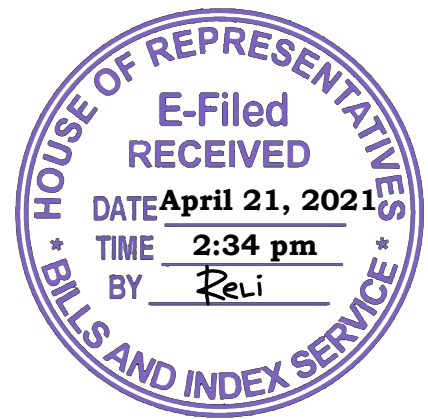


Republic of the Philippines
HOUSE OF REPRESENTATIVES

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 9240



Introduced by HONORABLE WES GATCHALIAN

AN ACT
ESTABLISHING A NATIONAL ENERGY POLICY AND REGULATORY
FRAMEWORK FOR FACILITIES UTILIZING WASTE-TO-ENERGY
TECHNOLOGIES

EXPLANATORY NOTE

Republic Act No. 9003 or the Ecological Solid Waste Management Act of 2000 provides the necessary policy framework, institutional mechanisms and mandate to the local government units (LGUs) to achieve 25% waste reduction through the establishment of an integrated solid waste management plan based on the 3Rs - reduce, reuse and recycle.¹

Meanwhile, Republic Act No. 9153 or the Renewable Energy Act of 2008 aims to accelerate the exploration and development of renewable energy resources as well as increase the utilization of renewable energy by institutionalizing the development of national and local capabilities in the use of renewable energy systems, and promoting its efficient and cost-effective commercial application by providing fiscal and non-fiscal incentives.² Specifically, it mandates the Department of Energy to encourage the adoption of waste-to-energy (WTE) facilities and considers biodegradable organic fractions of industrial and municipal wastes as part of biomass resources.³

However, despite the presence of these laws, solid waste remains to be one of the primary issues in the country that require immediate attention. Only 30% percent of our barangays nationwide, or an estimated 12,614 out of the 42,045 barangays, are practicing segregation. A great number of illegal dumpsites or

¹ Premakumara, Canete and Nagaishi. (2013). Policy Implementation of the Republic Act (RA) 9003 in the Philippines: A Case Study of Cebu City. *Institute for Global Environmental Strategies*. Retrieved from https://www.iges.or.jp/en/publication_documents/pub/workingpaper/en/3308/6-5.pdf

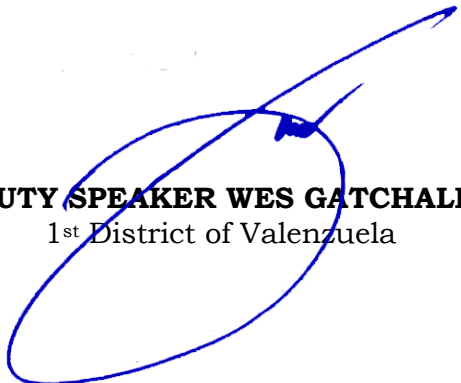
² International Energy Agency. (2017). Renewable Energy Act. Retrieved from <https://www.iea.org/policies/4754-renewable-energy-act>

³ Sec. 4(b) and Sec. 30 of RA 9153.

landfills still continue to operate. Furthermore, the contribution of WTE facilities are relatively insignificant in the energy sector.⁴ Clearly, the solution to these issues lie in the strengthening of the aforementioned laws – i.e., solid waste reduction can be achieved through the proper operation of WTE facilities as an alternative to dumpsites or landfills.⁵

This measure seeks to provide a framework for the entire value chain of WTE facilities, and in turn, ensure the uninterrupted supply of waste by (1) mandating a WTE strategy in the national, provincial, and local solid waste management plans; (2) authorizing local government units to enter into cooperative undertakings, joint ventures, and other similar modalities in choosing a common WTE facility provider; and (3) requiring standards, criteria, guidelines, and formula in computing for a fair, equitable, and reasonable tipping charge for WTE facilities taking into consideration the cost of construction, operation, and maintenance of the facility and the potential revenue from the sale of energy output such as electric power and biofuels.

The Senate has finished hearing the counterpart measure and the preparation of the Committee Report. In line of the foregoing, the passage of this bill is earnestly sought.



DEPUTY SPEAKER WES GATCHALIAN
1st District of Valenzuela

⁴ Reports and updates submitted by the DOE-Renewable Energy Management Bureau (REMB) to the Senate Committee on Energy (15 May 2019).

⁵ Department of Energy and Natural Resources. (2019). DENR Issues Guidelines for Setting Up Waste-To-Energy Facilities. Retrieved from <https://www.denr.gov.ph/index.php/news-events/press-releases/1371-denr-issues-guidelines-for-setting-up-waste-to-energy-facilities>.

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TECHNOLOGIES

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** *Short Title.* – This Act shall be referred to as the “Waste-to-Energy
2 Act”.

3
4 **SEC. 2.** *Declaration of Policy.* – It is hereby declared the policy of the State to:

5 (a) Ensure protection of the public’s health and the environment through a
6 systematic and comprehensive ecological solid waste management
7 program;

8 (b) Strengthen its commitment to solid waste avoidance and volume reduction
9 by supplementing the latter with other solid waste management treatment
10 technologies to include waste-to-energy;

11 (c) Encourage the development and utilization of environmentally sustainable
12 new and alternative technologies in resource recovery, resource
13 conservation, processing, treatment, and disposal of solid waste, such as
14 waste-to-energy facilities;

15 (d) Support the utilization of waste-to-energy facilities in order to attain
16 sustainable energy and energy security;

17 (e) Strengthen the integration of solid waste management, waste-to-energy
18 promotion, and environmental protection towards healthful cities amidst
19 economic growth and development; and

20 (f) Promote collaboration, cooperation, and participation of various sectors in
21 coordinated approaches to solid waste management and waste treatment
22 technology towards national development and jobs creation.

1
2 **SEC. 3. *Scope and Application.*** – This Act shall apply to all local government
3 units and waste-to-energy facilities.
4

5 **SEC. 4. *Definition of Terms.*** – For purposes of this Act, the following terms
6 shall be defined as stated below:

- 7 (a) *Agricultural waste* refers to waste generated from planting or harvesting of
8 crops, trimming or pruning of plants, and wastes or run-off materials from
9 farms or fields;
- 10 (b) *Biomedical waste or hazardous healthcare waste* refers to waste from
11 healthcare facilities that may pose a variety of environmental and health
12 risks. It can be further classified into sharps waste, infectious waste,
13 pathological and anatomical waste, pharmaceutical waste, genotoxic
14 waste, chemical waste, radioactive waste, and pressurized containers as
15 defined by the Department of Health (DOH);
- 16 (c) *City or Municipal Solid Waste Management Board* refers to the entity
17 established by each city or municipality pursuant to Section 12 of
18 Republic Act No. 9003, otherwise known as the Ecological Solid Waste
19 Management Act of 2000;
- 20 (d) *Chemical and industrial waste* refers to discarded solid, liquid, or gaseous
21 chemicals from laboratories, industrial establishments, or other sources
22 such as diagnostic and experimental work, environmental work, cleaning,
23 housekeeping, and disinfecting procedures;
- 24 (e) *Clustering* is a strategy of pooling available resources of local government
25 units (LGUs) for the establishment of a common solid waste management
26 treatment facility or service;
- 27 (f) *Collection* refers to the act of removing solid waste from the source or from
28 a communal storage point;
- 29 (g) *Disposal* refers to the deposit, or placing of any solid waste into an
30 approved disposal site pursuant to Republic Act No. 9003;
- 31 (h) *Disposal site* refers to a facility where solid waste is finally deposited and
32 placed pursuant to Republic Act No. 9003;
- 33 (i) *Emission* means any air contaminant, pollutant, gas stream, or unwanted
34 sound from a known source which is passed into the atmosphere;
- 35 (j) *Hazardous waste* refers to substances that are without any safe
36 commercial, industrial, agricultural, or economic usage and are shipped,

1 transported, or brought from the country of origin for dumping or disposal
2 into or in transit through any part of the Philippines. It shall also refer to
3 by-products, side-products, process residues, spent reaction media,
4 contaminated plant or equipment, or other substances from
5 manufacturing operations and as a customer discards of manufactured
6 products, or a combination of solid waste which, because of its quantity,
7 concentration, physical, chemical, or infectious characteristics, may:

- 8 (i) Cause or significantly contribute to an increase in mortality or an
9 increase in a serious irreversible or incapacitating reversible illness, or
- 10 (ii) Pose a substantial present or potential hazard to human health or the
11 environment when improperly treated, stored, transported, or disposed
12 of, or otherwise managed;
- 13 (k) *Incineration in a WTE facility* refers to a waste treatment and resource
14 recovery technology that involves the controlled combustion of waste
15 materials for the purpose of recovering energy from it, and whose
16 emissions and effluents are compliant with the guidelines pursuant to this
17 Act and other relevant laws, rules, and regulations;
- 18 (l) *Local Government Solid Waste Management Plan* refers to the ten (10) year
19 solid waste management plan, consistent with the National Solid Waste
20 Management Framework, prepared by the LGUs pursuant to Section 16
21 of Republic Act No. 9003;
- 22 (m) *Municipal waste* refers to waste produced from activities within LGUs
23 which include a combination of domestic, commercial, institutional, and
24 industrial wastes and street litters pursuant to Republic Act No. 9003;
- 25 (n) *National Solid Waste Management Commission (NSWMC)* refers to the body
26 created and primarily tasked with overseeing the implementation of solid
27 waste management plans and prescribing policies to achieve the objectives
28 of Republic Act No. 9003;
- 29 (o) *National Solid Waste Management Framework* refers to a document
30 prepared by the NSWMC based on the National Solid Waste Management
31 Status Report pursuant to Section 15 of Republic Act No. 9003;
- 32 (p) *National Solid Waste Management Status Report* refers to a document
33 prepared by the Department of Environment and Natural Resources
34 (DENR), which is used as a basis in formulating the National Solid Waste
35 Management Framework pursuant to Section 14 of Republic Act No. 9003;

- 1 (q) *Poisonous and toxic fumes* refer to any emissions and fumes which are
2 beyond internationally accepted standards, including but not limited to
3 the World Health Organization (WHO) air quality guidelines, as provided
4 in Republic Act No. 8749, otherwise known as the Philippine Clean Air Act
5 of 1999;
- 6 (r) *Processing fee* refers to the amount paid to avail of the services of a waste-
7 to-energy facility as defined herein;
- 8 (s) *Provincial Solid Waste Management Board* refers to the entity established
9 by each province pursuant to Section 11 of Republic Act No. 9003;
- 10 (t) *Residue* refers to substances that remain after a process in a waste-to-
11 energy facility such as preparation, separation, purification, evaporation,
12 combustion, distillation, or filtration;
- 13 (u) *Resource recovery* refers to the collection, extraction, or recovery of
14 recyclable materials from the waste stream for the purpose of recycling,
15 generating energy, or producing a product suitable for beneficial use;
- 16 (v) *Sanitary landfill* refers to a waste disposal site designed, constructed,
17 operated, and maintained in a manner that exerts engineering control over
18 significant potential environment impacts arising from the development
19 and operation of the facility pursuant to Republic Act No. 9003;
- 20 (w) *Segregation* refers to a solid waste management practice of separating
21 different materials found in solid waste in order to promote recycling and
22 re-use of resources, facilitate waste treatment processes, and to reduce
23 the volume of waste for collection and disposal pursuant to Republic Act
24 No. 9003;
- 25 (x) *Solid waste* refers to all discarded household waste, commercial waste,
26 non-hazardous institutional and industrial waste, street sweepings,
27 construction debris, agricultural waste, and other non-hazardous or non-
28 toxic solid waste. It shall not include:
- 29 (i) Waste identified or listed as hazardous waste of a solid, liquid,
30 contained gaseous, or semisolid form, which may cause or contribute
31 to an increase in mortality or in serious or incapacitating reversible
32 illness, or acute or chronic effect on the health of persons and other
33 organisms,
- 34 (ii) Infectious waste from hospitals such as equipment, instruments,
35 utensils, and fomites of a disposable nature from patients who are
36 suspected to have or have been diagnosed as having communicable

diseases and must therefore be isolated as required by public health agencies, laboratory wastes as pathological specimens, and disposable fomites that may harbor or transmit pathogenic organisms, and surgical operating room pathologic materials from outpatient areas and emergency rooms, and

(iii) Waste resulting from mining activities, including contaminated soil and debris;

(y) *Solid waste management treatment facility* refers to any resource recovery system or component thereof; any system, program or facility for resource conservation; or any facility for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste;

(z) *Solid waste management* refers to the discipline associated with the control of generation, storage, collection, transfer and transport, processing, and disposal of solid wastes in a manner that is in accord with the best principal of public health, economics, engineering, conservation, aesthetics, and other environmental considerations, and that is also responsive to the public attitudes;

(aa) *Waste* refers to any material misplaced, unused or rejected by persons as worthless or unwanted. It includes, among others, agricultural, biomedical, chemical and industrial, hazardous, municipal, and solid wastes;

(bb) *Waste-to-Energy (WTE)* refers to an energy system with a process of converting WTE feedstock with various technologies, usually the conversion of non-recyclable waste materials into usable heat, electricity, or fuel through a variety of processes;

(cc) *WTE facility* refers to the facility where the WTE operations are conducted;

(dd) *WTE feedstock* refers to the waste materials with calorific-value that are taken in for WTE processing in a WTE facility;

(ee) *Waste generation* refers to the act or process of producing solid waste; and

(ff) *WTE strategy* refers to a plan of action with measurable targets for the utilization of WTE facilities for solid waste management treatment and energy production.

SEC. 5. *Waste-to-Energy and Waste-to-Energy Facility.* – WTE shall be classified as another kind of renewable energy resource. A WTE facility shall:

- 1 (a) Be both a solid waste management treatment facility and an energy
2 production facility;
- 3 (b) Comply with establishment and operation guidelines for WTE facilities
4 pursuant to Sections 6(c), 8(c), and 9(b) of this Act;
- 5 (c) Ensure the proper management of its residue which should conform to
6 relevant laws, rules, and regulations and should include making
7 arrangements with a sanitary landfill, or developing its own, prior to its
8 operations, as a disposal site for any residue generated from its operations
9 in accordance with NSWMC, DENR, and DOH guidelines issued pursuant
10 to this Act; and
- 11 (d) Comply with relevant laws, rules, and regulations including but not
12 limited to Presidential Decree No. 1586 Establishing an Environmental
13 Impact Statement System, Republic Act No. 6969 otherwise known as the
14 Toxic Substances and Hazardous and Nuclear Waste Act, Republic Act
15 No. 7638 otherwise known as the Department of Energy Act of 1992 as
16 amended, Republic Act No. 8749, Republic Act No. 9003, Republic Act No.
17 9136 otherwise known as the Electric Power Industry Reform Act of 2001,
18 Republic Act No. 9275 otherwise known as the Philippine Clean Water Act
19 of 2004, Republic Act No. 9367 otherwise known as the Biofuels Act of
20 2006, Republic Act No. 9513 otherwise known as the Renewable Energy
21 Act of 2008, Republic Act No. 11223 otherwise known as the Universal
22 Health Care Act, and WHO Guidelines on Air Quality.

23
24 All waste treatment technologies in a WTE facility shall be allowed including
25 incineration: *Provided*, that these technologies shall not emit toxic and poisonous
26 fumes into the environment and shall comply with all the laws mentioned hereof and
27 other relevant laws, rules, and regulations.

28 In addition to the provisions of this Act, the segregation, collection, transfer,
29 storage, and transport of solid waste as WTE feedstock for a WTE facility, and the
30 waste treatment process of the WTE facility shall be governed by Republic Act No.
31 9003 and Republic Act No. 8749, while the energy production aspect of the WTE
32 facility shall be governed by Republic Act No. 7638, Republic Act No. 9136, Republic
33 Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and regulations.

34
35 **SEC. 6.** *The National Solid Waste Management Commission.* – The Secretary of
36 the Department of Energy shall serve in *ex officio* capacity as member of the National

1 Solid Waste Management Commission (NSWMC), which shall now have fifteen (15)
2 members from the government sector. In addition to its powers and functions under
3 Republic Act No. 9003, the NSWMC shall:

- 4 (a) Include a WTE strategy in the National Solid Waste Management Framework;
- 5 (b) Act as the lead agency in ensuring streamlined standards, criteria, and
6 guidelines for WTE facilities to avoid inconsistent and conflicting issuances;
- 7 (c) Regularly determine, review, and publish the following:

8 (i) Standards, criteria, and guidelines for:

- 9 1. Characterization and composition of solid waste utilized as
10 WTE feedstock for WTE facilities to ensure emissions are
11 compliant with Republic Act No. 8749 and other relevant laws,
12 rules, and regulations,
- 13 2. Transport, storage, and pre-processing of WTE feedstock,
- 14 3. Pre-operation, siting, design, operation, and maintenance of
15 WTE facilities,
- 16 4. Quality control and operational control of WTE facilities,
- 17 5. Management of residue from WTE facilities, if any;
- 18 6. Pollution abatement, emissions monitoring, environmental
19 monitoring, and public health and safety monitoring in relation
20 to WTE facilities,
- 21 7. Decommissioning, closure, and abandonment of WTE
22 facilities, and
- 23 8. Other guidelines pursuant to relevant laws, rules, and
24 regulations, and

25 (ii) Minimum standards, criteria, and guidelines, in determining a fair,
26 equitable, and reasonable processing fee for WTE facilities taking into
27 consideration, among others, the cost of construction, operation, and
28 maintenance of the facility as well as the potential revenue from the
29 sale of energy output, in consultation with relevant government
30 agencies, experts, and stakeholders;

31 (d) Consolidate and make available to the public, through its website, the
32 following:

- 33 (i) Current and potential uses of WTE facilities in relation to solid waste
34 management;
- 35 (ii) Inventory of existing WTE facilities;
- 36 (iii) General feedstock characterization;

- (iv) Status and projection of feedstock generation;
- (v) Specific locations of potential feedstock and WTE facilities; and
- (vi) Other relevant information;
- (e) Provide policy guidelines to assist LGUs in the development of WTE facilities to include the determination of the potential of WTE facilities in their respective localities;
- (f) Ensure LGUs incorporate a WTE strategy, if feasible, in their respective Local Government Solid Waste Management Plans;
- (g) Identify and recommend potential clustering of LGUs for a common WTE facility;
- (h) Coordinate with the Provincial, City, and Municipal Solid Waste Management Boards especially for clustered LGUs employing a common WTE facility; and
- (i) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

SEC. 7. *Role of the Department of Energy.* – In addition to its powers and functions under Republic Act No. 7638, the Department of Energy (DOE) shall:

- (a) Issue permits to WTE facilities based on the energy output, and determine the standards, criteria, and requirements applicable for each kind of WTE facility pursuant to Republic Act No. 7638, Republic Act No. 9136, Republic Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and regulations;
- (b) Include a WTE strategy in the Philippine Energy Plan, taking into consideration the National Solid Waste Management Framework;
- (c) Regularly submit to the NSWMC and make available to the public, especially to potential WTE investors, national and local information on the following:
 - (i) Current and potential uses of WTE facilities in relation to solid waste management,
 - (ii) Inventory of existing WTE facilities, and
 - (iii) Other relevant information; and
- (d) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

1 **SEC. 8.** *Role of the Department of Environment and Natural Resources.* – In
2 addition to its powers and functions under Republic Act No. 9003 and Republic Act
3 No. 8749, the DENR shall:

- 4 (a) Include a WTE strategy, if feasible, in the National Solid Waste
5 Management Status Report;
- 6 (b) Provide technical and other capacity building assistance and support to
7 LGUs based on the policy guidelines created by the NSWMC pursuant to
8 Section 6(e) of this Act;
- 9 (c) Implement and revise, when necessary, together with the DOH, existing
10 guidelines issued pursuant to Republic Act No. 9003 on waste transport,
11 pre-operation, waste acceptance, waste storage, pre-processing of waste,
12 quality control, operational control, pollution abatement, management of
13 residue, emissions monitoring, environmental monitoring, public health
14 and safety monitoring, decommissioning, closure, and abandonment,
15 among others, taking into account the NSWMC's standards, criteria, and
16 guidelines under Section 6(c) of this Act and other relevant laws, rules,
17 and regulations, and in consultation with relevant stakeholders;
- 18 (d) Ensure compliance with Section 8(c) of this Act to include continuous
19 monitoring and testing of by-products of WTE facilities;
- 20 (e) Make available to the public, through its website, the emissions, effluents
21 and other by-products of WTE facilities;
- 22 (f) Investigate, motu proprio or upon complaint, reports of non-compliance
23 of WTE facilities with the provisions of this Act and other relevant laws,
24 rules, and regulations;
- 25 (g) Exercise visitorial and enforcement powers to ensure strict compliance of
26 WTE facilities with this Act, Republic Act No. 9003, Republic Act No. 8749,
27 and other relevant laws, rules, and regulations;
- 28 (h) Recommend to the NSWMC policies to address challenges of WTE facilities
29 from a solid waste management perspective; and
- 30 (i) Perform all other acts that are analogous to the foregoing, which are
31 necessary and incidental to accomplish the policy objectives of this Act.

32
33 **SEC. 9.** *Role of the Department of Health.* – In addition to its existing powers
34 and functions, the DOH shall:

- 35 (a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant
36 to Republic Act No. 11223 and Presidential Decree No. 1586, as part of

- 1 the Environmental Impact Assessment System, to be jointly reviewed and
2 approved by the DOH and DENR prior to construction and operation;
- 3 (b) Implement and revise, when necessary, together with DENR, existing
4 guidelines issued pursuant to Republic Act No. 9003 on waste transport,
5 pre-operation, waste acceptance, waste storage, pre-processing of waste,
6 quality control, operational control, pollution abatement, management of
7 residue, emissions monitoring, environmental monitoring, public health
8 and safety monitoring, decommissioning, closure, and abandonment,
9 among others, taking into account the NSWMC's standards, criteria, and
10 guidelines under Section 6(c) of this Act and other relevant laws, rules,
11 and regulations, and in consultation with relevant stakeholders;
- 12 (c) Regularly conduct an analysis of the effects of WTE facilities and disposal
13 sites on public health and submit the same to the NSWMC for
14 consolidation, and DENR for proper action, if applicable;
- 15 (d) Undertake research on the public health impact of WTE facilities together
16 with government agencies, the academe, and private stakeholders;
- 17 (e) Make available to the public, through its website, studies and analyses of
18 the effects of WTE facilities and disposal sites on public health; and
- 19 (f) Perform all other acts that are analogous to the foregoing, which are
20 necessary and incidental to accomplish the policy objectives of this Act.

21
22 **SEC. 10. *Role of Local Government Units.*** – In addition to their powers,
23 functions, and responsibilities under Republic Act No. 7160 otherwise known as the
24 Local Government Code of 1991, and Republic Act No. 9003, LGUs shall:

- 25 (a) In the case of a city or municipality and if applicable, be responsible for
26 the hauling of WTE feedstock to a WTE facility;
- 27 (b) In the case of a province and if applicable, provide necessary logistical and
28 operational support for the processing of WTE feedstock in a WTE facility;
- 29 (c) Include a WTE strategy, if feasible, in their respective Local Government
30 Solid Waste Management Plans;
- 31 (d) Comply with the standards, criteria, and guidelines on WTE feedstock and
32 WTE facilities pursuant to Sections 6(c), 8(c), and 9(b) of this Act, if
33 applicable; and
- 34 (e) Be authorized to enter into and shall comply with all obligations under the
35 following:

- 1 (i) Clustering arrangements with other LGUs for a common WTE facility,
2 on their own or upon recommendation of the Provincial Solid Waste
3 Management Board or the NSWMC: *Provided*, That the province shall
4 have the power to cluster component cities and municipalities based
5 on the NSWMC approved provincial and local solid waste management
6 plans and the recommendation of the NSWMC pursuant to Section 6(g)
7 of this Act,
- 8 (ii) Long term contracts with WTE facilities, on their own or with clustered
9 LGUs, and
- 10 (iii) Public private partnerships pursuant to Republic Act No. 6957
11 otherwise known as An Act Authorizing the Financing, Construction,
12 Operation and Maintenance of Infrastructure Projects by the Private
13 Sector, and For Other Purposes as amended, cooperative undertakings
14 under Section 33 of Republic Act No. 7160, and other contractual
15 arrangements provided for under existing laws, rules, regulations as
16 well as the LGUs' respective charters for the establishment of WTE
17 facilities.

18 The national government shall provide support to all LGUs towards the effective
19 implementation and the achievement of the policy objectives of this Act.
20

21 **SEC. 11.** *Role of the Provincial Solid Waste Management Board.* – In addition
22 to its powers and functions under Republic Act No. 9003, the Provincial Solid Waste
23 Management Board shall:

- 24 (a) Integrate a WTE strategy, if feasible, in the Provincial Solid Waste
25 Management Plan taking into consideration the Local Government Solid
26 Waste Management Plans of all its component cities and municipalities;
- 27 (b) Recommend potential locations for WTE facilities in the Provincial Solid
28 Waste Management Plan;
- 29 (c) Identify and recommend, or direct pursuant to Section 10 of this Act,
30 clustering of component cities and municipalities for a common WTE
31 facility, based on the Local Government Solid Waste Management Plans of
32 all its component cities and municipalities;
- 33 (d) Provide the necessary logistical and operational support to component
34 cities and municipalities who have the potential to be clustered, have
35 decided to be clustered, or have been directed to be clustered pursuant to
36 Section 10 of this Act, for a common WTE facility;

- 1 (e) Coordinate the efforts and oversee the implementation of the clustering of
2 component cities and municipalities for a common WTE facility; and
3 (f) Coordinate with other Provincial, City, and Municipal Solid Waste
4 Management Boards in identifying possible inter- and intra- province
5 clustering for a common WTE facility.
6

7 **SEC. 12.** *Role of the City or Municipal Solid Waste Management Board.* – In
8 addition to its powers and functions under Republic Act No. 9003, the City or
9 Municipal Solid Waste Management Board shall integrate a WTE strategy, if feasible,
10 in its Local Government Solid Waste Management Plan, and shall submit a copy
11 thereof to the Provincial Solid Waste Management Board.
12

13 **SEC. 13.** *Permits and Licenses.* – The procedure for the issuance of permits
14 and licenses for all kinds of WTE facilities shall be governed by Republic Act No.
15 11234, otherwise known as the Energy Virtual One-Stop Shop Act.
16

17 **SEC. 14.** *Prohibited Acts.* – The following acts are prohibited:

18 (a) For LGUs:

19 (i) Failure to include, if feasible, and implement, if applicable, the WTE
20 strategy in their respective Local Government Solid Waste Management
21 Plans, and

22 (ii) Failure to perform the responsibilities in Section 10 on the Role of Local
23 Government Units, Section 11 on the Role of the Provincial Solid Waste
24 Management Board, and Section 12 on the Role of the City or Municipal
25 Solid Waste Management Board;

26 (b) For government agencies, failure to perform the powers and functions
27 indicated under Section 6 on the National Solid Waste Management
28 Commission, Section 7 on the Role of the Department of Energy, Section
29 8 on the Role of the Department of Environment and Natural Resources,
30 and Section 9 on the Role of the Department of Health; and

31 (c) For WTE facilities:

32 (i) Failure to comply with the responsibilities in Section 5 on Waste-to-
33 Energy and Waste-to-Energy Facility, and

34 (ii) Use of imported municipal solid waste as WTE feedstock for a WTE
35 facility.
36

1 **SEC. 15. Penalties.** – Without prejudice to civil and criminal liability, the
2 following persons found to have violated the Sections mentioned below shall be meted
3 with the following penalties:

- 4 (a) Officials of LGUs and government agencies who violate Section 14(a):
5 (i) First offense: six (6) months suspension,
6 (ii) Second offense: Dismissal from service, perpetual disqualification
7 from holding public office, and forfeiture of retirement benefits;
8 (b) Officials of LGUs and government agencies who violate Section 14(b) shall
9 be suffer dismissal from service, perpetual disqualification from holding
10 public office, forfeiture of retirement benefits, and imprisonment for one
11 (1) to six (6) years with a fine of not less than Five hundred thousand pesos
12 (P500,000.00) but not more than Two million pesos (P2,000,000.00);
13 (c) Any person who violates Section 14(c)(i):
14 (i) First offense: Fine of One million pesos (P1,000,000.00) and an
15 amount not less than ten percent (10%) but not more than fifteen
16 percent (15%) of the net annual income during the previous year,
17 (ii) Second offense: The same penalties as with the first offense including
18 an additional penalty of imprisonment of a minimum period of one (1)
19 year but not to exceed three (3) years,
20 (iii) Third offense: The same penalties as with the second offense and
21 permanent revocation of the license of the WTE facility;
22 (d) Any person who violates Section 14(c)(ii) shall pay a fine of One million
23 pesos (P1,000,000.00) and an amount not less than ten percent (10%) but
24 not more than fifteen percent (15%) of the net annual income during the
25 previous year, and shall suffer imprisonment of a minimum period of one
26 (1) year but not to exceed three (3) years and permanent revocation of the
27 license of the WTE facility. The same person shall repatriate the imported
28 municipal solid waste to its country of origin.

29 For Section 14, if the violation is committed by a corporation, partnership, or
30 other juridical entity duly recognized in accordance with the law, the chief executive
31 officer, president, general manager, managing partner, or such other officer-in-
32 charge shall be liable for the commission of the offense penalized under this Act.

33
34 **SEC. 16. Incentives.** – WTE facilities, depending on their output, shall be
35 entitled to avail of the incentives under Republic Act No. 9367 otherwise known as

1 the Biofuels Act of 2006 and Republic Act No. 9513 otherwise known as the
2 Renewable Energy Act of 2008.

3
4 **SEC. 17. *Establishment of Dedicated Offices.*** – The DOE, DENR, DOH and
5 NSWMC shall establish dedicated offices for the effective implementation of this Act.
6 The organizational structure and staffing complement shall be determined by the
7 Secretaries of DENR, DOE, and DOH, in consultation with the Department of Budget
8 and Management, and in accordance with existing civil service rules and regulations.
9 The budgetary requirements necessary for the establishment of the dedicated offices
10 shall be taken from the current appropriations of DOE, DENR, DOH and NSWMC.
11 Thereafter, the funding for the dedicated offices shall be included in the annual
12 General Appropriations Act.

13
14 **SEC. 18. *Appropriations.*** – The amount of Fifteen million pesos
15 (P15,000,000.00) for DOE, Three hundred million pesos (P300,000,000.00) for
16 DENR, Forty five million pesos (P45,000,000.00) for DOH, and Twenty seven million
17 (P27,000,000.00) for NSWMC for the initial implementation of this Act shall be
18 charged against the current year's appropriations of the DOE, DENR, DOH, and
19 NSWMC respectively. Thereafter, such amounts necessary for the sustainable
20 implementation of this Act shall be included in the Annual General Appropriations
21 Act.

22
23 **SEC. 19. *Congressional Oversight.*** – The Joint Congressional Energy
24 Commission (JCEC), created under Republic Act No. 9136 and renamed under
25 Republic Act No. 11285, shall exercise oversight powers over the implementation of
26 this Act. The Chairpersons of the Committee on Environment and Natural Resources
27 of the Senate and the House of Representatives shall be automatic members of the
28 JCEC.

29
30 **SEC. 20. *Implementing Rules and Regulations.*** – The DOE together with the
31 DENR, in consultation with DOH, NSWMC, Department of Interior and Local
32 Government, and public and private stakeholders, shall issue the implementing rules
33 and regulations of this Act within ninety (90) calendar days upon its effectivity.
34

1 **SEC. 21. *Amendatory Clause.*** – All laws, decrees, orders, rules, regulations,
2 and other issuances inconsistent with the provisions of this Act are hereby deemed
3 amended and modified accordingly.
4

5 **SEC. 22. *Separability Clause.*** – If any portion or provision of this Act is
6 declared unconstitutional, the remainder of this Act or any provisions not affected
7 thereby shall remain in force and effect.
8

9 **SEC. 23. *Repealing Clause.*** – Any law, presidential decree or issuance,
10 executive order, letter of instruction, rule or regulation inconsistent with the
11 provisions of this Act is hereby repealed or modified accordingly.
12

13 **SEC. 24. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days
14 following its complete publication in the Official Gazette or a newspaper of general
15 circulation.
16

17 *Approved,*