

# RECLAMATION AND POST-MINING IN MINERAL AND COAL MINING BUSINESS ACTIVITY

(Regulation of the Minister of Energy and Mineral Resources  
Number 7 Year 2014 dated February 28, 2014)

BY GRACE OF GOD THE ALMIGHTY

THE MINISTER OF ENERGY AND MINERAL  
RESOURCES OF THE REPUBLIC OF INDONESIA

Considering:

That in order to implement the provisions of Article 9, Article 12, Article 15, Article 18, Article 28, Article 36, Article 43, Article 49, and Article 51 of Government Regulation Number 78 Year 2010 on Reclamation and Post Mining, it is necessary to stipulate a regulation of the Minister of Energy and Mineral Resources on Reclamation and Post Mining in Mineral and Coal Mining Business Activity;

In view of:

1. Law Number 4 Year 2009 on Mineral and Coal Mining (Statute Book of the Republic of Indonesia Year 2009 Number 4, Supplement to Statute Book of the Republic of Indonesia Number 4959);
2. Law Number 32 Year 2009 on Environmental Protection and Management (Statute Book of the Republic of Indonesia Year 2009 Number 140, Supplement to Statute Book of the Republic of Indonesia Number 5059);
3. Government Regulation Number 38 Year 2007 on the Sharing of Public Administration Affairs between the Government, Provincial Administration and Regency/Municipal Administration (Statute Book of the Republic of Indonesia Year 2007 Number 82, Supplement to Statute Book of the Republic of Indonesia Number 4737);
4. Government Regulation Number 76 Year 2008 on Forest Rehabilitation and Reclamation (Statute Book of the Republic of Indonesia Year 2008 Number 201, Supplement to Statute Book of the Republic of Indonesia Number 4947);
5. Government Regulation Number 23 Year 2010 on the Execution of Mineral and Coal Mining Business Activity (Statute Book of the Republic of Indonesia Year 2010 Number 29, Supplement to Statute Book of the Republic of Indonesia Number 5111) as already amended twice and the latest by Government Regulation Number 1 Year 2014 (Statute Book of the Republic of Indonesia Year 2014 Number 1, Supplement to Statute Book of the Republic of Indonesia Number 5489);
6. Government Regulation Number 55 Year 2010 on the Fostering and Supervision over the Implementation of Mineral and Coal Mining Business

Management (Statute Book of the Republic of Indonesia Year 2010 Number 138, Supplement to Statute Book of the Republic of Indonesia Number 5142);

7. Government Regulation Number 78 Year 2010 on Reclamation and Post Mining (Statute Book of the Republic of Indonesia Year 2010 Number 85, Supplement to Statute Book of the Republic of Indonesia Number 5172);
8. Presidential Decree Number 59/P Year 2011 dated October 18, 2011;
9. Regulation of the Minister of Energy and Mineral Resources Number 18 Year 2010 on Organization and Working Mechanism of the Ministry of Energy and Mineral Resources (State Gazette of the Republic of Indonesia Year 2010 Number 552) as already amended by Regulation of the Minister of Energy and Mineral Resources Number 22 Year 2013 (State Gazette of the Republic of Indonesia Year 2013 Number 1022);
10. Regulation of the Minister of Energy and Mineral Resources Number 02 Year 2013 on Supervision over the Implementation of Mining Business Management Executed by Provincial Governments and Regency/Municipal Governments (State Gazette of the Republic of Indonesia Year 2013 Number 78);

**D E C I D E S :**

To stipulate:

**REGULATION OF THE MINISTER OF ENERGY AND MINERAL RESOURCES ON RECLAMATION AND POST MINING IN MINERAL AND COAL MINING BUSINESS ACTIVITY**

**CHAPTER I**

**GENERAL PROVISION**

**Article 1**

Referred to in this regulation as:

1. Reclamation shall be an activity executed during the phase of mining business to arrange, restore and improve the quality of environment and ecosystem so as to be able to function again in accordance with the allocation thereof.
2. Post-Mining Activity hereinafter called Post Mining shall be a planned, systematic and sustainable activity after the mining business activity ends partly or wholly in order to restore the function of natural environment and social function according to local condition in the whole mining area.
3. Mining shall be a part of or the whole phase of activity in the framework of mineral or coal survey, management and exploitation, covering general survey, exploration, feasibility study, construction, mining, processing and refinery, hauling and sales as well as post mining activity.
4. Mineral shall be inorganic compound formed in the nature, which has specified physical and chemical characteristics as well as has regular crystal composition or combination thereof that forms rocks, either disintegrated or integrated.

5. Coal shall be sedimen of carbonized organic compound which is formed naturally from rests of plants.
6. IUP Exploration shall be a business license issued to execute phases of general survey, exploration and feasibility study.
7. IUPK Exploration shall be a business license issued to execute phases of general survey, exploration, and feasibility study in area of special mining business license.
8. IUP Production Operation shall be a business license issued following the completion of IUP Exploration to conduct phase of production operation.
9. IUP Production Operation shall be a business license issued following the completion of IUPK Exploration to conduct phase of production operation in area of special mining business license.
10. Exploration shall be a phase of mining business activity to obtain detailed and accurate information about location, form, dimension, distribution, quality and measurable resources and quarried materials as well as information about social and life environment.
11. Feasibility Study shall be a phase of mining business activity to obtain detailed information about the whole related aspects to determine economic and technical feasibility of mining business, including environmental impact analysis as wel as post-mining planning.
12. Production Operation shall be a phase of mining business activity, covering construction, extraction, processing, refinery, including hauling and sales as well as environmental impact controlling instrument in accordance with result of feasibility study.
13. Extraction shall be a part of mining business activity to produce minerals and/or coal and associated minerals thereof.
14. Mining Business License Area hereinafter called WIUP shall be an area granted to holder of mining business license.
15. Special Mining Business License Area hereinafter called WIUPK shall be an area granted to holder of special mining business license.
16. Reclamation Guarantee shall be a specified amount of funds provided by holders of mining business license or special mining business license as guarantee for the execution of reclamation.
17. Post-Mining Guarantee shall be a specified amount of funds provided by holders of mining busines license or special mining business license as guarantee for the execution of post mining activity.
18. Environmental Document shall be environmental impact analysis or environmental management program-environmental monitoring program or statement of environmental management.
19. Minister shall be the minister in charge of public administration affairs in the mineral and coal mining sector.

20. Director General shall be the Director General assigned and responsible for the formulation as well as implementation of technical policy and standardization in the mineral and coal sector.

## CHAPTER II

### PRINCIPLES

#### Article 2

(1) Reclamation executed by Holders of IUP Exploration and IUPK Exploration shall be obliged to fulfill the following principles:

- a. mining environment protection and management; and
- b. occupational safety and health.

(2) Reclamation and post-mining executed by holders of IUP Production Operation and IUP Production Operation shall be obliged to fulfill the following principles:

- a. mining environment protection and management;
- b. occupational safety and health; and
- c. mineral and coal conservation.

(3) The principle of mining environment protection and management as meant in paragraph (1) letter a and paragraph (2) letter a shall cover at least:

- a. protection of the quality of surface water, ground water, sea water as well as air on the basis of the standard quality or criteria for environmental damage in accordance with the provision of legislation;
- b. protection and restoration of biological diver-

sity;

- c. guaranty for stability and security of stacks of side rocks and/or covering soil/land, tailing pool, ex-, mining site and other rock structure;
- d. utilization of ex-mining site in accordance with the allocation thereof;
- e. observing local social and cultural values; and
- f. protection of the quantity of ground water in accordance with the provision of legislation.

(4) The principle of occupational safety and health as meant in paragraph (1) letter b and paragraph (2) letter b shall cover:

- a. protection of safety of every worker/labor; and
- b. protection of every worker/labor from disease attributable to work.

(5) The principle of mineral and coal conservation as meant in paragraph (2) letter c shall cover:

- a. optimum mining;
- b. the use of effective and efficient processing and/or refinery method and technology;
- c. management and/or utilization of marginal reserves, low-rank minerals and associated minerals as well as low-rank coal; and
- d. collection of data about mineral and coal resources and reserves which are not extracted, as well as rests of the processing and/or refinery.

#### Article 3

(1) Holders of IUP Exploration and IUPK Exploration shall be obliged to integrate the principle of mining

environment protection and management as well as the principle of occupational safety and health as meant in Article 2 paragraph (1), paragraph (3), and paragraph (4) into the exploration plan and environmental document in accordance with the provision of legislation.

- (2) Holders of IUP Production Operation and IUPK Production Operation shall be obliged to integrate the principle of mining environment protection and management, principle of occupational safety and health and principle of mineral and coal conservation as meant in Article 2 paragraph (2), paragraph (3), paragraph (4) and paragraph (5) into mining planning formulatd in feasibility study report and environmental document in accordance with the provision of legislation.

CHAPTER III

FORMULATION OF RECLAMATION AND POST-MINING PLAN

Part One

General

Article 4

- (1) Before executing exploration, holders of IUP Exploration and IUPK Exploration shall be obliged to formulate a plan for reclamation in the exploration phase on the basis of environmental document already approved by the authorized institution in accordance with the provision of environmental protection and manegement legislation.
- (2) The reclamation plan in the exploration phase as

meant in paragraph (1) shall meet the principles as meant in Article 2 paragraph (1), paragraph (3), and paragraph (4) as well as take into account:

- a. exploration method;
- b. specific condition of local area; and
- c. provision of legislation.

Article 5

- (1) The exploration method as meant in Article 4 paragraph (2) letter a shall cover among others:
- a. geological mapping;
  - b. pilot project with wide distance;
  - c. making pit; and
  - d. drilling.
- (2) Exploration by the exploration method as meant in paragraph (1) may cause land to be affected, among others, drilling hole, test well, test pit and/ or exploration supporting facility.

Article 6

- (1) Holders of IUP Exploration and IUPK Exploration already completing feasibility study shall be obliged to formulate plan for reclamation in the production operation phase and post-mining plan on the basis of environmental document already approved by the authorized institution in accordance with the provision of environmental protection and management legislation.
- (2) The reclamation plan in the production operation phase and post-mining plan as meant in paragraph

(1) shall meet the principles as meant in Article 2 paragraph (2), paragraph (3), paragraph (4), and paragraph (5) as well as take into account:

- a. mining system and method on the basis of result of feasibility study;
- b. specific condition of local area; and
- c. provision of legislation.

Article 7

(1) The mining system and method as meant in Article 6 paragraph (2) letter a shall cover:

- a. open mining; and
- b. underground mining.

(2) The production operation by the mining system and method as meant in paragraph (1) may cause land to be affected, covering among others:

- a. mining area;
- b. stockpile of side rocks and/or covering soil/rock;
- c. stockpile of rooting zone land;
- d. stockpile of mining commodity;
- e. mining road and/or carrying road;
- f. processing and/or refinery installation and facility;
- g. supporting facility;
- h. office and housing;
- i. special seaport/pier; and/or
- j. land of stockpile and/or tailing sedimentation.

Article 8

The specific condition of local area as meant

in Article 4 paragraph (2) letter b and Article 6 paragraph (2) letter b shall cover:

- a. status of land;
- b. form of ecosystem;
- c. condition of biological diversity; and
- d. social and cultural condition.

Article 9

The provision of legislation as meant in Article 4 paragraph (2) letter c and Article 6 paragraph (2) letter c shall cover among other provision of forestry, coastal area and isle legislation as long as it is related to reclamation and post mining.

Part Two

Formulation of Reclamation Plan

Paragraph 1

Plan for Reclamation During Exploration Phase

Article 10

(1) Holders of IUP Exploration and IUPK Exploration shall be obliged to formulate plan for reclamation during the exploration phase as meant in Article 4 paragraph (1) in accordance with the period of exploration by annual detail.

(2) The plan for reclamation during the exploration period as meant in paragraph (1) shall cover:

- a. land resource management before and after exploration;
- b. plan for the opening of land of exploration causing land to be affected as meant in Article 5 paragraph (2);

- c. reclamation program during the exploration phase;
- d. criteria for the success of reclamation during the exploration phase, covering standard of the success of land resource management, re-vegetation and final settlement; and
- e. planned cost of reclamation during the exploration phase.

(3) The planned cost of reclamation during the exploration phase as meant in paragraph (2) letter e shall be counted on the basis of:

- a. direct cost, consisting of cost of:
  - 1. land resource management; and
  - 2. re-vegetation;
- b. indirect cost consisting of cost of:
  - 1. mobilization and demobilization of equipment;
  - 2. reclamation planning;
  - 3. administration and profit of the third party as executor of reclamation during the exploration phase; and
  - 4. supervision.

(4) The planned cost of reclamation during the exploration phase as meant in paragraph (3) shall cover the whole operational cost of reclamation during the exploration phase, including reclamation executed by the third party during the exploration phase.

(5) The cost of reclamation during the exploration phase shall be counted on the basis of the plan for reclamation during the exploration phase as

wide as the land which is opened for the need of exploration.

#### Article 11

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to submit the plan for reclamation during the exploration period as meant in Article 10 to the Minister through the Director General, governor or regent/mayor by virtue of their authority in no later than 45 (forty five) calendar days before starting exploration.
- (2) The plan for reclamation during the exploration phase as meant in paragraph (1) shall be formulated in accordance with guidance for the formulation of plan for reclamation during the exploration phase as contained in Attachment I, which constitutes an integral part of this regulation.

#### Paragraph 2

Plan for Reclamation During Production Operation Phase

#### Article 12

- (1) Holders of IUP Exploration and IUPK Exploration shall be obliged to formulate plan for reclamation during the production operation phase as meant in Article 6 paragraph (1) for a period of 5 (five) years by annual detail.
- (2) In the case of the mining age being less than 5 (five) years, the plan for reclamation during the production operation phase as meant in Article 6 paragraph (1) shall be formulated in accordance

with the mining age.

(3) The plan for reclamation during the production operation phase as meant in paragraph (1) and paragraph (2), shall cover:

- a. land resource management before and after the production operation phase;
- b. plan for the opening of land for activity in the production operation phase, which causes land to be affected as meant in Article 7 paragraph (2);
- c. reclamation program during the production operation phase;
- d. criteria for the success of reclamation during the production operation phase, covering standard of the success of land resources management, re-vegetation, civil work, and final settlement; and
- e. planned cost of reclamation during the production operation phase.

(4) The reclamation program during the production operation phase as meant in paragraph (3) letter c may be executed in the form of re-vegetation and/or other allocation.

(5) The other allocation as meant in paragraph (4) may be in the form of:

- a. resettlement area;
- b. tourism;
- c. water resources; or
- d. cultivation area.

(6) In the case of the execution of mining activity technically leaving ex-mining hole, the plan for

the utilization of ex-mining hole shall be prepared, covering:

- a. stabilization of slope;
- b. security for ex-mining hole (void);
- c. restoration and monitoring of quality of water as well as management of water inside ex-mining hole (void) in accordance with the designation thereof; and
- d. maintenance of ex-mining hole (void).

(7) The planned cost of reclamation during the production operation phase as meant in paragraph (3) letter e shall be counted on the basis of:

- a. direct cost, consisting of cost of:
  1. land resources management;
  2. re-vegetation;
  3. prevention and mitigation of mining acid water; and
  4. civil work in accordance with the post-mining land designation; or
  5. utilization of ex-mining hole (void).
- b. indirect cost, consisting of cost of:
  1. mobilization and demobilization of equipment;
  2. reclamation planning;
  3. administration and profit of the third party as executor of reclamation during the production operation phase; and
  4. supervision.

(8) The planned cost of reclamation during the production operation phase as meant in paragraph (7) shall cover the whole operational cost of