) Terms of Reference as referred to in Article 19 has been declared administratively complete assessed by KPA.
- (2) To conduct assessment as referred to in section (1), the Head of KPA assigns a Technical Team to assess Terms of Reference.

- (3) Technical Team, in terms of conducting assessment involves initiator.
- (4) Technical Team submits the results of the Terms of Reference assessment to the Head of KPA.
- (5) In the event that that the results of the assessment conducted by Technical Team indicate that the Terms of Reference require revision, Technical Team conveys the documents to the Head of KPA to be returned to the initiator.

#### Article 21

- (1) Initiator resubmits the revision of the Terms of Reference as referred to in Article 20 section (5) to KPA.
- (2) Terms of Reference have been revised as referred to in section (1) are assessed by Technical Team.
- (3) Technical Team submits the results of the final assessment of the Terms of Reference to KPA.

#### Article 22

The period of assessment as referred to in Article 20 and Article 21 conducted in accordance with the provisions of the legislation.

#### Article 23

In the event that the results of assessment conducted by Technical Team as referred to in Article 20 section (4) or Article 21 section (3) declare that the Terms of Reference are approved, KPA issues the Terms of Reference approval

#### Article 24

- (1) Terms of Reference do not apply if:
  - a. the revision of the Terms of Reference as referred to in Article 21 section (1) is not submitted by the initiator not later than 3 (three) years from the return of the Terms of Reference by KPA to the initiator; or
  - b. the initiator does not prepare ANDAL and RKL-RPL within a period of 3 (three) year from the issuance of the Terms of Reference approval.
- (2) In the event that Terms of Reference do not apply as referred to in section (1), initiator is obligated to resubmit the Terms of Reference based on the provisions in Article 19.

Part Two  
ANDAL and RKL-RPL

Article 25

Initiator compiles ANDAL and RKL-RPL based on:

- a. the Terms of Reference that the approval has been issued or the form of Terms of Reference that has been approved;
- b. the concept of Terms of Reference, if the period as referred to in Article 24 has been exceeded and the Head of KPA has not yet issued the Terms of Reference approval.

Article 26

The requirements that must be fulfilled by an initiator when submitting ANDAL and RKL- RPL documents are as follows:

- a. Terms of Reference that has obtained an approval letter or the concept of Terms of Reference as referred to in Article 25 has been exceeded and the Head of KPA has not yet issued the Terms of Reference approval;
- b. establishment document of business and/or activity; and
- c. profile of business and/or activity.

Article 27

- (1) ANDAL and RKL-RPL have been compiled as referred to in Article 25 submitted to the Regent through the Secretariat of KPA to be assessed by KPA.
- (2) Regarding the submission as referred to in section (1), the Secretariat of KPA provides a written statement concerning the administrative completeness of ANDAL and RKL-RPL documents.
- (3) KPA conducts assessment of ANDAL and RKL-RPL documents in accordance with its authority.
- (4) KPA assigns a Technical Team to assess ANDAL and RKL-RPL documents have been declared administratively complete by the Secretariat of KPA as referred to in section (2).
- (5) The Technical Team convey the result of ANDAL and RKL-RPL documents assessment to KPA.

Article 28

- (1) KPA based on the result of ANDAL and RKL-RPL documents assessment as referred to in Article 27 section (5) holds a KPA meeting.

- (2) KPA conveys recommendation of the result of ANDAL and RKL-RPL documents assessment to the Regent.
- (3) The recommendation of the result of ANDAL and RKL-RPL documents assessment as referred to in section (2) includes:
  - a. the recommendation of environmental feasibility; or
  - b. the recommendation of environmental infeasibility.
- (4) The recommendation as referred to in section (3) is set based on the consideration that includes at least:
  - a. a careful forecast of the magnitude and significant nature of the impact of bio geophysical, chemical, social, economic, cultural, spatial, and public health aspects at the pre-construction, construction, operational, and post-business and/or activity operational stages;
  - b. the results of a holistic evaluation towards all hypothetical significant impacts as a unity that is interrelated and influencing each other so that the consideration of significant impacts in terms of both positive and negative are identified; and
  - c. the ability of the initiator and/or related parties responsible for handling negative significant impacts that may result from a planned business and/or activity through technological, social, and institutional approach.
- (5) In the event that KPA meeting declares that ANDAL and RKL-RPL documents need revision, KPA returns ANDAL and RKL-RPL documents to the initiator to be revised.

#### Article 29

- (1) Initiator resubmits revised ANDAL and RKL-RPL documents in accordance with the provision in Article 28 section (5).
- (2) Based on revised ANDAL and RKL-RPL documents as referred to in section (1), KPA conducts final assessment towards ANDAL and RKL-RPL documents.
- (3) KPA submits the final assessment in terms of recommendation of final assessment to the Regent.

#### Article 30

The period of assessment as referred to in Article 27, Article 28 and/or Article 29 is based on Legislation.



Article 31

- a. The Regent based on KPA recommendation of assessment or final assessment as referred to in Article 28 or Article 29 stipulates environmental feasibility or infeasibility decision.
- b. The period of stipulating environmental feasibility or infeasibility decision as referred to in section (1) is based legislation.
- c. In the event that the period as referred to in section (2) has been exceeded, the environmental feasibility or infeasibility decision is declared to have been enacted.

Article 32

- (1) Environmental feasibility decision as referred to in Article 31 section (1) includes at least:
  - a. the basis for consideration of the issuance of stipulation;
  - b. the statement of environmental feasibility;
  - c. the requirements as well as obligations of the initiator based on RKL-RPL; and
  - d. the obligations that fulfilled by related parties as referred to in Article 28 section (4) point c.
- (2) In the event that the planned business and/or activity, an initiator is obligated to obtain environmental protection and management permit, environmental feasibility decision as referred to in section (1) state the number as well as the type of the environmental protection and management permit.

Article 33

The environmental infeasibility decision as referred to in Article 31 section (1) includes at least:

- a. the basis for the consideration of the issuance of the stipulation; and
- b. The statement of environmental infeasibility.

Part Three

UKL-UPL

Article 34

- (1) UKL-UPL form for business and/or activity that is located in 1 (one) regional area as referred to in Article 16 section

- (1) has been completed by the initiator is submitted to the Environment Office.
- (2) The Environmental Office conducts examination towards the administrative completeness of UKL-UPL form.
- (3) In the event that the examination result of administrative completeness of UKL-UPL form is declared incomplete, the Environmental Office returns the UKL-UPL form to the initiator.
- (4) In the event that the examination result of administrative completeness of UKL-UPL form is declared complete, the Environmental Office with the Examination Team conducts examination towards UKL-UPL.
- (5) The Examination Team as referred to in section (4) is formed by the Regent.
- (6) The procedures of conducting examination as referred to in section (4) is in accordance with the provisions of legislation.

#### Article 35

- (1) Based on the examination as referred to in Article 34 section (4), Regional Apparatus that has authority in the field of environment issues the approval of UKL-UPL recommendation.
- (2) The recommendation as referred to in section (1) is in the forms of:
  - a. approval; or
  - b. rejection.

#### Article 36

- (1) Recommendation in form of UKL-UPL approval as referred to in Article 35 section (2) point a includes at least:
  - a. the basis for consideration of the issuance of UKL-UPL approval;
  - b. the statement of UKL-UPL approval; and
  - c. the requirements as well as obligations of the initiator based on what stated in the UKL-UPL.
- (2) In the event that planned business and/or activity, an initiator is obligated to obtain environmental protection and management permit, UKL-UPL recommendation as referred to in section (1) states the number and type of the environmental protection and management permit.

#### Article 37

Recommendation in form of UKL-UPL rejection as referred to in Article 35 section (2) point b includes at least:

- a. the basis for consideration of the issuance of UKL-UPL rejection; and
- b. the statement of UKL-UPL rejection.

#### Article 38

The period of UKL-UPL examination as referred to in Article 34 to Article 37 is based on the provisions of legislation.

### CHAPTER V

#### APPLICATION, ISSUANCE, CHANGES, AND OBLIGATIONS OF ENVIRONMENTAL PERMIT HOLDER

##### Part One

##### Application of Environmental Permit

#### Article 39

- (1) The application of Environmental Permit through OSS Institution as referred to in Article 2 section (3) is regulated in accordance with the provisions of legislation.
- (2) The application of Environmental Permit that issued by the Regent is submitted in writing by the person in charge of the related business and/or activity as the initiator to the Regent through the Environment Office to be forwarded to the secretariat of KPA.
- (3) The application of Environmental Permit as referred to in section (2) is submitted along with the submission of ANDAL and RKL-RPL assessment or UKL-UPL examination.

#### Article 40

The application of Environmental Permit as referred to in Article 39 section (2), completed with:

- a. AMDAL documents or UKL-UPL form;
- b. The establishment document of business and/or activity; and
- c. The profile of business and/or activity.

#### Article 41

After receiving the application of an Environmental Permit as referred to in Article 39 section (2), the Regent through an Environment Office is obligated to announce the application of an Environmental Permit.

#### Article 42

- (1) Announcement as referred to in Article 41 for business and/or activity that requires AMDAL is conducted by the Regent through the Environment Office.
- (2) Announcement as referred to in section (1) is conducted through multimedia and announcement board in the location of business and/or activity.
- (3) Community can give suggestions, opinions, and responses towards the announcement as referred to in section (1) in accordance with the provisions of legislation.
- (4) Suggestions, opinions, and responses as referred to in section (3) can be submitted to the community representative that are affected by impacts and/or community organization that becomes a member of KPA.
- (5) The fee of the announcement as referred to in section (1) charged to Local Budget.
- (6) The fee of the announcement as referred to in section (1) can also be charged to the initiator of business and/or activity in accordance with the applicable provisions.

#### Article 43

- (1) Announcement as referred to in Article 41 for business and/or activity that requires UKL-UPL is carried out by the authorized Regional Apparatus.
- (2) Suggestions, opinions, and responses as referred to in Article 42 section (3) can be submitted to the Head of the Environment Office.
- (3) The fee of announcement charged to Local Budget.
- (4) The fee of an announcement as referred to in section (1) can also be charged to the initiator of business and/or activity in accordance with the applicable provisions.

#### Part Two

#### Issuance of Environmental Permit

Article 44

- (1) An Environmental Permit that has been issued by the Regent or Environment Office is announced through mass media and/or multimedia.
- (2) Announcement as referred to in Section (1) carried out in accordance with the legislation.
- (3) Environmental Permit as referred to in section (1) and section (2) issued:
  - a. after conducting the announcement of the application for an Environmental Permit as referred to in Article 41; and
  - b. in conjunction with the issuance of an environmental feasibility decision or UKL-UPL recommendation.

Article 45

- (1) The environmental Permit as referred to in Article 44 section (1) include at least:
  - a. the basis for environmental permit, in the form of letter of environmental feasibility decision;
  - b. the identity of environmental permit holder/applicant's identity according to the notarial deed:
    - 1) name of business and/or activity;
    - 2) type of business and/or activity;
    - 3) name of the person in charge of business and/or activity;
    - 4) office address; dan
    - 5) location of activity.
  - c. the description of planned business and/or activity will be undertaken;
  - d. requirements for environmental permit holder as follows:
    - 1) requirements as stated in the RKL-RPL;
    - 2) obtain protection and management permit needed;
    - 3) other requirements stipulated by the Regent under his authority in accordance with the interests of environmental protection and management.
  - e. the obligations of environmental permit holder;
  - f. other items as follows:

- 1) statement that states that environmental permit holder is subject to administrative sanctions if there is infringement on regulation in the field of environmental protection and management that apply;
  - 2) statement that states that the environmental permit is cancelled if later there is infringement on regulation in the field of environmental protection and management that apply;
  - 3) statement that states that environmental permit holder provides access to the environmental supervisor official to conduct supervision in accordance with his authority as stated in the applicable provisions.
- g. the validity period of the environmental permit;
- h. the stipulation of the enactment of the environmental permit.
- (2) In the event that of planned business and/or activity, initiator own environmental protection and management permit.
  - (3) The environmental Permit as referred to in section (1) states the number and type of environmental protection and management permit in accordance with the legislation.
  - (4) Environmental Permit expires at the same time as commercial and/or operational permit expires.

#### Article 46

- (1) The announcement fee as referred to in Article 44 section (1) charged to the Local Budget.
- (2) In case that announcement fee as referred to in section (1) has not been budgeted in the Local Budget, it can be charged to the initiator of the business and/or activity.

#### Part Three

#### CHANGES OF ENVIRONMENTAL PERMIT

#### Article 47

- (1) A person in charge of a business and/or activity is obligated to submit an application of Environmental Permit changes in case that the business and/or activity that has obtained an Environmental Permit is planned for changes.
- (2) Changes for business and/or activity as referred to in section (1) include:

- a. change of business and/or activity ownership;
  - b. change in environmental management and monitoring;
  - c. changes that affect the environment that meets the criteria as follows:
    - 1) changes in the use of production equipment that affect the environment;
    - 2) increase in production capacity;
    - 3) changes in technical specifications that affect the environment;
    - 4) changes in facilities of business and/or activity;
    - 5) expansion of land and building of business and/or activity;
    - 6) changes in time and duration of business and/or activity duration;
    - 7) business and/or activity in areas not covered in the Environmental Permit;
    - 8) changes in government policies aimed at improving the environmental protection and management; or
    - 9) the occurrence of environmental changes that are very fundamental due to natural events or due to other consequences, before and at the time the relevant business and/ or activity is carried out.
  - d. there are changes in impact and/or risk towards the environment based on the result of environmental risk analysis or environmental audit that are mandated;
  - e. not operating planned business and/or activity within 3 (three) year from the issuance of an Environmental Permit.
- (3) Before submitting an application of changes of Environmental Permit as referred to in section (2) point c, point d, and point e, a person in charge of a business and or activity are required submit an application of changes of Environmental Feasibility Decision or UKL-UPL Recommendation.
- (4) The issuance of changes of Environmental Feasibility Decision is carried out through:
- a. the preparation and assessment of the new AMDAL documents; or
  - b. the submission and assessment of the ANDAL and RKL-RPL addendum.

- (5) The issuance of the changes of UKL–UPL recommendation is carried out through the preparation and examination of the new UKL-UPL.
- (6) The issuance of the changes of UKL –UPL recommendation as referred to in section (5) is carried out in the event that of changes in business and/or activity does not require AMDAL.
- (7) The issuance of the changes of Environmental Permit is carried out at the same time as the issuance of the changes of Environmental Feasibility Decision or UKL – UPL Recommendation.
- (8) In the event that there are changes in ownership as referred to in section (2) point a, the Regent or Environment Office issues the change of Environmental Permit.
- (9) In the event of change in environmental management and monitoring as referred to in section (2) point b, the person in charge of a business and/or activity submits the report of change to the Regent or the Environment Office.
- (10) In accordance with the report of change as referred to in section (9) the Regent or the Environment Office with the authority issues the change of Environmental Permit.

#### Article 48

Changes of Environmental Permit issued by OSS Institution are regulated in accordance with the legislation.

#### Part Four

#### Obligations of Environmental Permit Holder

#### Article 49

The obligations of an Environmental Permit holder as referred to in Article 45 section (1) point e are:

- a. to fulfil requirements, Standard of Environmental Quality and/or Standard Criteria for Environmental Damage based on the RKL-RPL and legislation;
- b. to submit the report of the implementation of requirements and obligations outlined in the Environmental Permit once every 6 (six) months;
- c. to submit the application of changes of Environmental Permit if he plans to carry out changes towards description of the planned business and/or activity; and
- d. other obligations set by the Regent based on the interests of environmental protection and management.



Part Five

Issuance of Environmental Permit by OSS Institution

Article 50

- (1) Environmental Permit issued by OSS Institution is regulated by the legislation.
- (2) In terms of Environmental Permit issuance as referred to in section (1), the Regent issues the Environmental Feasibility Decision for any business and/or activity that is required to compile AMDAL documents.
- (3) In terms of Environmental Permit issuance as referred to in Section (1), the echelon II officials in charge of Environment issues the UKL-UPL recommendation approval for any business and/or activity that is required to compile UKL-UPL documents.
- (4) The process of Environmental Feasibility Decision issuance and UKL-UPL recommendation approval is regulated in accordance with the provisions of legislation.
- (5) The Environmental Feasibility Decision issuance as referred to in section (2) and the UKL-UPL recommendation issuance as referred to in section (3) as the basis of the effective Environmental Permit issuance by the OSS Institution.

CHAPTER VI

AMDAL EVALUATION COMMISSION

Article 51

- (1) KPA is formed by the Regent.
- (2) KPA as referred to in Section (1) has the task of providing recommendation on environmental feasibility or infeasibility to the Regent based on the results of the assessment of the study stated in ANDAL and RKL-RPL.

Article 52

- (1) KPA as referred to in Article 51 consists of:
  - a. the Head;
  - b. the Secretary; and
  - c. Members
- (2) The Head and Secretary as referred to in Section (1) point a and point b are from Environment Office.
- (3) The Head of KPA as referred to in Section (1) point a is held by the echelon II official in the Environment Office.

- (4) The Secretary as referred to in section (1) point b is held by the echelon III official in charge of AMDAL in the Environment Office.
- (5) The Members as referred to in Section (1) point c are the members of the elements of:
  - a. Regional Apparatus in charge of spatial plan;
  - b. Regional Apparatus in charge of environmental protection and management;
  - c. Regional Apparatus in charge of investment;
  - d. Regional Apparatus in charge of land;
  - e. Regional Apparatus in charge of peace and public order;
  - f. Regional Apparatus in charge of health;
  - g. The representation of central Regional Apparatus, Provincial Apparatus, and/or a Region whose government administration is in connection with the impacts of business and/or activity;
  - h. Experts related to a planned business and/or activity;
  - i. Experts related to impacts of a planned business and/or activity;
  - j. The representatives of any environmental organization related to the relevant business and/or activity;
  - k. The community that is affected; and
  - l. other elements as needed.

#### Article 53

In the event that the Environment Office acts as initiator, and AMDAL assessment authority is in the that Region, AMDAL assessment towards the business and/or activity is carried out by KPA of East Java Province.

#### Article 54

- (1) KPA is obligated to own license.
- (2) Provisions regarding licensing requirements and procedures as referred to in section (1) are based on licensing requirements and procedures of the applicable provisions.

#### Article 55

KPA is assisted by:

- a. Technical Team of KPA, hereinafter referred to as Technical Team;
- b. Secretariat of KPA

#### Article 56

- (1) Technical Team as referred to in Article 55 point a is formed by the Regent.
- (2) Technical Team as referred to in section (1) has the task of conducting and submitting the assessment result of the technical aspects and quality of Terms of Reference, ANDAL and RKL-RPL.
- (3) Technical Team as referred to in Article 55 point a consist of:
  - a. the Head concurrently the member who is ex-officio held by the Secretary of KPA; and
  - b. the Members that consist of:
    - 1) experts from the technical Regional Apparatus in charge of the related business and/or activity;
    - 2) environmental experts from the Environment Office;
    - 3) experts in the field that is related to the planned business and/or activity as well as the environmental impact of the business and/or activity; and
    - 4) other experts in the field of the related science.
- (4) Institution in charge of Central authority environment becomes the member of Technical Team of KPA.
- (5) In conducting AMDAL assessment process, the Head of KPA decides and assigns Technical Team members based on the applied planned business and/or activity to conduct AMDAL documents assessment.
- (6) The members of Technical Team as referred to in Section (3) point b can be the member of KPA.
- (7) The formation of Technical Team as referred to in section (1) can be conducted by the Head of Regional Apparatus authorized in environmental affairs.

#### Article 57

- (1) The Secretariat of KPA as referred to in Article 55 point b holds the position in the work unit in charge of AMDAL in the Environment Office.

- (2) The Secretariat of KPA as referred to in section (1) consists of:
  - a. Head of the Secretariat of KPA held by the Echelon IV official who is ex-officio to the Environment Office; and
  - b. The Members of the Secretariat of KPA that consist of staffs in Environment Office.
- (3) The Members of the Secretariat of KPA as referred to in section (2) point b can involve staffs of work unit in charge of public services.
- (4) The Head of the Secretariat of KPA as referred to in section (2) point a are responsible to the Head of KPA.
- (5) The Secretariat of KPA as referred to in Article 55 point b has the task of organizing the secretarial process as well as carrying out administrative assessments on AMDAL and UKL-UPL documents as well as Environmental Permit applications.
- (6) The formation of the secretariat of KPA as referred to in section (2) is stipulated by the Regent Decision.

#### Article 58

The members of KPA as referred to in Article 52 and of Technical Team as referred to in Article 56 are prohibited from conducting assessments towards AMDAL documents that they compiled.

### CHAPTER VII

#### GUIDANCE, PERFORMANCE EVALUATION, AND SUPERVISION

##### Part One

#### Guidance on Management of AMDAL and UKL-UPL

#### Article 59

- (1) Guidance on KPA is carried out by Regional Apparatus in charge of environment in the Province of East Java.
- (2) Coordination within the framework of guidance as referred to in section (1) can be facilitated by the Environment Office.
- (3) Guidance as referred to in section (1) is carried out through at least:
  - a. AMDAL education and training;
  - b. Technical guidance on UKL-UPL;

- c. Setting of norms, standards, procedures, and/or criteria.

#### Article 60

- (1) Local Government assists the preparation of AMDAL or UKL-UPL for business and/or activity of the weak economic group that poses significant impacts towards the environment.
- (2) The preparation of AMDAL or UKL-UPL for the business and/or activity of the weak economic group as referred to in section (1) is assisted by Regional Apparatus in charge of the business and/or activity.
- (3) In the event that business and/or activity as referred to in section (1) is under guidance or supervision of more than 1 (one) Regional Apparatus in charge of the business and/or activity, the preparation of AMDAL or UKL-UPL of the planned business and/or activity, is carried out by the Regional Apparatus in charge of the relevant business and/or activity that is dominant.

#### Part Two

##### Performance Evaluation

#### Article 61

- (1) Performance evaluation towards management is carried out by the Regional Apparatus in charge of environment of the province for:
  - a. AMDAL conducted by KPA;
  - b. UKL-UPL conducted by the Environment Office.
- (2) The performance evaluation as referred to in Section (1) is carried out towards at least:
  - a. The implementation of norms, standards, procedures, and/or criteria in AMDAL and UKL-UPL;
  - b. KPA performance; and
  - c. performance of UKL-UPL examiner in the Environment Office.

#### Part Three

##### Supervision

Article 62

- (1) Supervision on the implementation of obligations of Environmental Permit in the regional area and on the compliance of business and/or activity initiator towards the implementation of environmental management and monitoring plan as outlined in the environmental documents is carried out by Regional Apparatus as stated in the RKL and RPL or UKL and UPL documents.
- (2) The supervision as referred to in section (1) is carried out by Technical Team formed by the Regent.

CHAPTER VIII

FUNDING

Article 63

The preparation of AMDAL or UKL-UPL documents is funded by initiator except for business and/or activity of the weak economic group as referred to in Article 60 section (2).

Article 64

- (1) Funds for the activity referred to in Article 63 can be charged to Initiator of business and/or activity in accordance with the applicable provisions.
- (2) AMDAL documents evaluation services and UKL-UPL examination conducted by KPA and Technical Team are charged to initiator in accordance with the applicable provisions.
- (3) Public consultation and announcement of AMDAL study plan are charged to the initiator.

Article 65

Funds for guidance, performance evaluation, and supervision conducted by the Environment Office as referred to in Article 60, Article 61, and Article 62 are allocated from the budget of the Environment Office.

CHAPTER IX

PROHIBITION

Article 66

- (1) Every business and/or activity is prohibited from operating activity without complete environmental documents.

- (2) Every business and/or activity is prohibited from preparing AMDAL documents without AMDAL compiler certificate.
- (3) Permit holder is prohibited from infringing obligations as referred to in Article 49.

## CHAPTER X ADMINISTRATIVE SANCTIONS

### Article 67

- (1) Environmental permit holder who infringes provisions as referred to in Article 47 section (1), Article 49 is subject to administrative sanctions that include:
  - a. written warning;
  - b. suspension of environmental permit; and
  - c. revocation of environmental permit.
- (2) The imposition of administrative sanction as referred to in Article (1) is imposed by the Regent to the permit holders that commit infringement.

### Article 68

The implementation of administrative sanctions as referred to in Article 67 section (1) is based on:

- a. the level or the severity of the type of infringement committed by the environmental permit holder;
- b. the level of compliance of the environmental permit holder to fulfil orders or obligations as stipulated in the environmental permit.
- c. The history of obedience of the environmental permit holder; and / or
- d. The level of influence or implication of infringement committed by the environmental permit holder.

## CHAPTER X INVESTIGATION

### Article 69

- (1) In addition to general investigating officials tasked with investigating criminal acts, investigation can also be conducted by Civil Servant Investigators (PPNS/*Penyidik Pegawai Negeri Sipil*) within the Local Government whose appointments are stipulated in accordance with the legislation.

- (2) In conducting investigative duties, the Civil Servant Investigators as referred to in section (1) have authority on:
  - a. receiving reports or complaints from someone about a crime;
  - b. taking the first action at the time at the scene and conducting inspection;
  - c. ordering a suspect to stop and examining a suspect's identity card;
  - d. confiscating objects or points;
  - e. taking someone's fingerprint and picture;
  - f. calling someone to be heard and examined as a suspect or witness;
  - g. bringing in an expert needed related to the examination of the case;
  - h. conducting termination of investigation after receiving instruction and the general investigators give this matter to the public prosecutor, suspect, or suspect's family; and
  - i. taking other actions in accordance with the law that can be accounted for.
- (3) The Civil Servant Investigators as referred to in section (1) are given special authority as investigators to conduct investigation of criminal acts in the activities of environmental protection and management in accordance with the legislation.

## CHAPTER XI

### CRIMINAL PROVISIONS

#### Article 70

Every person or business entity that infringes the provisions of Article 2 section (1), Article 12 section (1), and Article 49 point a, and Article 66 section (1) and section (2) of this Regional Regulation is sentenced to imprisonment and subject to fines in accordance with the provisions of the Law regarding environment.

## CHAPTER XII

### CLOSING PROVISIONS

#### Article 71

Every person that has obtained Environmental Permit before this Regional Regulation comes into force is declared valid and



shall be equated as an Environmental Permit in accordance with the provisions in this Regional Regulation.

Article 72

This Regional Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regional Regulation by its placement in the Regional Gazette of the Regency of Tuban.

Issued in Tuban

on October 3, 2019

REGENT OF TUBAN,

signed

H. FATHUL HUDA

Promulgated in Tuban

on 3 October 2019

REGIONAL SECRETARY,

signed

BUDI WIYANA

REGIONAL GAZETTE OF THE REGENCY OF TUBAN OF 2019 E SERIES  
NUMBER 32

Jakarta, 14 May 2024

Has been translated as an Official Translation

on behalf of the Minister of Law and Human Rights

of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,

  
ASEP N. MULYANA

ELUCIDATION  
OF  
REGIONAL REGULATION OF THE REGENCY OF TUBAN  
NUMBER 10 OF 2019  
ON  
ENVIRONMENTAL PERMIT

I. GENERAL

The economic rapid growth and improvement nowadays are driving the development of all aspects into the environmental damage. This must be anticipated by making arrangement as outlined in the Regional Regulation in order that the development carried out can minimize the environmental damage.

In connection with this matter, any development carried out must be undertaken based on the sustainable and environmentally sound principle of development in accordance with the mandate of Article 33 section (4) of the 1945 Constitution.

The utilization of natural resources is still the basic capital of today's development and will be still reliable in the future. Therefore, the use of natural resources must be wisely conducted. The utilization of natural resources should be based on three pillars of sustainable development, which are economically viable, socially acceptable, and environmentally sound. The process of development undertaken with those three ways is expected to improve welfare and life quality of today generation as well as future generation.

Development activities undertaken in various forms of business and/or activity shall basically pose impacts towards the environment. By applying the principle of the sustainable and environmentally sound in the process of development implementation, the impacts on the environment caused by various development activities can be anticipated from the beginning of the plan in order that the steps to control negative and positive impacts can be prepared as early as possible. The devices or instruments to be used in this way are AMDAL and UKL-UPL.

Article 22 of Law Number 32 of 2009 on Environmental Protection and Management stipulates that every business and/or activity that poses significant impacts towards the environment shall obtain AMDAL. AMDAL, in this way, does not only cover study towards bio geophysical and chemical aspects, but also socio-economical, socio-cultural, and public health aspects. Meanwhile every business and/or activity that does not pose significant impacts in accordance with the provision in Article 34 of Law

Number 32 of 2009 on Environmental Protection and Management is required to obtain UKL-UPL.

The implementation of AMDAL and UKL-UPL must be simpler and more excellent and demands professionalism, accountability, and integrity of all the related parties in order that these instruments can be used as an effective decision-making device.

AMDAL and UKL-UPL is one of several requirements to obtain Environmental Permit. Basically, the process of AMDAL assessment or UKL-UPL examination is one unified with the process of application as well as issuance of the Environmental Permit. By the inclusion of AMDAL and UKL-UPL in the process of business and/or activity planning, the Regent in accordance with his authority obtains extensive and thorough information related to the environmental impacts that may occur from a planned business and/or activity as well as its control measures, in technological, social, and institutional aspects.

Based on the information, the decision maker considers and determines whether a planned business and/or activity is feasible, infeasible, approved, or rejected, thus, an Environmental Permit can be issued.

The community is also involved in the process of decision making and environmental permit issuance. The objectives of the issuance of Environmental Permit are to provide protection towards the sustainable preservation of environment, to increase efforts to control business and/or activity that has negative impacts to the environment, to provide clarity of procedure, mechanisms, and coordination among agencies in licensing administration, dan to provide legal certainty for business and/or activity that requires Environmental Permit.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

Sufficiently clear.

### Article 3

#### Point a

The principle of “sustainable preservation” mean that every person bears obligation and responsibility towards the future generation and towards others in one generation by making efforts of preserving the carrying capacity of ecosystem and by improving the quality of the environment.

Point b.

The principle of “justice” means that the implementation of Environmental Permit reflects a proportional justice for every citizen, in terms of cross regions, cross generations, and cross gender

Point c.

The principle of “participation” means that every community member is encouraged to play an active role in the process of decision making and the implementation of Environmental Permit, either directly or indirectly.

Point d.

The principle of “good governance” means that the implementation of Environmental Permit is imbued with the principles of participation, accountability, efficiency, and justice.

Article 4

Sufficiently clear.

Article 5

Section (1)

The criteria of significant impact are as follows:

- a. the number of people that will be affected by a planned business and/or activity;
- b. the intensity as well as duration of the impacts will occur;
- c. the number of other environmental components that will be affected;
- d. the cumulative nature of the impacts;
- e. reversibility or irreversibility of the impacts; and/or
- f. other criteria that are in accordance with the development of science and technology.

Section (2)

The type of business and/or activity that require AMDAL is regulated with the Regulation of the State Minister of Environment. The type of business and/or activity that is not categorized as mandatory criteria of AMDAL as referred to in section (1) is obligated to obtain UKL-UPL in accordance with the Regulation of the Minister or Governor Regulation or Regent Regulation guided by the Regulation of the Minister or Minister’s approval in charge of the environment concerning List of Type of Planned Business and/or Activity That Shall be Completed with Environmental Management and Environmental Monitoring (UKL-UPL) Efforts.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 6

Section (1)

The suitability of the regional spatial plan is in accordance with the Regional Regulation concerning Regional Spatial Plan of the Regency of Tuban.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 7

Section (1)

AMDAL is an instrument to plan preventive efforts towards pollution and environmental damage that may be caused by development activities.

Considering its function as one of the instruments in a planning of business and/or activity, the preparation of AMDAL is not carried out after the operation of business and/or activity.

The preparation of AMDAL as referred to in this section is carried out in the stage of the study of feasibility or detailed engineering design.

Section (2)

Sufficiently clear.

Article 8

Section (1)

Point a.

That the Terms of Reference documents for a business and/or activity that the Environmental Permit process is

issued by the Regent or the form of Terms of Reference for a business and/or activity that the Environmental Process is issued by the OSS Institution.

Point b.

Sufficiently clear.

Point c.

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Section (1)

Sufficiently clear.

Section (2)

Point a.

The requirements and procedures to be an individual AMDAL compiler is in accordance with the prevailing legislation.

Point b.

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Section (1)

UKL-UPL is an instrument to plan preventive efforts towards pollution and environmental damage that may be caused by the development activities.

Considering its function as one of the instruments in a planning of a business and/or activity, UKL-UPL is not carried out after the operation of a business and/or activity.

UKL-UPL as referred to in this section is carried out in the stage of the study of feasibility or detailed engineering design.

Section (2)

Sufficiently clear.

Article 16

Section (1)

Sufficiently clear.

Section (2)

Other parties are individuals/entities/Institutions that are experts in the preparation of UKL-UPL.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Section (1)

Terms of Reference are the results of scoping and contain the methodology on which AMDAL and RKL-RPL are compiled.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 20

Section (1)

The term “administratively complete” is to own evidences in form of:



- a. formal evidence stating that the business and/or activity plan has complied with the spatial plan;
- b. formal evidence stating that the type of business and/or activity can be principally conducted;
- c. proof of competency registration for institutions that provide AMDAL compiler services and AMDAL compiler competency certification.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

The period of Terms of Reference assessment is the duration that is needed by KPA in processing the Terms of Reference documents up to the issuance of the Letter of Approval of Terms of Reference of Environmental Impact Statement (KA-ANDAL) and is regulated as follows:

- a. the process of Environmental Permit that is issued by the Regent needs the period of maximum 30 (thirty) working days after the Terms of Reference documents of Environmental Impact Statement (KA-ANDAL) are received completely and properly that consist of the works of:
  - the Secretariat of KPA to submit the Terms of Reference documents to KPA;
  - KPA to assign Technical Team to conduct assessment;
  - Technical Team to conduct assessment (including assessment of the revision results) and to submit the assessment result to KPA;
  - KPA to issue the Terms of Reference approval.
- b. the process of Environmental Permit that is issued by OSS Institution needs the period of maximum 30 (thirty) working days after the Environmental Permit based on commitment is issued, that consists of the works of:
  - conducting announcement and public consultation;

- compiling the Terms of Reference form;
- sending invitation as well as Terms of Reference form to the Technical Team members;
- conducting a meeting concerning Terms of Reference form examination and compiling the official report of Technical Team meeting in form of approval/disapproval on Terms of Reference form;
- commitment of submitting ANDAL, RKL-RPL documents to KPA;
- submitting the official report notification on approval/disapproval of Terms of Reference form to the OSS Institution.

Article 23

Sufficiently clear.

Article 24

Section (1)

Point a.

In the period of 3 (three) years there may be changes towards environmental setting due to the rapid expansion of development, so that the environmental setting that at the first time was used to be the basis of AMDAL preparation is no longer relevant to predict the environmental impacts of a planned business and/or activity.

Point b.

Sufficiently clear.

Section (2)

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

The period of ANDAL and RKL-RPL assessment is the duration needed by KPA to process ANDAL and RKL-RPL documents up to the issuance of the letter of Environmental Feasibility Decision (SKKL) and is regulated as follows:

- a. the process of Environmental Permit that is issued by the Regent needs the period of maximum 85 (eighty-five) working days after ANDAL and RKL-RPL documents are received completely and properly used by:
  - the Secretariat of AMDAL Evaluation Commission to submit ANDAL and RKL-RPL documents to AMDAL Evaluation Commission;
  - AMDAL Evaluation Commission to assign a Technical Team to conduct assessment;
  - Technical Team to conduct assessment (including assessment of revision results) and to submit the assessment results to AMDAL Evaluation Commission;
  - AMDAL Evaluation Commission to hold a commission meeting;
  - AMDAL Evaluation Commission to submit recommendation of ANDAL and RKL-RPL assessment results to the Regent; and
  - The process the issuance of the letter of Environmental Feasibility Decision (SKKL) and along with the issuance of Environmental Permit.
- b. the process of Environmental Permit that is issued by OSS Institution needs the period of maximum 60 (sixty) working days after ANDAL and RKL-RPL documents are declared administratively complete consisting of the works of:
  - the secretariat of AMDAL Evaluation Commission to submit ANDAL and RKL-RPL documents to AMDAL Evaluation Commission;
  - AMDAL Evaluation Commission to assign a Technical Team to conduct assessment;
  - Technical Team to conduct assessment and to submit the assessment results to AMDAL Evaluation Commission;
  - AMDAL Evaluation Commission to hold a commission meeting;

- AMDAL Evaluation Commission to submit recommendation of the ANDAL and RKL-RPL assessment results to the Regent; and
- The issuance of the letter of Environmental Feasibility Decision (SKKL) by the Regent; and
- The submission of SKKL notification to the OSS Institution.

#### Article 31

Sufficiently clear.

#### Article 32

##### Section (1)

Point a.

Sufficiently clear.

Point b.

Sufficiently clear.

Point c.

Sufficiently clear.

Point d.

The term “the related parties responsible for” means the ministerial or non-ministerial government institutions, provincial government apparatuses, regional apparatuses, and/or community.

##### Section (2)

Sufficiently clear.

#### Article 33

Sufficiently clear.

#### Article 34

##### Section (1)

Sufficiently clear.

##### Section (2)

The term “administrative completeness of UKL-UPL form” is as follows:

- a. the suitability with the spatial plan;
- b. the detailed description of the planned business and/or activity;

- c. the environmental impacts that may occur;
- d. the environmental management and monitoring program;  
and
- e. the location map of environmental management and  
monitoring.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

Sufficiently clear.

Article 38

The period of UKL-UPL examination is the duration needed by a Technical Team in processing examination up to the issuance of UKL-UPL Recommendation approval and/or Environmental Permit regulated as follows:

- a. the process of Environmental Permit issued by the Regent needs the period of maximum 24 (twenty-four) working days after the UKL-UPL documents are declared administratively complete, used by / to:
  - Environment Office to conduct administration review;
  - compose and distribute invitation to the member of the team;
  - hold UKL-UPL documents examination meeting;
  - carry out examination on UKL-UPL revision after the meeting;
  - make recommendation concerning UKL-UPL approval/disapproval; and

- compose the Regent's letter of decision on granting Environmental Permit.
- b. The process of Environmental Permit issued by the OSS Institution needs the period of maximum 20 (twenty) working days after Environmental Permit based on commitment is obtained, consisting the works of:
- Initiator to compile UKL-UPL documents;
  - Environment Office to conduct administration review;
  - composing and distributing invitation to the member of the team;
  - holding UKL-UPL examination meeting;
  - carrying out examination on UKL-UPL revision after the meeting;
  - making recommendation of UKL-UPL approval/disapproval; and
  - conducting notification of approval/disapproval on UKL-UPL documents recommendation to the OSS Institution.

#### Article 39

Sufficiently clear.

#### Article 40

Point a.

Sufficiently clear.

Point b.

The establishment document of business and/or activity can be in form of the deed of incorporation for private business and/or activity, meanwhile for the government is in form of legal basis for establishing government institution.

Point c.

Company and/or activity profile includes:

- a. name of the person in charge of business and/or activity;
- b. name of business and/or activity;
- c. address of business and/or activity;
- d. field of business and/or activity; and
- e. location of business and/or activity.

#### Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Section (1)

Point a.

Sufficiently clear.

Point b.

Sufficiently clear.

Point c.

Sufficiently clear.

Point d.

Number 1)

Sufficiently clear.

Number 2)

Environmental protection and management permit covers liquid waste disposal permit, permit for utilization of wastewater for application to the ground, temporary storage permit for hazardous and toxic material waste, permit to collect hazardous and toxic waste, permit to transport hazardous and toxic waste, permit to use hazardous and toxic waste, permit to hoard hazardous and toxic waste, permit for the disposal of wastewater into the sea, dumping permit, reinjection permit into the formation, and / or important permit.

Number 3)

Sufficiently clear.

Point e.

Sufficiently clear.

Point f.

Sufficiently clear.

Point g.

Sufficiently clear.

Point h.

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

Sufficiently clear.

Article 53

Sufficiently clear.



Article 54

Sufficiently clear

Article 55

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Article 56

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Article 57

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Article 58

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Article 59

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Article 60

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Article 61

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Article 62

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Article 63

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Article 64

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Article 65

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Article 66

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

Sufficiently clear.