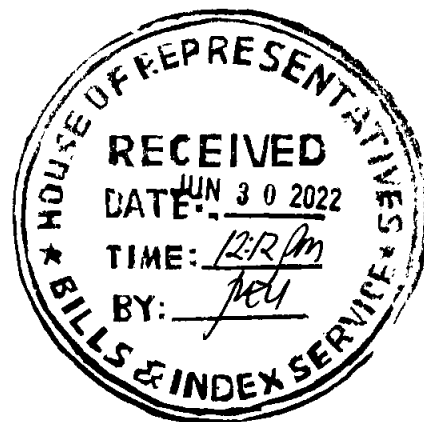




Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

NINETEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 27



Introduced by Representative Lord Allan Jay Q. Velasco

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

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.

Republic Act No. 9513 or the Renewable Energy Act of 2008 aims to accelerate the exploration, development and utilization of renewable energy resources 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. The law specifically 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.

Despite the presence of these laws, solid waste remains to be one of the prevailing challenges in the country that require immediate attention. The country, with a population of over 100 million, is producing over 21 million metric tons of garbage every year. The country's weighted average per capita generation is 0.4 kilos, or close to half a kilo. A great number of illegal dumpsites or landfills still continue to operate. Furthermore, the contribution of WTE facilities are relatively insignificant in the energy sector. 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.

This measure seeks to provide a national policy and regulatory framework for the entire value chain of WTE technologies and facilities; promote sustainable energy, energy security, and environmentally-sound methods in resource recovery, resource conservation, and treatment of residual wastes through the utilization of WTE facilities; ensure protection of the public's health and the environment through a systematic and comprehensive ecological solid waste management program and promote collaboration, cooperation, and participation of various sectors in coordinated approaches to solid waste management and waste treatment technology and generate sustainable energy.

In view of the foregoing, immediate passage of this bill is earnestly sought.



LORD ALLAN JAY Q. VELASCO



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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-
2 to-Energy Act”.

3
4 **SEC. 2.** *Declaration of Policy.* – It is hereby declared the policy of the
5 State to promote sustainable energy, energy security, and environmentally-
6 sound methods in resource recovery, resource conservation, and treatment
7 of residual wastes through the utilization of waste-to-energy facilities.

8
9 **SEC. 3.** *Waste-to-Energy and Waste-to-Energy Facility.* – WTE shall be
10 classified as another kind of renewable energy resource, which covers the
11 processes to generate clean and sustainable energy through the treatment of
12 municipal wastes, or processing of such wastes into a fuel source.

13
14 **SEC. 4.** *Role of the Department of Energy.* – In addition to its powers
15 and functions under Republic Act No. 7638, otherwise known as “The

1 *Department of Energy Act of 1992*”, as amended, the Department of Energy
2 (DOE) shall be primarily responsible for the implementation and
3 enforcement of this Act. The DOE shall, in coordination with the Department
4 of Environment and Natural Resources (DENR), Department of Health
5 (DOH), Department of Interior and Local Government (DILG) and National
6 Solid Wastes Management Commission (NSWMC), promote the use of state-
7 of-the-art, environmentally-sound and safe technologies to recover energy
8 through appropriate handling, treatment, thermal destruction, utilization,
9 and disposal of residual wastes. For this purpose, the DOE shall:

- 10
- 11 (a) Issue permits and accreditation certificates to WTE facilities based
12 on the energy output, and determine the standards, criteria, and
13 requirements applicable for each kind of WTE facility pursuant to
14 Republic Act No. 7638, Republic Act No. 9136, otherwise known
15 as the “*Electric Power Industry Reform Act (EPIRA) of 2001*”,
16 Republic Act No. 9367, otherwise known as the “*Biofuels Act of*
17 *2006*”, Republic Act No. 9513, otherwise known as the “*Renewable*
18 *Energy Act of 2008*”, and other relevant laws, rules, and
19 regulations;
- 20 (b) Include a WTE strategy in the Philippine Energy Plan, taking into
21 consideration the National Solid Waste Management Framework;
- 22 (c) Regularly submit to the NSWMC and make available to the public,
23 especially to potential WTE investors, national and local
24 information on the following:
- 25 (i) Current and potential uses of WTE facilities in relation to solid
26 waste management,
- 27 (ii) Inventory of existing WTE facilities, and
- 28 (iii) Other relevant information; and
- 29 (d) Perform all other acts that are necessary and incidental to
30 accomplish the objectives of this Act.
- 31

32 **SEC. 5. *Role of the DENR.*** – Consistent with the provisions of this Act,
33 the DENR shall ensure that the standards set pursuant to the following laws
34 are complied with:

35

- 1 a) Republic Act No. 8749, otherwise known as the “*Clean Air Act of*
2 *1999*”, as regards emission standards;
- 3 b) Republic Act No. 9003, otherwise known as the “*Ecological Solid*
4 *Waste Management Act of 2000*”, with respect to guidelines on
5 waste reduction, segregation, collection, recycling, composting,
6 and recovery;
- 7 c) Presidential Decree No.1586, otherwise known as the
8 “*Environmental Impact Statement System*”; and
- 9 d) Republic Act No. 6969, otherwise known as the “*Toxic*
10 *Substances and Hazardous and Nuclear Waste Control Act of*
11 *1990*”.
- 12

13 Moreover, the DENR shall direct that WTEs shall be appropriately
14 fitted with continuous monitoring equipment, which shall also record and
15 make publicly available their emissions or air pollutant concentrations data.
16

17 **SEC. 6.** *Role of Local Government Units (LGUs) in Setting Up Treatment*
18 *Facilities.* – Consistent with the powers, functions, and responsibilities
19 under Republic Act No. 7160, otherwise known as the “*Local Government*
20 *Code of 1991*”, the LGUs shall implement in their respective jurisdictions or
21 clustered LGUs a comprehensive solid waste management plan that will
22 streamline the establishment of WTE with their local programs on waste
23 reduction, collection, transportation, segregation, recycling, composting, and
24 recovery.
25

26 **SEC. 7.** *Permits and Licenses.* – The procedure for the issuance of
27 permits and licenses for all kinds of WTE facilities shall be governed by
28 Republic Act No. 11234, otherwise known as the “*Energy Virtual One-Stop*
29 *Shop Act*”.

30

31 **SEC. 8.** *Fines and Penalties.* – Violations of the provisions of this Act,
32 or the standards or rules and regulations promulgated for treatment
33 facilities shall be fined or penalized under the provisions of P.D. No. 1586,
34 otherwise known as the “*Environmental Impact Statement System*”; Republic
35 Act No. 6969, otherwise known as the “*Toxic Substances and Hazardous and*

1 *Nuclear Waste Control Act of 1990*"; Republic Act No. 8749, otherwise known
2 as the "*Philippine Clean Air Act*"; Republic Act No. 9003, otherwise known as
3 the "*Ecological Solid Waste Management Act of 2000*"; and Republic Act No.
4 9275, otherwise known as the "*Philippine Clean Water Act of 2004*". For
5 waste-to-energy facilities, the penal schemes established under the
6 Philippine Grid Code and Philippine Distribution Code pursuant to Republic
7 Act No. 9136, shall likewise apply.

8
9 **SEC. 9. Congressional Oversight.** – The Joint Congressional Energy
10 Commission (JCEC), created under Republic Act No. 9136 and renamed
11 under Republic Act No. 11285, otherwise known as the "*Energy Efficiency*
12 *and Conservation Act*", shall exercise oversight powers over the
13 implementation of this Act. The Chairpersons of the Committee on
14 Environment, Natural Resources and Climate Change of the Senate and the
15 Committee on Ecology of the House of Representatives shall be automatic
16 members of the JCEC.

17
18 **SEC. 10. Implementing Rules and Regulations.** – Within ninety (90)
19 calendar days upon its effectivity, the DOE shall, in coordination with the
20 DENR, and in consultation with the DOH, NSWMC, DILG, and public and
21 private stakeholders, issue the implementing rules and regulations of this
22 Act.

23
24 **SEC. 11. Amendatory Clause.** – All laws, decrees, orders, rules,
25 regulations, and other issuances inconsistent with the provisions of this Act
26 are hereby deemed amended and modified accordingly.

27
28 **SEC. 12. Separability Clause.** – If, for any reason, any portion or
29 provision of this Act is declared unconstitutional, the remainder of this Act
30 or any provisions not affected thereby shall remain in full force and effect.

31
32 **SEC. 13. Repealing Clause.** – Any law, presidential decree or issuance,
33 executive order, letter of instruction, rule or regulation inconsistent with the
34 provisions of this Act is hereby repealed or modified accordingly.

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

Approved,