

26 May 2023

To Danone and Danone Aqua Indonesia

With sincerity

Open Letter of Complaint to Danone regarding TPST Samtaku Jimbaran

Our request

I write this letter in consultation with the people of Lingkungan Angga Swara Jimbaran Bali. We have suffered now for almost 20 months till now from the obnoxious and unhealthy smell from the Integrated Waste Processing Facility (*Tempat Pengelolaan Sampah Terpadu*, TPST) with its Material Recovery Facility (MRF) built here in Lingkungan Angga Swara in Jimbaran and known as TPST Samtaku Jimbaran. It is owned by Danone Aqua Indonesia according to documents.

We call Danone and subsidiary, Danone-Aqua Indonesia, to immediately and permanently close TPST Samtaku Jimbaran, to allow our community to return to our former peaceful status.

Our reason for calling for its closure is because TPST Samtaku Jimbaran should never have been built or allowed to operate. With this letter, we outline a total of 14 cases of non compliance, inconsistencies, and lack of accountability in obtaining approval to build and operate it. By closing TPST Samtaku Jimbaran, Danone-Aqua Indonesia will correct errors in agreeing for it to be built and operated.

This is the second letter of complaint to Danone and operational partners regarding this facility. The first letter sent in April 2023, was also addressed to USA-based Verra, who has provided certification to Danone Aqua Indonesia's project with the Verra ID 2648 that includes TPST Samtaku Jimbaran. Certification was based on audits by Danone Aqua Indonesia's appointed auditor, Control Union. Our first letter addressed the misinformation in 8 of 25 assessment findings that Verra pointed out in their Project Review Report. Their Finding 25 was that there were no "unauthorized, illegal or non-statutory" activities. We cited several issues of non-compliance, and particularly stressed non-compliance with Ministry of Public Works and Housing Regulation 03/2013, article 32. We did not receive a reply. This new letter focuses on those issues.

Verra Project Review Report for Project 2648 is listed on the Verra website at https://registry.terra.org/mymodule/ProjectDoc/Project_ViewFile.asp?FileID=79559&IDKEY=0903q4jsafkasjfu90amnmassdfkaidflnm9348r09dmfasdfn109711861

A copy of the original Open Letter, both the Bahasa Indonesia version and the English version, is in two files, one the complaint and the second the details, and available at <https://canberra.academia.edu/OwenPodger>.

Personal note about the author

This Open Letter is written by a citizen of Angga Swara in consultation with neighbors who have suffer from the impacts of activities at TPST Samtaku Jimbaran. I hold a Badung KTP (Indonesian ID). In January 2023, my wife died of cancer. Over the previous 15 months her suffering was aggravated by the smell of garbage and smoke from activities at TPST Samtaku Jimbaran. The certificate of our house is in my wife's name, and in accordance with the laws of this country, and because our son does not want to own a house in Bali, our house in Angga Swara must be sold. But until now no one wants to buy a house that has this smell. I also have cancer, and because I have not recovered yet from chemotherapy last year, I am

staying at the moment in Sumba Island for my son to take care of me. My return to Bali depends on recovering from the impacts of the chemotherapy. I remain a citizen of Angga Swara and continue to try to help our community get justice.

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Brief background

This brief note on Background is provided for readers who have not seen our earlier Open Letter. A more complete background chronology from the perspective of our local community is provided in Annex A.

A copy of the original Open Letter, both the Bahasa Indonesia version and the English version, is in two files, one the complaint and the second the details, and available at <https://canberra.academia.edu/OwenPodger>.

Danone Aqua Indonesia with Reciki built TPST Samtaku Jimbaran, and it was opened officially in September 2021. That day for the first time our community learnt that there was a

combined TPST and MRF in our environment. TPST Samtaku Jimbaran began receiving waste in October 2021. Since then, TPST Samtaku Jimbaran has caused disruption to the lives of people in Angga Swara, including various illnesses and nausea, and after almost 20 months of oppression a sense of powerlessness.

An excellent video of interviews of members of the suffering community can be found at <https://www.instagram.com/reel/Csd> and <https://youtu.be/q3LgC0ILVrI>

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Danone Aqua Indonesia engaged Control Union as its appointed auditor to prepare an audit needed for certification of its plastic waste handling. Plastic waste management standards have been set by USA-based Verra, who provide certification based on audits by project proponent-appointed auditors. Control Union provided a series of reports on “the Reciki Project” that includes TPST Samtaku Jimbaran, acknowledging Danone-Aqua Indonesia as its client, with a final Joint Validation and Verification Report in late November 2022. In December 2022, Verra announced certification of Danone Aqua Indonesia’s project.

Control Union “Joint Validation and Verification Report of the Reciki Project” can be found at https://registry.terra.org/mymodule/ProjectDoc/Project_ViewFile.asp?FileID=79557&IDKEY=niquwesdfmnk0iei23nnm435oiojnc909dsflk9809adlkmlkf9109709103

The registration of the Danone Aqua Indonesia project that includes TPST Samtaku Jimbaran is listed on the Verra website at <https://registry.terra.org/app/projectDetail/PWRP/2648>

Verra Project Review Report for Project 2648 is listed on the Verra website at https://registry.terra.org/mymodule/ProjectDoc/Project_ViewFile.asp?FileID=79559&IDKEY=0903q4jsafkasjfu90amnmassdfkaidflnm9348r09dmfasdfn109711861

We sent a “Public Complaint to Danone and Verra and their Partners concerning the Waste Management Facility in Jimbaran Bali” as an Open Letter in April 2023 as noted above, stating a series of false claims in the Verra Project Review Report. Neither Verra nor representatives of Danone or Danone Aqua Indonesia have responded to that Open Letter. So now we submit this more detailed complaint.

Danone Aqua Indonesia should have refused to seek approval to build TPST Samtaku Jimbaran

Below we present twelve (12) documented examples of irregularities in the process of approving the building owned by Danone Aqua Indonesia, and the operation of TPST Samtaku Jimbaran, that relate directly to the harm to our community from environmental pollution. These irregularities indicate negligence by Danone Aqua Indonesia to exercise vigilance to ensure compliance with local and national regulations, particularly those that can cause harm. A further two (2) examples are given in the following section that relate to RDF technology and production that we have learnt from NGOs that have helped us since the opening of TPST Samtaku Jimbaran.

1. Non-compliance with the Public Works and Housing regulation

Danone Aqua Indonesia and its operational partners, Reciki and Remaja who claim to be experts in waste management, did not abide by the requirements in Public Works Minister

Regulation 3/2013. Control Union, Danone Aqua Indonesia's appointed auditors, did not include this regulation in their report to Verra to demonstrate compliance with all regulations.

Article 32 of this Regulation of the Minister of Public Works and Housing says:

Requirements for TPST as referred to in Article 29 paragraph (3) point d must meet technical requirements such as: ... c. the distance of TPST to the nearest settlement is at least 500 m...

Peraturan Menteri Pekerjaan Umum dan Perumahan Rakyat no 03 / PRT / M / 2013 tentang penyelenggaraan prasarana dan sarana persampahan dalam penanganan sampah rumah tangga dan sampah sejenis sampah rumah tangga found at

<https://peraturan.bpk.go.id/Home/Details/144707/permen-pupr-no-03prtm2013-tahun-2013>

That means almost all the area up to the UNUD campus must be empty of housing for this location to qualify as suitable for building a TPST, as can be clearly seen on the attached map (Figure 1, taken from the first Open Letter).

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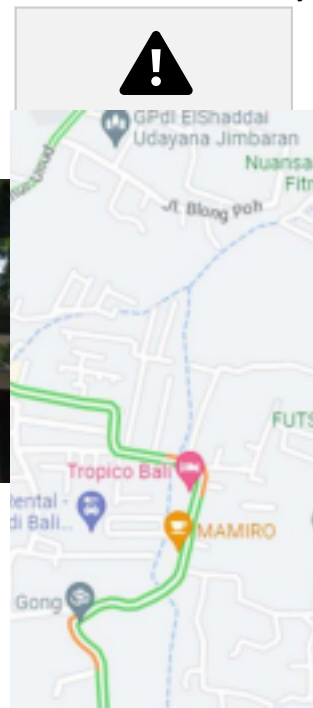
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Under this regulation, TPST Samtaku Jimbaran should never have been approved. There are hundreds of houses less than 500 m away. There are three houses less than 1 m from the TPST Samtaku Jimbaran fence as can be seen in the photograph in

Figure 2.



Figure 2 One of the homes



Jimbaran

Figure 1 Access to TPST

adjacent to TPST Samtaku

2. Irregularities in the process of obtaining Location Permit

A post on the Badung Regency Government website reported that, on 17 February 2021, there was a meeting of the Badung Regency Government Permit Team by the roadside in front of the property where TPST Samtaku Jimbaran would be built. Danone Aqua Indonesia as project owner was also represented by the Remaja Director, as can be seen in the posting. The meeting was held on the instruction of the Vice Regent. It is reported that, technically, this location was "worth considering, as it is not in a residential area, and the surrounding land is still vacant." However, as can be seen on this photograph, the location where TPST Samtaku Jimbaran was built is right next to the housing. If Danone Aqua Indonesia's representative had taken the team 125m to the north boundary of the land where the TPST building was planned to be built, they would have seen the housing that was right on the fence line.

The report of this meeting can be found at:

<https://www.google.com/url?sa=t&source=web&rct=j&url=https://dpmptsp.badungkab.go.id/be/rita/NUFTZXBKSk1kbFlaaVJNbVIOL0JCUT09/tim-perizinan-pemkab-badung-tinjau-plan-lokasi-pembangunan-tpst-di-jimbaran&ved=2ahUKEwjA666fg7LAhV1zTgGHbpVApkQFnoECC4QAQ&usg=AOvVaw1UR62brl4h2tmDjwV9wzCj>

We also note in the report of Danone Aqua Indonesia's auditor to Verra, that the location of the building of TPST Samtaku Jimbaran was also reported incorrectly. There is no doubt that Danone Aqua Indonesia should have corrected this false information before the audit report was submitted. This negligence calls into question Danone Aqua Indonesia's ethics and intention to be transparent and comply with all regulations.

3. No permission to use road access on private land

The local government's post mentioned above did not refer to the access road from Jl Goa Gong where they stood for that meeting, which is on privately-owned land. Danone Aqua Indonesia's representative knew about the ownership of the land, as he had asked the owner of the land for permission to use it for access to a factory that he said he planned to build for producing building panels. The owner was not asked to allow access on the road to a TPST,

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nor to give permission in writing. It appears Danone Aqua Indonesia's representative did not inform the government team about the ownership of the land for the road.

The owner of the land on which the road is built has repeatedly stated at public and private meetings that he owns the land and has never transferred or granted written or oral rights to Danone Aqua Indonesia or partners to use his land as access to TPST Samtaku Jimbaran and has no intention of granting it.

Our first Open Letter noted that the issue of ownership of the road was included in citizen complaints at demonstrations in January 2022.

Danone Aqua Indonesia's neglect in obtaining formal agreement to the use of this private land for access to TPST Samtaku Jimbaran indicates an intent to deceive decision

makers, as that would have exposed the fact that our community would reject the building of a TPST, and an intent to deceive Verra that our community accepted it.

4. Lack of consideration of other spatial planning considerations

There are other reasons why Danone Aqua Indonesia should not have considered this location for a TSPT that we in the community have raised:

Entry to Jl Goa Gong from the UNUD campus is restricted. There are signs prohibiting trucks or buses from entering

Left and right of Jl Goa Gong there are small businesses that attract a lot of pedestrian movement, but there are no sidewalks and no drainage.

Jl Goa Gong is narrow and winding with seven blind turns not suitable for trucks and dangerous especially for pedestrians, and there is an eighth turn on the steep dangerous road in front of Goa Gong Temple, as identified on the map above.

TPST Samtaku Jimbaran is in a valley, and polluted air does not spread well, rather it accumulates close to the ground.

Danone Aqua Indonesia should have seen that this location was not suitable for building a TPST and MRF.

5. Failure to deliver responsibilities in the agreement with Badung Regency Government

We have concluded that there is some kind of MoU between the Badung Regency Government and Danone Aqua Indonesia and its business partners. The agreement was problematic from the start:

At the official opening in September 2021 the head of the Badung Regency Government (Bupati) stated there would be no smell, but from day one there was putrid smell,

The opening was reported in Bali Antara New on 9 September 2021.
<https://bali.antaranews.com/amp/berita/250953/pemkab-badung-lakukan-pengolahan-sampah-terpadu-di-tpst-samtaku>

Also at the official opening, it was stated that TPST Samtaku Jimbaran would handle 120 tonnes of waste per day, but reports have since shown it has managed only a third or half of that promised capacity.

On 1 October 2021, waste began to be transported before the facility was ready. This caused us to suffer from a terrible stench, and the first complaint was sent to the Governor by members of a residential complex 400 m from the TSPT.

The instigator of this complain was Ngurah Ardana, a neighbourhood leader (kepala RT) of a housing complex north of Jl Goa Gong. We can provide his contact to confirm this complaint.

In July 2022 when there were widespread media reports of the foul smell, media also reported that Reciki complained that the waste brought to the TPST was not in accordance with their agreement with the Badung Regency environment and waste

management agency (Dina LHK). If true, the breach of this agreement began in early October 2021 and no action had been taken.

One media report of the response to complaints of the stench was in Metrobali July 11, 2022 TPST Samtaku Clarifies the Odor Issue Causing Residents' Complaints. <https://metrobali.com/tpst-samtaku-klarifikasi-isu-bau-penyebab-keluhan-warga/>, others are noted in Annex A.

In March 2023, plastic and wood waste carried by ocean currents to beaches was dumped on land next to TPST Samtaku Jimbaran. This means that, on the land next to TPST Samtaku Jimbaran, there is a type of landfill (Tempat Pembuangan Akhir or TPA) that represents a waste landfill and should be considered illegal. It is hard for us to believe that the agreement between the local government and the partnership of Danone Aqua Indonesia with Reciki was so loose as to allow such a landfill to exist.

Pada Maret 2023, sampah plastik dan kayu yang terbawa arus laut ke pantai dibuang di lahan di sebelah TPST Samtaku Jimbaran. Artinya, di sebelah TPST Samtaku Jimbaran, ada semacam Tempat Pembuangan Akhir yang merupakan menimbun sampah dan seharusnya dianggap ilegal. Sulit bagi kami untuk percaya bahwa kesepakatan antara Pemerintah Daerah dan Danone Aqua Indonesia bersama Reciki begitu longgar sehingga memungkinkan ada TPA semacam itu ada di kawasan permukiman.

Time and time again, there are indications that there have been gaps and misunderstandings in the agreement between the Badung Regency Government and the partnership of Danone Aqua Indonesia with Reciki.

6. Lack of transparency in approving land-use zoning change

To our knowledge, the zoning for the land in Lingkungan Angga Swara where TPST Samtaku Jimbaran is standing was designated for agriculture. We have been informed that there has been a change in land use zoning applying only to this land to allow TPST Samtaku Jimbaran to be built on it. As residents, we were not informed of, nor have access to transparent information about, that zoning change.

We believe that the regulation for a zoning change requires an application, pre consultation, and some form of agreement with the neighbouring residential community prior to approval to build. There was no transparent process, and as neighbouring residents would never agree for any TPST to be built and operated near our homes if proper process of considering an application for rezoning had occurred, an application would not have been granted.

7. Evidence of procedural errors in issuing the IMB

The Control Union report states that the building permit (IMB) was issued with its application form signed by neighbours on all four sides. Neighbours to the north deny that any one of them signed. There are no houses directly to the south or west. Our Kepala Lingkungan told us that one resident (one from a group of houses east of TPST) signed it.

We suspect there may be only one signature on the IMB, which means that the neighbours north of TPST Samtaku Jimbaran did not sign, and it cannot be concluded that the Angga Swara community supported an application for an IMB to build a TPST. Or perhaps he was told there would be no smell, as the Regent announced at the opening.

This is an indication that of Danone Aqua Indonesia's auditor, Control Union,

provided an inaccurate report to Verra, misleading the certifier to believe that our community signed and

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agreed that a TPST could be built next to our homes. Danone Aqua Indonesia was negligent in not correcting this misleading and inaccurate report.

8. Lack of transparency in issuing Nuisance Permit

Documents show that of Danone Aqua Indonesia's auditor, Control Union, reported to the certifier, Verra, that an application for a Nuisance Permit was signed by neighbours on four sides of where TPST Samtaku Jimbaran was to be built. In our April 2023 Open Letter to Danone and Verra and partners, we requested to check the Nuisance Permit and the signatures, to be assured that the signatures are genuine and come from the appropriate citizen according to where he lives and rule out that one or more signatures of the citizens may have been forged. But we never received a response,

In the video referred to above, one resident of the small group of houses to the east of TPST Samtaku Jimbaran, Mr Surjana, tells the reporter that he met with the operator to complain of the smell. This would indicate that, if someone from the east side of TPST Samtaku Jimbaran did sign the application for a nuisance permit, that person was informed, like the Badung Bupati, that there would be no smell.

The video can be found at <https://www.instagram.com/reel/Csd> and <https://youtu.be/q3LgC0ILVrI>

The auditor's reporting of the Nuisance Permit indicates that the auditor wanted Verra to believe that residents near TPST Samtaku Jimbaran would accept any nuisance from it. However, this is not true. As with the application for IMB, residents immediately to the north of TPST Samtaku Jimbaran deny they were ever approached to sign any nuisance permit and deny they had any pre-knowledge that a TPST was to be built. And Surjana, a resident to the east complained of the smell, which would be contrary to an agreement, if there was one, to accept nuisance from TPST Samtaku Jimbaran.

And up until now, residents located as far away as 400 meters from the TPST, such as Mr Ardana and his neighbours, continue to be impacted daily, and they also did not sign any agreement to accept the impacts of the smell on their health and wellbeing.

9. Irregularities with the UKL-UPL

Regulations of the Ministry for Environment and Forestry require the preparation and approval of environmental management and monitoring plans (UKL-UPL). There has been no response to our requests to review the UKL-UPL for TPST Samtaku Jimbaran.

Control Union claimed in their report that UKL-UPL was a "permit" from the government, and thus deceived Verra into concluding that TPST Samtaku Jimbaran complied with regulations, without mentioning that UKL-UPL is a commitment of the initiator or proponent of activities to manage and monitor their environment. Danone-Aqua Indonesia had the opportunity to correct this misrepresentation, but it was not done.

For readers who also do not know what an UKL-UPL is, we write the following explanation.

UKL-UPL must be a plan prepared by project proponents and approved by the Environmental Office in the District/City Government, with a commitment to implement it. According to Annex III of the Regulation of the State Minister of Environment number 26 of 2018 concerning Guidelines for the Preparation of Environmental Documents, UKP/UPL includes the following.

This regulation can be downloaded at the following address with the Annex III starting at page 141 <https://jdih.go.id/files/146/P.26-2018%20TL%20Dok%20LH.pdf>

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Description of the components of the activity plan that can cause environmental impacts

In this UKL-UPL section, the proponent writes down the components of their planned activities that are believed to have an impact on the environment, for the pre-construction, construction, operation, and closure/post-operation stages. The UKL-UPL must name the sources of impacts and the type of impacts and the scale of impacts for **all possible** environmental impacts.

Forms of environmental management efforts

In this UKL-UPL section, information must be written about the form or type of environmental management planned to manage **each possible** environmental impact, the location of environmental management activities, and the period of environmental management.

Forms of environmental monitoring efforts

In this UKL-UPL section, information is written about ways, methods, and/or techniques for monitoring the quality of the environment as an indicator of the success of environmental management (and should include data collection methods) and analysis of the environmental quality data. Also written is the location and schedule for carrying out monitoring.

Environmental management and monitoring institutions

In this UKL-UPL section, the name of institutions that will carry out environmental management and monitoring must be written, *including government agencies that receive monitoring and management reports.*

UKL-UPL must be accompanied by a letter of commitment to comply with its plan, signed on a duty stamp.

Within 18 months of UKL-UPL covering operations at TPST Samtaku Jimbaran coming into force, *environmental impacts have included:*

Smelly almost every day till now, as far as 400 m as often reported

Overcapacity as in October 2021

Hazardous material combustion

Non-diffused smoke

Pollution in the stream beside Jimbaran TPST

Odour along roads from transportation of garbage to and from TPST Jimbaran, for example in June 2022 as reported in Annex A.

Since Danone-Aqua Indonesia and partners constantly deny any environmental impact, despite constant complaints by the community, the operators of TPST Samtaku Jimbaran are clearly not monitoring properly as required by the provisions of the above-mentioned regulation on UKL-UPL. We suspect that the approved UKL-UPL does not require them to undertake proper monitoring or management. And we consider that Danone Aqua Indonesia, with your experience in development in Indonesia, should be held accountable for the preparation and approval of the UKL-UPL.

10. Lack of access to environmental impact reporting

In the requirements for UKL-UPL in the Regulation of the State Minister of Environment number 16 of 2012, a system is required for periodic reporting to Government on environmental management and monitoring. When we asked our local government liaison officer about environmental management and monitoring reports for TPST Samtaku Jimbaran, he knew nothing about them, thus he had no access to reports related to the handling of frequent complaints from the community.

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With all the complaints from the community, including complaints to Danone Aqua Indonesia, it is clear that Danone-Aqua Indonesia has been negligent in assuring proper reporting of environmental management and monitoring.

11. Non-compliance with Governor Regulation on Source-based Waste Management

Our community, especially the owners of prepared food stalls along Jl Goa Gong, complain regularly about the putrid smells from the trucks carrying mixed waste to TPST Samtaku Jimbaran, and other trucks returning from it carrying putrid smelling organic waste. TPST Samtaku Jimbaran accepts truckloads of mixed waste, not waste which has been separated by households, as required by the Bali Governor's Regulation on Source-based Waste Management.

Pergub Bali No. 47/2019 tentang pengelolaan sampah berbasis sumber can be downloaded from <https://sampahlaut.id/wp-content/uploads/2020/07/Pergub-Bali-No.-47-Tahun-2019.pdf>

The mixed waste is not first sorted at home or local sorting facilities (TPS3Rs) before reaching TPST Samtaku Jimbaran but brought unsorted from households and businesses located throughout Kuta Selatan.

Adding to this, the people of Kutuh Village, the village reported as having an MoU with TPST Samtaku Jimbaran is reportedly dissatisfied with the high tipping fee they pay to TPST Samtaku Jimbaran and would prefer that the government support them with a community managed TPS3R.

News on Desa Kutuh wanting to leave the TSPT Samtaku Jimbaran alliance is found at <https://posbali.net/badah-sudah-ada-samtaku-jimbaran-warga-minta-tps3r-kok-bisa/>

12. Accountability for Government provided tipping fee subsidy for residual waste

On top of TPST Samtaku Jimbaran's own tipping fee from trucks delivering waste, we

learned that government promised to pay Danone a per ton tipping fee as an incentive subsidy for collecting residual waste thus diverting it from landfill at TPA Suwung.

We are concerned about public accountability and have found no reference to any payments or how the weight of residual waste is calculated whether it is calculated only when saleable RDF is produced, and whether there is a new tipping fee for the collecting beach debris (*sampah kiriman*), and so on.

We are also concerned that tipping fees and the tipping fee subsidy create a disincentive for TPST Samtaku Jimbaran to socialize the need for households to separate waste at source, in compliance with the before-mentioned Governor Regulation.

Irregularities regarding RDF

In the process of compiling information about TPST Samtaku Jimbaran and complaints over the past 18 months, several experts on the environment noted to us two areas of irregularity in the approval and production of Refuse Derived Fuel (RDF) at TPST Samtaku Jimbaran. We include them here to complete our list of irregularities. We will be calling upon NGOs to support our call for the closing of TPST Samtaku Jimbaran by submitting a supporting response to Danone related to RDF.

At the official opening of TPST Samtaku Jimbaran it was stated that TPST Samtaku Jimbaran will produce 40 tons of RDF per day. However, according to Danone Aqua Indonesia's auditors, the RDF produced is not of commercial quality and other sources say production stopped in June 2022.

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13. Lack of certification of RDF machinery

In discussions with environmental NGOs, we were told that the RDF machinery demonstrated during stakeholder tours of TPST Samtaku Jimbaran appeared to be sub-standard and polluting. The NGOs also expressed concern about the toxic-smelling emissions from the machines. We were told that photos and video files of the machines and fumes were sent to Danone Aqua Indonesia and Verra, and shared with Danone Aqua Indonesia's auditor, Control Union. We were informed that Danone-Aqua Indonesia confirmed that the machines in the video files were the ones in use at TPST Samtaku Jimbaran. The NGOs questioned if the machinery had a required certificate of environmental safety (*Sertifikat Teknologi Ramah Lingkungan* or STRL) from the Ministry of Environment and Forestry (KLHK).

However, Danone-Aqua Indonesia's auditor failed to mention certification of the machinery in their reporting to Verra, implying that the machinery was not certified as environmentally safe. Danone-Aqua Indonesia should be held accountable for the deliberate use of unsafe machinery which put the health of our community and the employees of TPST Samtaku Jimbaran at risk.

14. RDF production failure

In September 2021, the partnership of Danone-Aqua Indonesia and Reciki announced

that TPST Samtaku Jimbaran would prevent waste to landfill by producing RDF briquettes with a content of 50% residual plastics and 50% organic waste. The Government believed that RDF production showed promise of becoming a solution Indonesia's waste problems, and production at TPST Samtaku Jimbaran would be a showcase for the November 2022 G20 meetings, to attract further investments for RDF operations.

The Provincial Government in July 2022 informed an NGO assisting us that TPST Samtaku Jimbaran had stopped production in June.¹ However, Danone Aqua Indonesia and Reciki never announced the failure of their RDF venture, which stopped months before the G20 2022 in November 2022. Neither Danone Aqua Indonesia nor Reciki disclosed to the public that the RDF they produced failed national quality standards and could not be sold and that the production was stopped. However, we know this from public reports from July 2022 cited in Annex A, and from information submitted to the certifier, Verra, by Danone-Aqua Indonesia's auditor, Control Union, without mentioned the cessation of production:

RDF briquettes were tested by Sucofindo for an SNI standard for RDF and failed to reached compliance.

Verra Project Review Report for Project 2648, page 16, listed on the Verra website at https://registry.terra.org/mymodule/ProjectDoc/Project_ViewFile.asp?FileID=79559&IDKEY=0903q4jsafkasjfu90amnmassdfkaidflnmf9348r09dmfasmfn109711861

Control Union Joint Validation and Verification Report of the Reciki project, page 38, at https://registry.terra.org/mymodule/ProjectDoc/Project_ViewFile.asp?FileID=79557&IDKEY=niquwesdfmnk0iei23nnm435oiojnc909dsflk9809adlkmlkf9109709103

Furthermore, Danone Aqua Indonesia reported to Verra that the volume of plastics collected and used to produce RDF at TPST Jimbaran were no longer eligible to be calculated for certification and plastic credits.

Danone-Aqua Joint Plastic Project Description Monitoring Report of September 2022 page 5 https://registry.terra.org/mymodule/ProjectDoc/Project_ViewFile.asp?FileID=79556&IDKEY=d8723kjnf7kjandsaslmfv09887vaksmrmnwqkjoianfnfuq0k109707724

And we learnt that the RDF already produced cannot be sold.

We were informed that the Bali Dinas for Forestry and Environment had told TPST Samtaku Jimbaran that they should not sell their RDF in Bali to laundries.

We believe that the almost 18 months of being shut in our houses for hours, our poor health and depression, burning and leachate would not have occurred had Danone-Aqua Indonesia been vigilant to conduct feasibility assessments for environmental, social, and financial risks related to RDF production.

For the almost 20 months we have experienced a drastic and significant decline in quality of life, we have shut ourselves in our houses for hours most days. Our health has deteriorated, and we have become depressed, with pollution from burning, smoke and leachate. We believe that this would not have occurred had Danone-Aqua been vigilant in conducting feasibility assessments and environmental, social, and financial risk analysis related to RDF production.

Even a basic feasibility study would have determined that a TPST and RDF production located so near to a residential community would clearly be non-compliant with regulations

and professional advice. Furthermore, the adverse effects of RDF production and could have been prevented if Danone Aqua Indonesia had determined that the RDF machines provided did not have the capacity to produce marketable product.

As soon as the RDF production ended in mid-2022, a new type of burning technology began. We are informed by Bappenas that TPST Samtaku Jimbaran now burns beach wood to make activated carbon for a soil amendment.

Communications with Bappenas in March and April 2023, available on request

Calling for immediate closure of TPST Samtaku Jimbaran

But now, the issue is what should be done, and what is the appropriate action for Danone. We have no recommendation other than the right thing, which is to admit failures, withdraw from the TPST Samtaku Jimbaran partnership, and order the cessation of work there. We also anticipate an initial response within one week.

Sincerely,



Owen Podger

For and with the people of Angga Swara

¹ This may be verified by contacting Provincial Dinas KLH

Annex A. Background from the perspective of the local community

In September 2021, a TPST was opened in Lingkungan Angga Swara in Jimbaran on land owned by Nyoman Sutarma, a well-known Balinese identity. Media reported that it was called TPST Samtaku, and as there are other TPST Samtaku in Indonesia, we identify it as TPST Samtaku Jimbaran. The media also reported from the opening, that TPST Samtaku

Jimbaran would handle waste from the whole of Kecamatan Kuta Selatan, meaning the area south of the Denpasar Airport. The reports indicated the business owner of TPST Samtaku Jimbaran is Danone Aqua Indonesia, and the operator was PT PMA Reciki Solusi Indonesia (Reciki). Media reports of this event was the first that our community learnt of real purpose of the large factory that had been built in our neighbourhood, although it had been planned for at least 18 months.

The opening was reported in Bali Antara News on 9 September 2021.

<https://bali.antaranews.com/amp/berita/250953/pemkab-badung-lakukan-pengolahan-sampah-terpadu-di-tpst-samtaku>

Reciki further informed us that PT Reciki Mantap Jaya (Remaja) was the operator. Remaja is majority-owned by Reciki, with shareholder Mr Nyoman Sutarma as Director.

TPST Samtaku Jimbaran was built in 2021 with an agreement with the Badung Regency Government, and since its opening has caused disruption to the lives of people in Angga Swara, including the need to close doors and windows for hours every day, and often we experience nausea and shortness of breath, and for many people, illness.

But long before, in April 2020, Nyoman Sutarma addressed a meeting in the village of Kutuh to the south of Jimbaran and over the ridge and told the villagers that he would build a TPST to manage all their waste. He also told housewives that the briquettes that would be produced at his TPST (RDF) can be used for domestic cooking.

A video of that meeting can be found at <https://youtu.be/FxrmMvvi2gs>

Early in 2021, Nyoman Sutarma met with Nyoman Sumarsawan, an immediate neighbour and the owner of the land on which the road access to TPST Samtaku Jimbaran is built. (Sumarsawan is also co-author of the September 2022 petition reported below and appended in Annex B). Sutarma asked informally for approval to use the road for access to a factory he wanted to build to produce building panels. Afterwards Sutarma told other locals of his plan to build a factory for building panels. There was no mention of a TPST.

As reported at a community meeting in March 2022 arranged by Nexus3 Foundation and attended by the Lurah of Jimbaran

TPST Samtaku Jimbaran began receiving waste early October 2021, before its equipment was operational.

As explained to us by our Kepala Lingkungan, staff of the Lurah.

The piles of garbage create putrid smell, and many people from our community complained, including a complaint to the Governor of Bali. Only after that complaint, the garbage piled up beside the Samtaku Jimbaran TPST was taken away again. But the smell remained.

Most of the following story is about our ongoing complaints. At no time we were informed by Danone Aqua Indonesia or Reciki or Remaja that producing RDF required melting plastics nor that the rotting stench and burning emissions carried risks to our health. But residents living up to 400m away from Samtaku Jimbaran TPST were getting sicker and sicker. Residents began to spend hours every day and night inside our homes with windows and doors closed. And almost 20 months later, people in our community are still often confined inside our own homes because the smell and smoke are still present in our neighborhood.

Open Letter of Complaint to Danone regarding TPST Samtaku Jimbaran, May 2023

In December 2021, people in our community commenced communications with Jeffri Ricardo of Danone Aqua Indonesia, whose name had been given to us by LSM who had responded to our reports of the smell posted on Facebook. For a while these communications were congenial, but over time Danone Aqua Indonesia refused to respond with people in the community, not even to pleas of being ill.

In January 2022, there was a small demonstration in front of TPST Samtaku Jimbaran during a visit by the Minister for National Development Planning. It appears that Control Union recorded the demonstration as part of their efforts to consult with the community. Letters explaining the demonstration was sent to the Minister for National Development Planning and the Minister for Public Works.

Control Union's report to Verra on page 15 item 1.10 1. indicates community socialisation at the time of the demonstration. See

https://registry.verra.org/mymodule/ProjectDoc/Project_ViewFile.asp?FileID=79557&IDKEY=niquwesdfmnk0iei23nm435oiojnc909dsflk9809adlkmlkf9109709103

Copies of letters to the Minister of PUPR and the Minister of National Development Planning can be made available on request.

We also communicated with Danone Aqua Indonesia about the demonstration, and some of us were interviewed later by Jeffri with Danone Aqua Indonesia consultant, Chadd McLisky. They knew that our community was badly affected.

In February 2022, members of our community were interviewed by a Control Union consultant, who identified Control Union as the auditor appointed to validate the request for registration of the project of Danone-Aqua Indonesia with Reciki to be granted plastic credit from RDF production at TPST Samtaku Jimbaran. We presented our problems in detail to the auditor.

Also in February, some environmental NGOs initiated stakeholder engagement on our behalf. The stakeholder engagement began with Danone Aqua Indonesia and was followed by a 6-month long stakeholder engagement with Verra. The NGOs sent descriptions of our human health impacts and media files documenting environmental impacts, including black smoke and on occasions leachate flowing from the facility into waterways. The NGOs also recorded concerns about the operational permits, licensing, and technology readiness of the RDF machines. Experts from Nexus3 Foundation produced a book in March 2022 on RDF production in Indonesia, including a section on TPST Samtaku Jimbaran.

See Ismawati, Y., Proboretno, N., Septiono, M.A., Zaki, K. Refuse-Derived Fuel in Indonesia. Nexus3 Foundation/IPEN, March 2022 accessed at [https://ipen.org/documents/refuse-derived](https://ipen.org/documents/refuse-derived-fuel-indonesia)

[fuel-indonesia](https://ipen.org/documents/refuse-derived-fuel-indonesia)

In early March 2022, a neighbour who had complained frequently to Jeffri complained again of the stink. Jeffri responded immediately, saying that he was on site at TPST Samtaku Jimbaran and there was no smell. "Can you specify?" he asked. The neighbour replied, "If you wanna smell then you have to come now to Goa Gong gg Honey suckle." Jeffri did not come, even though only 150 m away, while the neighbour was ill from the pollution.

Also in March 2022, as there had been no action to stop the production of the smell, there was a community meeting sponsored by Nexis3 Foundation, with allstakeholders invited. Neither Danone Aqua Indonesia nor its operational partners, Reciki and Remaja, attended. Both the TPST Samtaku Jimbaran manager and Danone Aqua Indonesia continued to deny that there was a smell even though residents complained frequently to them and to our Kepala Lingkungan of being sick because of the smell. In fact, Control Union reported to Verra that the operator was "still conducting further investigation for finding the root cause of

bad smell” and that the result of the investigation and mitigation plan would be reviewed during the following verification, indicating no sense of urgency.

A report of this meeting can be obtained from Nexus3 Foundation.

Testimony of very many of the complaints can be obtained from Kepala Lingkungan Angga Swara at the Jimbaran Kelurahan office.

Report of still investigating smell can be found at page 16 of Control Union’s joint validation and verification report

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Open Letter of Complaint to Danone regarding TPST Samtaku Jimbaran, May 2023

In June 2021, there were complaints about the smell of trucks stranded for hours on Jl Goa Gong due to a long traffic jam.

As reported at <https://www.nusabali.com/berita/119961/keluarkan-aroma-tak-sedap-tpst-samtaku-dikeluhkan>

In early July 2022, after the celebration of Environment Day, the people of Angga Swara complained to the media, because TPST Samtaku Jimbaran continued to be smelly every day and the health of many residents suffered. Many media reported it as we note below. However, TPST Samtaku Jimbaran management retaliated by blaming the government and the community for sending smelly garbage.

Media reports of complaints can be found at:

28 Jun 2022 07:09:49 Nusa Bali

Keluarkan Aroma Tak Sedap, TPST Samtaku Dikeluhkan

<https://www.nusabali.com/berita/119961/keluarkan-aroma-tak-sedap-tpst-samtaku-dikeluhkan>

09 Juli, 9:30 Paradiso

Teknologi Samtaku Gagal, PT Reciki Harus Bertanggung Jawab - Paradiso: Igo Kleden

<https://paradiso.co.id/teknologi-samtaku-gagal-pt-reciki-harus-bertanggung-jawab/>

09 Juli 2022, 16:00 WIB, Denpasar Update

Teknologi Samtaku Milik PT Reciki Dinyatakan Gagal, Warga Protes Sampah Menebar Bau Busuk

<https://denpasarupdate.pikiran-rakyat.com/teknologi/pr-714961433/teknologi-samtaku-milik-pt-reciki-dinyatakan-gagal-warga-protes-sampah-menebar-bau-busuk>

[reciki-dinyatakan-gagal-warga-protes-sampah-menebar-bau-busuk](https://denpasarupdate.pikiran-rakyat.com/teknologi/pr-714961433/teknologi-samtaku-milik-pt-reciki-dinyatakan-gagal-warga-protes-sampah-menebar-bau-busuk)

09 Juli 23:52, Detik Bali

Pengolahan Gagal, Sampah di TPST Jimbaran Malah Dibuang ke TPA Suwung

<https://www.detik.com/bali/berita/d-6171293/pengolahan-gagal-sampah-di-tpst-jimbaran>

[malah-dibuang-ke-tpa-suwung](https://www.detik.com/bali/berita/d-6171293/pengolahan-gagal-sampah-di-tpst-jimbaran)

10 Juli 12:15, Radar Bali

Warga Keluhkan Bau Busuk, Teknologi TPST Samtaku Dituding Gagal | Radar Bali

<https://radarbali.jawapos.com/bali/denpasar-badung/10/07/2022/warga-keluhkan-bau-busuk>

[teknologi-tpst-samtaku-dituding-gagal/](https://radarbali.jawapos.com/bali/denpasar-badung/10/07/2022/warga-keluhkan-bau-busuk)

10 Juli, 13:00 Khalfani

Penumpukan Sampah Terjadi di TPST Jimbaran Bali

<https://khalvani.co.id/penumpukan-sampah-terjadi-di-tpst-jimbran-bali>

11 July 2022 Bali Tribune

Teknologi Samtaku Gagal, PT Reciki Bertanggung Jawab, Warga Sekitar Keluhkan Bau Busuk Sampah | Bali Tribune 1 July 2022

<https://balitribune.co.id/content/teknologi-samtaku-gagal-warga-sekitar-keluhkan-bau-busuk>

[sampah](https://balitribune.co.id/content/teknologi-samtaku-gagal-warga-sekitar-keluhkan-bau-busuk)

11 July 2022 21:53 Bali Express

Pengolahan Sampah Dikeluhkan, TPST Samtaku Bantah Disebut Gagal

<https://baliexpress.jawapos.com/bali/11/07/2022/pengolahan-sampah-dikeluhkan-tpst-samta>

[ku bantah-disebut-gagal/](#) 12 Jul 2022 11:22:42 Nusa Bali Pengolahan Sampah di TPST Samtaku Kembali Dikeluhkan
<https://www.nusabali.com/berita/120940/pengolahan-sampah-di-tpst-samtaku-kembali-dikeluhkan>

13 July 2022, 23:36 Liputan6
Bau Menyengat di Sekitar TPST Samtaku Jimbaran, Apa Penyebabnya?
<https://www.liputan6.com/regional/read/5011976/bau-menyengat-di-sekitar-tpst-samtak>

^u jimbaran-apa-penyebabnya Media reports of TPST denial of responsibility can be found at

Bali Express 11 July 2022 21:53
Waste Processing Complained, Samtaku TPST denied being called a failure.
<https://baliexpress.jawapos.com/bali/11/07/2022/pengolahan-sampah-dikeluhkan-tpst-samtaku-bantah-disebut-gagal/>.

Metrobali July 11, 2022
TPST Samtaku Clarifies the Odor Issue Causing Residents' Complaints.
<https://metroballi.com/tpst-samtaku-klarifikasi-isu-bau-penyebab-keluhan-warga/>
Denpasar People's Mind Update 12 July 2022.
Complained by residents regarding the smell of garbage, TPST Samtaku invites the community to solve the problem together.

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Open Letter of Complaint to Danone regarding TPST Samtaku Jimbaran, May 2023

<https://denpasarupdate.pikiran-rakyat.com/balinesia/pr-714987691/dikeluhkan-warga-terkait-bau-sampah-tpst-samtaku-ajak-masyarakat-selesaikan-masalah-secara-bersama> In this article the operators of TPST blame our community for the behaviour of the whole of Kuta Selatan and their waste collectors.

These media reports coincided with the appearance of new smokestacks. We reported this to our NGO friends who reported this to the provincial government, and we were informed that TPST Samtaku Jimbaran had stopped production of RDF and the non-standard RDF machines were broken and no longer in Bali.

On 5 September 2022, about 70 members of our community signed a petition that was sent to the Governor. There was no response or impact, and the community is still suffering.

A copy of this petition is attached in Annex B

In December 2022, Verra, the world's largest carbon offset certifier that also sets international standards for plastic management, registered the Danone Aqua Indonesia project as its first Indonesian plastic credit project. This registration was based on an assumption of continuing testing of RDF, although we had been informed production ceased almost six months before. Verra also had released a Project Review Report covering 25 findings from the audit report on various standards, and acknowledging that TPST Samtaku Jimbaran achieved those standards. Danone's project had been under Review since at least October 2021.

The registration is listed on the Verra website at
<https://registry.terra.org/app/projectDetail/PWRP/2648>

The report that it was the first Indonesia plastic credit project is listed at <https://terra.org/first-indonesian-plastic-project-registers-in-verras-plastic-program/>

Verra Project Review Report for Project 2648 is listed on the Verra website at
https://registry.terra.org/mymodule/ProjectDoc/Project_ViewFile.asp?FileID=79559&IDKEY=0903q4jsafkasjfu90amnmassdfkaidflnmfd9348r09dmfasdfn109711861

On reading the Review Report, we found inaccurate and dishonest information had been provided to Verra by Danone Aqua Indonesia's auditor, Control Union regarding issues

that related to relations with our community, the supposed agreement our community made to the building of TPST Samtaku Jimbaran, and the environmental impact, that is, our suffering from stench and smoke. We complained to Verra with copies to Danone Aqua Indonesia and Reciki. We later found the Control Union report with further inaccurate and dishonest reporting.

Control Union Joint Validation and Verification Report of the Reciki Project can be found at https://registry.verra.org/mymodule/ProjectDoc/Project_ViewFile.asp?FileID=79557&IDKEY=niquwesdfmnk0iei23nnm435oiojnc909dsflk9809adlkmlkf9109709103

Letter containing the complaint of the dishonesty in the report can be found at https://www.academia.edu/101778870/Letter_to_Carla_Tanaka_of_PT_Reciki_Re_TPST_Jimbaran

Reciki and Verra promised a response but did not. Also, Danone-Aqua Indonesia did not respond.

In April 2023, after over 18 months of being oppressed by the smell from TPST Samtaku Jimbaran and complaining continuously, we discovered the Public Works and Housing Ministerial Regulation mentioned above, with its requirement for any TPST to be built far from housing. We immediately prepared an Open Letter addressed to Danone and Verra and partners.

Our first Open Letter, with the title “Public Complaint to Danone and Verra and their Partners concerning the Waste Management Facility in Jimbaran Bali”, both the Bahasa Indonesia version and the English version, each in two files, one the complaint and the second the details, is available at <https://canberra.academia.edu/OwenPodger>.

We sent copies of this Open Letter to the Governor's office, Ministries and to many others. It was also reported in the media:

12 April 2023 15:30 PM Radar Bali

TPST Samtaku Disebut Melanggar Permen PUPR, Warga Jimbaran Protes Surati PT. Reciki dan Danone

<https://radarbali.jawapos.com/bali/badung/12/04/2023/tpst-samtaku-disebut-melanggar-permen-pupr-warga-jimbaran-protos-surati-pt-reciki-dan-danone/>

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Open Letter of Complaint to Danone regarding TPST Samtaku Jimbaran, May 2023

12 April 2023 15:30 PM Radar Bali

TPST Samtaku Disebut Melanggar Permen PUPR, Warga Jimbaran Protes Surati PT. Reciki dan Danone.

<https://radarbali.jawapos.com/bali/badung/12/04/2023/tpst-samtaku-disebut-melanggar-permen-pupr-warga-jimbaran-protos-surati-pt-reciki-dan-danone/>
<https://www.instagram.com/p/Cq7pi5lvAh3/>

13 April 2023 18:30 Suara Merdeka Bali

TPST Samtaku Melanggar Permen PUPR dan Tebar Bau Busuk , Warga Jimbaran Adukan PT. Reciki dan Danone

<https://bali.suaramerdeka.com/bali-nusra/8248453726/tpst-samtaku-melanggar-permen-pupr-dan-tebar-bau-busuk-warga-jimbaran-adukan-pt-reciki-dan-danone>

[pr](https://www.instagram.com/p/Cq7pi5lvAh3/) [dan-tebar-bau-busuk-warga-jimbaran-adukan-pt-reciki-dan-danone](https://www.instagram.com/p/Cq7pi5lvAh3/) We are still awaiting responses.

















