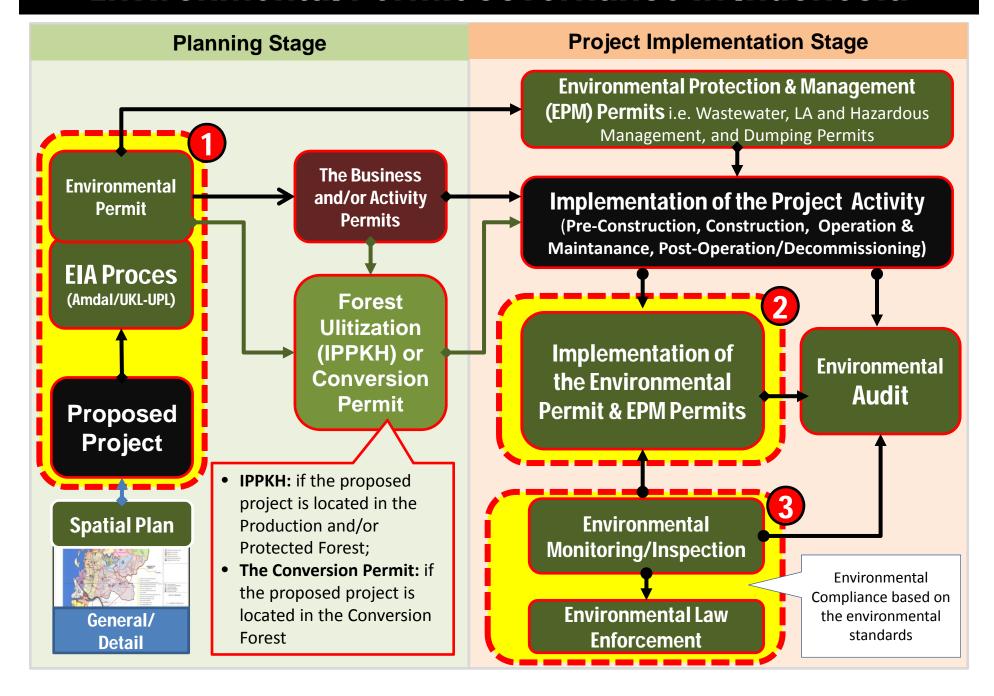


### **Environmental Permit Governance in Indonesia**



#### The Project Implementation & Environmental Monitoring Systems

### **Implementation Stage**



Pre-Construction, Contruction, Operation-Maintenance & Post Operation

## **Environmental Impacts:**

The environmental changes result from businesses and/or activities

**Compliance with:** 

- 1. Environmental
  Laws &
  Regulations
- 2. Environmental Permit & EMPs

## The Projec Proponent/ Permit Holder implements:

- The requirements and obligations of EP and EPM Permits;
- Environmental Management Plan;
- 3. Environmental Monitoring Plan;
- 4. Continuous Improvement.

Implementation of EIA (Environmental Permit & EPM Permits)

## The Government & Local Governments:

Environmental

Monitoring,

Compliance Inspection
and Law Enforcement

The EIA Infrastructures for the effective implementation:

- 1. Laws and Regulations;
- 2. Technical Guidelines;
- 3. Institutions responsible for environmental monitoring;
- 4. Resources i.e. Human resources, Technologies financial resources ;
- 5. Public Participation and Information Disclosure;

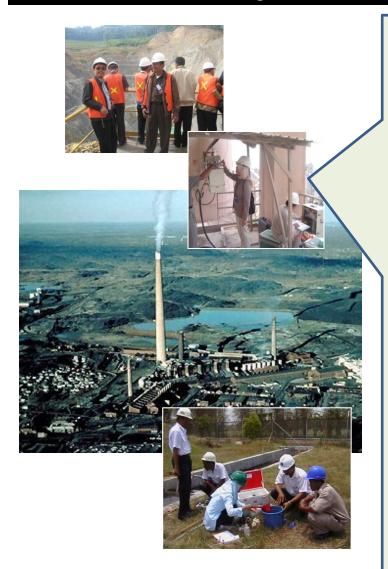
## **Obligations of Environmental Permit Holders**

Environmental Permit Holders have responsibilities to:

- a. Comply with the requirements and obligations contained the <u>Environmental Permit</u> and <u>Environmental</u>
   <u>Protection and Management Permit</u>;
- b. <u>Create and submit report</u> on the implementation of the requirements and obligations in the permit to the Minister of Environment, the Governor, or regent / mayor → the report must be delivered periodically <u>every 6 months</u>, and
- c. Provide <u>a guarantee fund</u> for the restoration of environmental functions in accordance with the regulations

**Source:** Government Regulation No. 27 Year 2012 on Environmental Permit Article 53

### The Authority of Environmental Inspectors in Indonesia



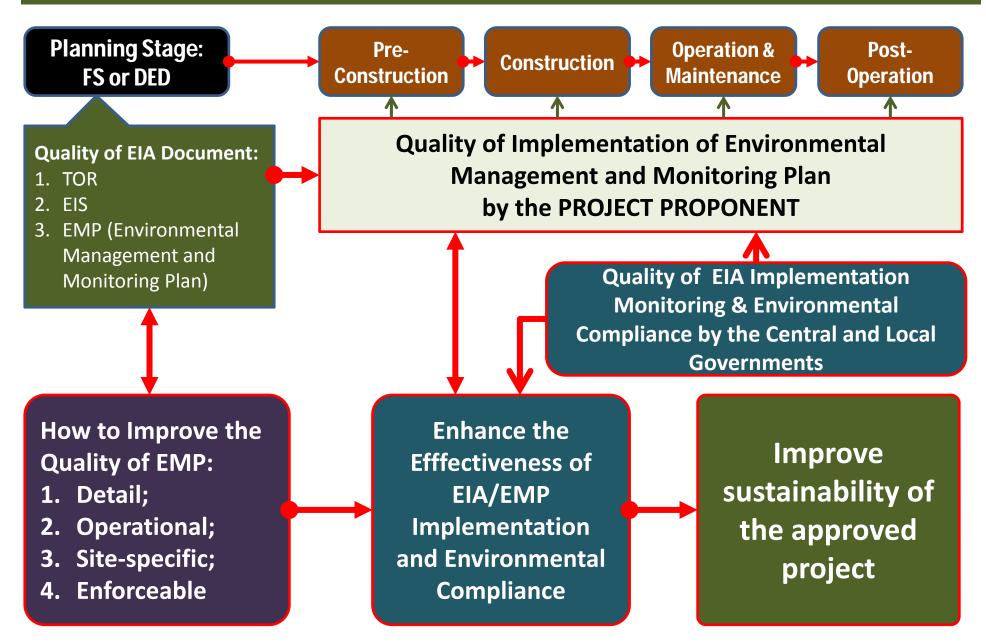
According to Article 74 of EPMA 32/2009, **The environmental Inspector** has the **authority** to:

- 1. Conduct environmental monitoring;
- Ask for information;
- 3. Make copy of relevant documents;
- 4. Enter certain places;
- 5. Take photographs;
- 6. Make audio-video recording;
- 7. Take environmental samples;
- 8. Inspect equipments;
- 9. Inspect installations and/or transportation equipments, and/or
- 10. Stop certain environmental violations

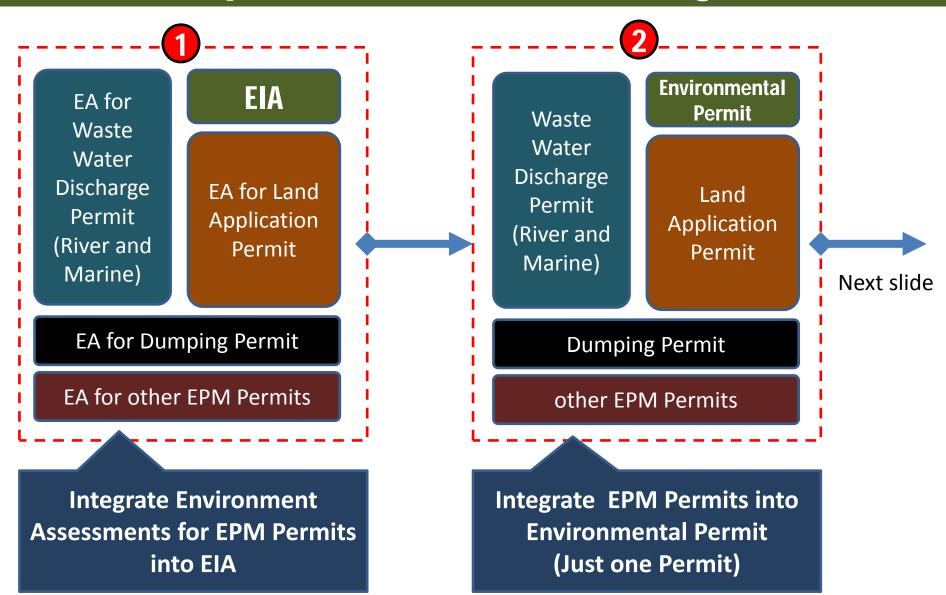
## Some On-the-Ground Challenges in Environmetal Monitoring

- 1. Improving the Quality of EIA so as to Enhance:
  - a. the Effectivess of EMP Implementation; and
  - b. Environmental Monitoring & Compliance;
- 2. The Integrated System: Key for An Effective EIA Implementation Monitoring;
- Improving the Capacity and Optimizing the Resources for Monitoring the EIA Implementation
- 4. Strengthen Administrative and Penal Sanctions under EPMA 32/2009;
- 5. Strengthen Public Participation and Information Disclosure in Monitoring the EIA Implementation

### Improving the Quality of EIA, Enhancing the Effectivess of EMP Implementation and Environmental Compliance



## The Integrated System: Key for An Effective EIA Implementation Monitoring (1)



## The Integrated System: Key for Effective EIA Implementation Monitoring (2)

**Implementation Reports of: Environmental Permit** Waste Water Discharge Land **Permit Application** (River and **Permit** Marine) **Dumping Permit** other EPM Permits

From

slide

**Previous** 

An Integrated Environmental
Permit Implementation Report
(Just one Report for All) and Online Reporting Systems

## **Environmental Monitoring and Compliance for:**

#### **EPM Permits:**

- 1. Waste water discharge;
- LandApplications;
- 3. Dumping;
- 4. others

**Environmental Permit** 

#### **PROPER**

(The Corporate Performance Rating Program)

An Integrated Environmental Monitoring and Environmental Compliance Systems

### Improving the Capacity and Optimizing the Resources

**Capacity Required:** The **Environmental Environment/** The Laws & Regulations; **Approved Impacts** Technical & scientific **Ecosystem Project** Competencies; **Management Competencies** Implementation of **EIA** Implementation **Improve Envinmental Impact** Monitoring & sustainability Envitonmental Assessment of the Compliance (EP & EPM Pemits approved (THE PROJECT Inspection project (THE GOVERNMENT) **PROPONENT**)

- Qualified HSE Manager;
- Certified Environmental Pollution Control Managers;
- 3. Accredited Environmental Lab;
- 4. Environmental Technologies;;
- Budget (Financial Resources):
   Cost-Center → Profit Center;
- 6. Effective Networking.

- 1. Certified Environmental Compliance Inspector
- 2. Certified Environmental Monitoring Personal;
- 3. Accredited Environmental Lab;
- 4. Environmental Technologies;
- 5. Budget (Financial Resources): Cost-Center → Profit Center (protecting the Environmental Assests);
- 6. Effective Networking;

#### **Strengthen Administrative and Penal Sanctions under EPMA 32/2009**

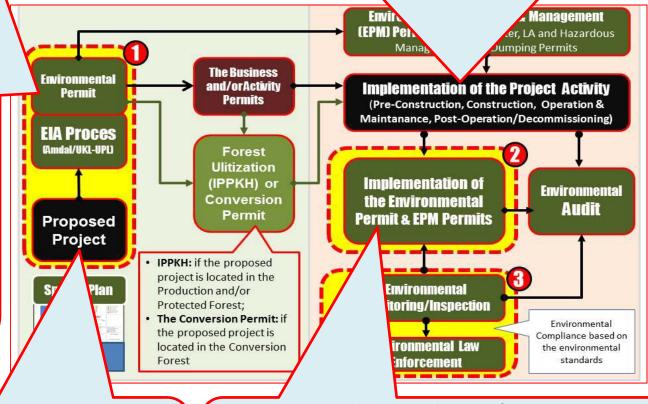
## Article 111 of EPMA 32/2009:

- (1) Officials: granting environmental permit without AMDAL: Imprisonment and fine
- (2) Officials granting business and/or activity permit without environmental permit:

  Imprisonment and fine

#### Article 98-100 of EPMA 32/2009:

Violating environmental pollution standard and environmental degradation criteria → Imprisonment and fine



#### Article 109 of EPMA 32/2009: Without

having an environmental permit: Imprisonment & Fine

#### Article 71 of GR 27/2012:

Administrative Sanction for Environmental Permit Holders do not:

- a. Comply with the <u>Environmental Permit</u> and EMP Permit;
- b. <u>submit the report</u>

## Strengthen Public Participation and Information Disclosure in Monitoring the EIA Implementation



Governor
Regent/Mayor
(in accordance with their authority)

**Minister of Environment,** 

- Access to :information, participation, and justice in the fullfilment of the right to good and healthy
- Make a complaint of alleged environmental pollution and degradation;
- 3. Social supervision;

environment

- 4. Suggestion, opinions, inputs, objection and complaint;
- 5. Provision of information and /or report



Project Proponent:
Implementation of
Environmental Permit &
EPM Permits

Assign Environmental Inspectors to follow-up and verify Community's complaint & Information





**Environmental Inspectors** in Indonesia

Obligation to provide information related to environmental protection and management truthfully, accurately, transparently and punctually

# Thank You

For Further Information, Please Contact:



#### **Ministry of Environment and Forestry - Indonesia**

Directorate General for Forestry and Environmental Planning

Directorate for Environmental Impact Prevention of Business and Activity

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