

# **Take back issue of hazardous waste in Indonesia**

**by:**

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# Definition of Hazardous Waste

- The residue/leftover from business and/or activities that contain hazardous substances and/or toxic due to its nature and/or its concentration and/or its amount which directly as well as indirectly pollutes and/or deteriorate the environment, and/or harmful to the environment, health, the continuation of human life and other living creatures.

# Regulation on Importation of Hazardous Waste and Non Hazardous Waste (1)

1. Presidential Decree Number 61 Year 1993 on Ratification of the Basel Convention
2. Act Number 32/2009 regarding Environmental Protection and Management, Article 69 (1) and Govt. Regulation No. 18/1999 on Hazardous Waste Management, Article 53: **importation of any hazardous waste to Indonesia for any purposes including recycling is prohibited.**
3. Act Number 18/2008 regarding Domestic Waste Management article 29 (1): **importation of domestic waste is prohibited**

# Regulation on Importation of Hazardous Waste and Non Hazardous Waste (2)

4. Ministerial Trade and Industry Decree No. 520/2003 regarding the prohibition of hazardous waste import.
5. Ministerial Trade Decree No. 39/2009 article 6 (1):
  - **importation of non hazardous waste is obliged to provide a statement from the exporter that the waste to be imported is non-hazardous waste.**
  - **The exporter takes responsibility to take back the waste if it was found that the waste is hazardous.**
  - **In the case of non-hazardous waste imported, if partly or all was found as hazardous, it should be re-exported by the importer not more than 90 days since arrival.**

# **Wastes that are prohibited to be imported according to existing regulations are:**

- Wastes listed in Appendix I Government Regulation No. 85/1999 on Amendment of Govt. Reg No18/1999 on Hazardous Waste Management.
- Hazardous wastes with characteristic specified in article 7 sub article 3 of the Government Regulation No. 85/1999
- Wastes that have been discovered to have acute and chronic characteristics after toxicological test, Article 4 of the Government Regulation No. 85/1999

# **Wastes that are prohibited to be imported according to existing regulations are:**

- Waste listed in Annex I, II, and VIII and exhibiting characteristics listed in Annex III of the Basel Convention
- Wastes in the form of dust and mud/paste/sludge, Article 4, Minister of Industry and Trade Decree No. 231/MPP/KP/07/1997

# **Govt. Regulation No.85/1999 regarding Hazardous Waste Management lists these wastes:**

- Table 1: List of hazardous waste from non-specific sources
- Table 2: List of hazardous waste from specific sources
- Table 3: List of hazardous waste from overdue chemicals that are expired, spilled package residue or off-specific action products. These lists are available on [www.basel.int](http://www.basel.int)

Art. 8 of Government Regulation No.85/1999 states that waste resulting from activities that is not included in table 2 should be classified as hazardous waste if evidence revealed one or more of the following characteristics: explosive, flammable, reactive, toxic, infectious, and/or corrosive.

# The Provision of non hazardous waste importation

- 1) Decree of Ministerial Trade Number 39 Year 2009, **Non hazardous waste which can be imported are only residue, scrap or shred as raw material or for industry material support. Imported waste is for production itself and prohibited to re-sell.**
- 2) Importation of non-hazardous waste must be free from hazardous waste based on Act Number 32/2009, Governmental Regulation No. 18/1999 and Act Number 18/2008.
- 3) When importation of non hazardous waste becomes evident that part or all is hazardouswaste, the waste must be resend 90 days latest to where it originates.



# **Chronology of illegal entering of hazardous waste through importation of non-hazardous waste for raw material in 2012**

- In 19 January 2012, Ministry of Environment and Custom inspectors found 89 containers metal scrap exported from UK and 24 containers metal scrap exported from the Netherlands. The metal scrap was accompanied by asphalt, chemicals, sand, plastics, slag, filter oil, packaging, garbage (wood, tire, soil, concrete), and electronic waste (PCB's, cable, dynamo). Trader (exporter) and port of loading came from different countries.
- Early February 2012, other importer has imported 40 containers metal scrap exported from UK. Number of containers metal scrap came to Indonesia increase. They were exported from UK, Netherland, Senegal, Mauritius, etc.

## Data of metal scrap importation from 18 importers, 28 February 2012

Name of port	Number of containers
KPU Tanjung Priok ( Jakarta)	3.446
KPM Tanjung Perak ( Surabaya )	130
KPM Tanjung Emas ( Semarang)	11
KPM Belawan ( Medan)	77
<b>Total</b>	<b>3.664 + 1 ship</b>

In Tanjung Priok Port, there were 3.446 containers from 18 importers. Checking on 458 containers showed 36 containers clean and 292 containers contained hazardous waste and garbage.

# Importation of metal scrap contains hazardous waste and garbage, PT HHS, in 2012 ( prohibited)



# Importation of metal scrap contains hazardous waste and garbage, PT HHS, in 2012 ( prohibited)

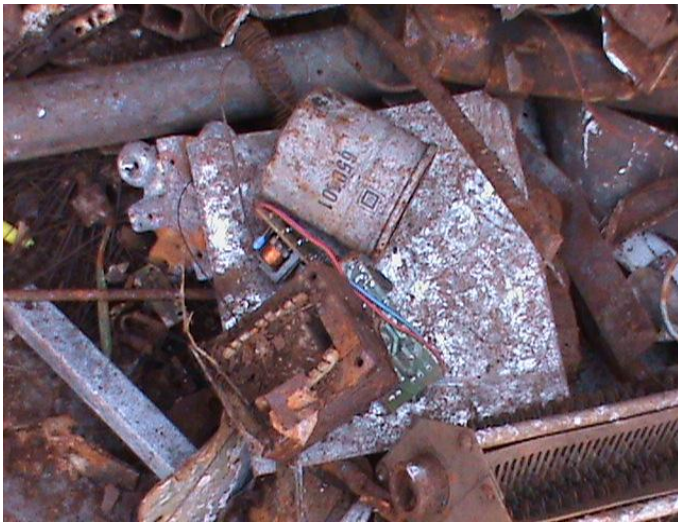




# Importation of metal scrap contains hazardous waste and garbage, PT. H, in 2012 ( prohibited)



# Importation of metal scrap contains hazardous waste and garbage, PT KM, in 2012 ( prohibited)

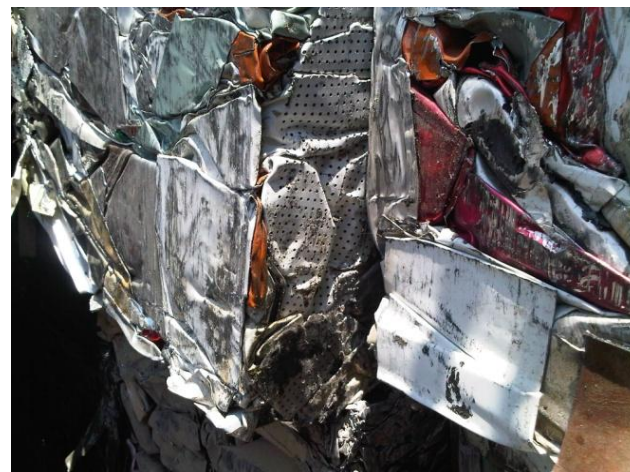
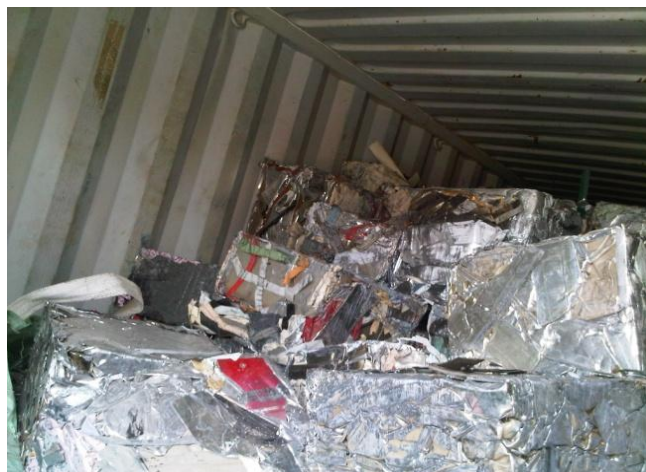




# Importation of metal scrap contains hazardous waste and garbage, in 2012 ( prohibited)



# Importation of metal scrap non hazardous waste from Saudi Arabia, in 2012 (ok)





# Importation of metal scrap non hazardous waste, in 2012 (OK)



# Importation of metal scrap non hazardous waste from Singapore, in 2012 (OK)



# Recapitulation of metal scrap importation at Tanjung Priok (Jakarta) per 21 February 2012

No	Importir	Number of container	Total weight (TNE)	Country , the place of loading	Name of metal scrap
1	PT Asian Isuzu Casting Center	35	781	Philippines, Thailand	STEEL SCRAP PRESS, SHREDDERED STEEL SCRAPS, BRIQUETTE STEEL SCRAP, STEEL SCRAP E (SMALL BUNDLE
2	PT Central Steel Indonesia	140	3414	Philippines	STEEL SCRAP ,STEEL PLATES CLEAN
3	PT Citra Baru Steel	94	2210	Philippines	HEAVY MELTING STEEL SCRAP 1&2
4	PT Gunung Garuda	194	4519	Gambia, South Afrika	HEAVY MELTING STEEL SCRAP- I AND II (80:20) and (90:10)
5	PT Hwa Hok Steel	127	2837	Netherland, Singapore, UK	HMS NO 1 & 2 STEEL SCRAP, STEEL SCRAP HMS 1&2 (80/20)
6	PT Hwa Lien Steel Factory	64	1633	Philippines	STEEL SCRAP HMS 1, STEEL SCRAP TINCANS
7	PT Indobaja Dayatama	9	223		HEAVY MELTING STEEL SCRAP- I AND II (9010)
8	PT Inter World Steel Mills	148	3245	Brazil, Puerto Rico	HEAVY MELTING STEEL SCRAP 80:20
9	PT Jakarta Cakratunggal Steel Mills	357	7830	Denmark, Netherland, Philippines, Africa, USA	STEEL SCRAP (HMS NO: 1/2:80/20)

# Recapitulation of metal scrap importation at Tanjung Priok (Jakarta) as of 21 February 2012

No	Importir	Number of container Total	Total weight (TNE)	Country , the place of loading	Name of metal scrap
10	PT Jakarta Central Asia Steel	245	5942	Gambia, South Afrika, UEA	BLACK BALES STEEL SCRAP, BLUE STEEL SCRAP , HEAVY MELTING STEEL SCRAP I AND II (90:00)
11	PT Lautan Steel Indonesia	48	1232		HMS NO 1 AND 2 STEEL SCRAP
12	PT Pangeran Karang Murni	994	22846	AUSTRALIA, GAMBIA, Liberia, Mauritania, MEXICO, NAMIBIA, PHILIPPINES, Puerto Rico, SENEGAL, Singapore, SOUTH AFRICA, Sudan, SURINAME, UAE, United Kingdom	STEEL SCRAP HMS 1/2 80/20, STEEL SCRAP,SPEC: HEAVY MELTING STEEL SCRAP I AND II (90:10), STEEL SCRAP,SPEC: HMS, STEEL SCRAP: LMS BUNDLES 2 BUNDLES/CLEAN CANS,
13	PT Pulo Gadung Steel	43	1010		STEEL SCRAP
14	PT Putra Bangsingja Perkasa	4	95.2	KOREA, REPUBLIC OF, PHILIPPINES	FERROUS WASTE & SCRAP
15	PT Sanex Steel Indonesia	7	168		HMS 1,2 STEEL SCRAP
16	PT Toyogiri Iron Steel	91	1719	Singapore, TOGO	STEEL SCRAP HMS 1 AND 2 (8020)
17	PT. Berkah Logam Makmur	6	134	Saudi Arabia, Singapore, United States	ALUMINIUM SCRAP
<b>Grand Total</b>		<b>2606</b>	<b>59,838.20</b>		

# The Case Handling

- Indonesia Customs in collaboration with the Ministry of Environment has been checking all import steel scrap during 2012, which found 723 containers of steel scrap contaminated with hazardous and toxic materials.
- Some of the cargo has been re-exported to the country of origin

# The Case Handling

## National:

- 1) Ministry of Environment and Custom carry out investigation on containers to evaluate its hazardous and domestic waste content.
- 2) Law enforcement by Custom and Ministry of Environment.
- 3) Revoke the recommendation and permit of non hazardous waste importation.
- 4) Ministry of Environment to inform country of origin about existence of hazardous waste in non-hazardous waste import



## **International:**

- 1) Ministry of Environment and Custom coordinates with focal point of export country, transit country and the place of waste loading.
- 2) Facilitate and communicate to export country (UK and Netherland) and Basel Convention Secretariat.
- 3) Announcement to Ministry of Foreign Affairs on bilateral approach.
- 4) Announcement to waste importer to resend/re-export the illegal waste.
- 5) Announcement to waste exporter to re-import the illegal waste
- 6) Meeting Indonesia-UK was carried out in October 2012. Indonesia – UK agrees to draft Letter of Intent.

# Implementation of Take Back

- UK issued notification document to re-import those containers from Indonesia and sent the notification documents to Indonesia and transit countries.
- After obtaining response of the notification document from Indonesia and all transit countries, containers are shipped. Destination of containers are Felixstone (UK)
- Resend the containers of metal scraps to UK is funded by exporter in cooperation with freight forwarder, exporter and importer.
- 89 containers of metal scraps was received by UK, 24 containers of metal scraps was received by Netherland, and 46 containers of metal scraps are processed to be resend to UK.



# Constraints

- a. At this time, there is no notification mechanism for importation of non hazardous waste. Export country and transit country do not know that Indonesia imports metal scrap contaminated with hazardous waste.
- b. Notification to take back that was sent by MOE Indonesia to country of origin was not responded quickly resulting in additional cost borne by the importer.
- c. Take back process will depend upon court's decision (sample is withheld for evidence ).
- d. Regulation, policy, and definition of hazardous waste are not the same for each country. UK states that metal scraps contain 2% hazardous waste is categorized as non hazardous waste. Indonesia has no tolerance with contaminant.

# Constraints

- e. Document from surveyor in export country shows cargo (metal scrap importation) declared as non hazardous waste.
- f. Export country is different from the country where the waste is loaded making it difficult to re-export. There is no regulation stating that country of exporter/ trader must be the same with country where containers of metal scraps are loaded.
- g. For large quantities of waste imported will require lengthy period for investigation vs. time to re-export (90 days)
- h. It is difficult and time consuming to obtain permit from transit countries.

# Constraints

- i. Distinct between Hazardous and Non Hazardous Waste;**
- j. 2nd Hand & Capital Goods (steel scrap) still need in National Industry;**
- k. Lack of knowledge officer to identify wheter Hazardous or Non Hazardous Waste;**
- l. Difficulty to reexport illegal shipment of Waste;**
- m. Hard to hold out OECD pressure to prevent dumping waste to developing country;**

**Thank you**