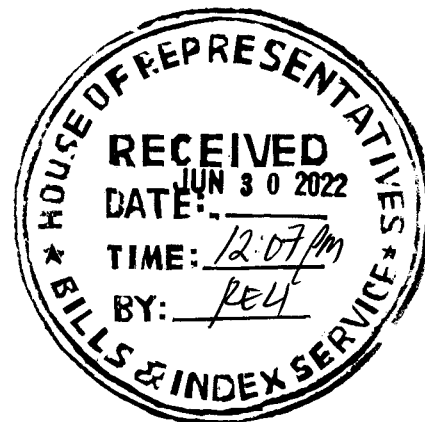




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila



NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 15

**Introduced by Representatives FERDINAND MARTIN G. ROMUALDEZ,
YEDDA MARIE K. ROMUALDEZ and JUDE A. ACIDRE**

EXPLANATORY NOTE

The bill proposes to amend and/or repeal pertinent provisions of Republic Act 8749 or the *Philippine Clean Air Act of 1999* and Republic Act 9003 or the *Ecological Solid Waste Management Act of 2000* with regard to the ban on incineration of waste.

Section 20 of Republic Act No. 8749, otherwise known as the “Philippine Clean Air Act of 1999”, provided for the prohibition of incineration of municipal, biomedical, and hazardous waste, which process emits poisonous and toxic fumes. Likewise, certain provisions from Republic Act No. 9003, also known as the “Ecological Solid Waste Management Act of 2000, provided for the State to adopt a systematic, comprehensive and ecological solid waste management program which shall ensure the proper segregation collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management, excluding “incineration”.

Twenty years after their enactment and implementation, new technologies have emerged which has paved way to convert waste into energy. Waste-to-Energy (WTE) or energy-from-waste is the process of generating energy in the form of electricity heat from the incineration of waste. Landfills emit by-products like methane, dioxins and leachate - a toxic liquid that is formed when waste breaks down in the landfill and filters through waste, which when left untreated, can leach into the soil, contaminating water sources, plants and even food. Waste-to-Energy technologies that process non-renewable waste can reduce environmental and health damages, all the while generating sustainable energy.

The bill seeks to repeal Section 20 of Republic Act No. 8749 and other provisions of Republic Act No. 9003 to allow for the necessary and modern options in solving the persistent garbage problem of our country and in the process, attract more investors by providing fiscal and non-fiscal incentives.

It is imperative to revisit the two-decade laws to give the national government alternatives in addressing our country's garbage problem, notwithstanding our dependence on non-renewable resources to produce power. Converting our waste to energy may be a good, if not the best, solution to solve both.

A similar bill was filed in the 18th Congress, by Representatives Carlito S. Marquez, Carlos O. Cojuangco, Enrico A. Pineda and Michael Odylon L. Romero, PhD.



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HOUSE BILL NO 15

Introduced by Representatives **FERDINAND MARTIN G. ROMUALDEZ, YEDDA
MARIE K. ROMUALDEZ and JUDE A. ACIDRE**

AN ACT
**REGULATING THE USE OF TREATMENT TECHNOLOGY FOR MUNICIPAL
AND HAZARDOUS WASTES, REPEALING FOR THE PURPOSE SECTION 20 OF
REPUBLIC ACT NO. 8749, ENTITLED “THE PHILIPPINE CLEAN AIR ACT OF
1999”**

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

1 **SECTION 1. Title.** – This Act shall be known and referred to as the “**Waste Treatment**
2 **Technology Act**”.

3 **SEC. 2. Regulation of Waste Treatment Technology.** – Thermal and other treatment
4 technologies for the disposal of municipal and hazardous wastes, or for the processing of any
5 waste material for fuel, whether for commercial use or not, shall be designed and operated to meet
6 the standards established pursuant to this Act and its implementing rules and regulations. These
7 technologies shall be fitted with equipment that will continuously monitor, record and make
8 publicly available the reported data on their emissions or air pollutant concentrations. Proposed
9 facilities that recover energy shall be given priority over other treatment technologies. Entities
10 utilizing such technologies shall incorporate in their facilities or operations appropriate material
11 recovery program. Thermal treatment units shall treat wastes at a temperature of not less than
12 eight hundred fifty degrees centigrade (**850°C**).
13

14 **SEC. 3. Role of the Department of Environment and Natural Resources (DENR).**
15 – The DENR shall be primarily responsible for the implementation and enforcement of this Act.
16 It shall promote the use of state-of-the-art, environmentally-sound and safe technologies for the
17 handling, treatment, thermal or non-thermal destruction, utilization, and disposal of residual
18 wastes.

19 Pursuant to Sec. 15 of R.A No. 8749, otherwise known as the “Clean Air Act of 1999”,
20 the Pollution Research and Development Program shall likewise include the continuous
21 monitoring, evaluation, and development of more appropriate air quality guideline values and
22 standards for the treatment of municipal and hazardous wastes, or for the processing of any waste
23 material for fuel.
24

1 **SEC. 4. Role of Local Government Units (LGUs) in Setting Up Treatment**
2 **Facilities.** –The LGUs are hereby mandated to promote, encourage and implement in their
3 respective jurisdictions a comprehensive solid waste management plan that includes waste
4 reduction, segregation, recycling, composting, and recovery. The establishment of treatment
5 facilities shall be facilitated by LGUs within a region, province, or strategically clustered LGUs in
6 consonance with their respective ten-year solid waste management plans: *Provided*, That these are
7 consistent with the national solid waste management framework established pursuant to R.A. No.
8 9003, otherwise known as the Ecological Solid Waste Management Act of 2000.

9
10 **SEC. 5. Role of the National Solid Waste Management Commission (NSWMC) -**
11 The solid waste management plans and supplemental disposal plans of all LGUs, including those
12 which may carry out treatment projects, shall be submitted to the NSWMC which shall render a
13 decision within ten (10) working days from submission thereof. The NSWMC shall put in writing
14 the reasons for either approving or denying such plans.

15
16 **SEC. 6. Role of the Department of Science and Technology (DOST).** - The DOST
17 shall undertake the necessary verification of the technology that will be used for the treatment or
18 waste processing projects. The verification shall be completed and reported in writing within ten
19 (10) working days from receipt of the application, or twenty (20) working days if the application is
20 for a new technology.

21
22 **SEC. 7. Role of the Department of Energy (DOE).** – The DOE, in addition to its
23 powers and functions under R.A. No. 7638, otherwise known as “The Department of Energy Act
24 of 1992,” shall, insofar as the establishment and operation of facilities that recover energy:

25
26 (a) Accredited and classify facilities that recover energy based on the energy output, and
27 determine the standards, criteria and requirements applicable therefor pursuant to R.A. No. 9136,
28 otherwise known as the “Electric Power Industry Reform Act (EPIRA) of 2001,” R.A. No. 9367,
29 otherwise known as the “Biofuels Act of 2006,” and R.A. No. 9513 otherwise known as the
30 “Renewable Energy Act of 2008,” whichever is applicable;

31
32 (b) Include a strategy in the Philippines Energy Plan, taking into consideration the
33 National Solid Waste Management Framework;

34
35 (c) Make available to the public, especially to potential investors for these facilities, local
36 and national information on the following:

- 37 (i) current and potential uses of facilities in relation to solid waste management;
38 (ii) inventory of existing facilities; and,
39 (iii) other relevant information.

40
41 **SEC. 8. Responsibility of Owner and Operator.** – Responsibility for compliance with
42 the standards promulgated for the establishment and operation of waste treatment facilities shall
43 rest with the owner and/or operator thereof. If, by virtue of a contract, the operator is primarily
44 and solely responsible for compliance with the standards, the same shall not relieve the owner of
45 the requirement to exercise due diligence to ensure the operator’s compliance. In the event that
46 the ownership of the facility is transferred to another person, the previous owner shall notify the
47 new owner of the standards and the conditions set for the operation of said facility, and the laws
48 and regulations that the new owner or operator has to comply with.

49
50 These standards for operation of waste treatment or processing facility may be made more
51 stringent by not more than five percent (5%): *Provided*, That the more stringent standards shall be
52 effected ten (10) years following the commencement of the operation of the facility that is
53 established after the effectivity of this Act.

1
2 **SEC. 9. *Grant of Incentives.*** – Fiscal and non-fiscal incentives shall be granted to
3 registered investors and hosts of waste treatment programs.
4

5 (a) *Fiscal and Non-Fiscal Incentives.* – Upon certification by the DOE, waste-to-energy
6 projects, as defined in this Act, shall be included in the strategic investments priority plan (SIPP)
7 of the Board of Investments (BOI) and shall be entitled to the incentives provided under Executive
8 Order No. 226, otherwise known as the "Omnibus Investments Code of 1987", as amended, and
9 any other applicable laws for ten (10) years from the effectivity of this Act: *Provided*, That after the
10 aforementioned period, the inclusion of waste-to-energy projects in the annual investment
11 priorities plan shall be reviewed and may be extended by the BOI: *Provided, further*, That waste-to-
12 energy projects shall be exempt from Article 32(1) of Executive Order No. 226.
13

14 (b) *Financial Assistance Program* – Government financial institutions such as the Landbank
15 of the Philippines, Development Bank of the Philippines, Government Service Insurance System,
16 and such other government institutions providing financial service shall, in accordance with and
17 to the extent allowed by the enabling provisions of their respective charters or applicable laws,
18 accord high priority in the extension of financial services to individuals, enterprises, or private
19 entities engaged in putting up treatment facilities: *Provided*, That these institutions shall allocate five
20 percent (5%) of their loan portfolio to waste treatment projects.
21

22 (c) *Extension of Grants and Incentives to LGUs* – Provinces, cities and municipalities, the
23 treatment facilities plans of which have been duly approved by the NSWMC for adopting
24 innovative waste treatment programs, may be entitled to receive grants for the purpose of
25 developing their technical capacities toward actively participating in the waste treatment projects.
26 The LGUs that host common treatment facilities shall be entitled to incentives as may be
27 determined by the NSWMC.
28

29 **SEC. 10. *Fines and Penalties.*** – Violations of the provisions of this Act, or the standards
30 or rules and regulations promulgated for treatment facilities shall be fined or penalized under the
31 provisions of P.D. 1586, otherwise known as the Environmental Impact Statement System; R.A.
32 No. 6969, otherwise known as the Toxic Substances and Hazardous and Nuclear Waste Control
33 Act of 1990; R.A. No. 8749; R.A. No. 9003; and R.A. No. 9275, otherwise known as the Philippine
34 Clean Water Act of 2004. For waste-to-energy facilities, the penal schemes established under the
35 Philippine Grid Code and Philippine Distribution Code pursuant to RA No. 9136, shall likewise
36 apply.
37

38 **SEC. 11. *Congressional Oversight*** – The Joint Congressional Oversight Committee
39 created under R.A. No. 9003 shall exercise oversight powers over the solid waste management
40 aspect of the implementation of this Act. The Joint Congressional Energy Commission, created
41 under R.A. No. 9136 or the EPIRA of 2001 and renamed under R.A. No. 11285, otherwise known
42 as the "Energy Efficiency and Conservation Act," shall exercise oversight powers over the energy
43 aspect of the implementation of this Act.
44

45 **SEC. 12. *Implementing Rules and Regulations.*** –The DENR, in coordination with
46 the NSWMC, DOE, BOI, DTI, Bureau of Internal Revenue, the Bureau of Customs, academe or
47 research institutions, and other concerned agencies, shall promulgate the implementing rules and
48 regulations for this Act within three (3) months after its approval.
49

50 **SEC. 13. *Report to Congress*** – The DENR, in coordination with NSWMC, shall submit
51 to the President of the Philippines and to Congress an annual report, which includes the
52 appropriate monitoring, evaluation, and recommendation, on the implementation progress of this
53 Act not later than March 30 of every year following the approval of this Act.

1
2 **SEC. 14. *Separability Clause.*** – If any part or section of this Act is declared
3 unconstitutional, such declaration shall not affect the other parts or sections of this Act.
4

5 **SEC. 15. *Repealing Clause.*** – Section 20 of R.A. No. 8749 otherwise known as the
6 “Philippine Clean Air Act of 1999” is hereby repealed. The pertinent provision of R.A. No. 9003
7 otherwise known as the “Ecological Solid Waste Management Act of 2000”, and other laws,
8 presidential decrees, executive orders, rules and regulations inconsistent with any provisions of
9 this Act shall be deemed repealed or modified accordingly.
10

11 **SEC. 16. *Effectivity.*** – This Act shall take effect fifteen (15) days after publication in
12 the Official Gazette or in a newspaper of general circulation.

Approved.