

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

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 193



INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

EXPLANATORY NOTE

This bill seeks to amend pertinent provisions of Republic Act No. 8749 otherwise known as “the Philippine Clean Air Act of 1999” and Republic Act No. 9003 otherwise known as “the Ecological Solid Waste Management Act of 2000” pertaining to the ban on incineration of waste.

With the importance of the subject, I am refiling this bill which will benefit the entire country and our communities. Our aim is to reduce and resolve the garbage issue of every local government unit and minimize further damage to our environment and ecological system.

This bill sets the standards on the use of treatment technologies for the disposal of municipal and hazardous wastes, or for the processing of any waste material for fuel. It mandates the Department of Environment and Natural Resources (DENR) to implement and enforce this Act, including the promotion and the use of modern technology, environment-friendly and safe technologies for the treatment, utilization, and disposal of residual wastes.

It also mandates the local government units to facilitate the establishment of waste treatment facilities in consonance with their respective ten-year solid waste management plans as approved by the National Solid Waste Management Commission (NSWMC).

The Department of Science and Technology (DOST) will undertake the necessary technology verification that will be used for the treatment or waste processing projects. While the Department of Energy (DOE) will be responsible for the accreditation and classification of facilities that will recover energy based on the energy output and the inclusion of a strategy on this in the Philippines Energy Plan in harmony with the National Solid Waste Management Framework.

This proposed measure grants fiscal and non-fiscal incentives to registered investors and hosts of waste treatment programs.

It stipulates the fines and penalties for violations of standards, rules and regulations promulgated under specified environmental, energy and science and technology laws.

The implementing guidelines shall be crafted by the DENR in coordination with the National Science and Waste Management Commission (NSWM), Department of Energy, Department of

This bill seeks to repeal Section 20 of Republic Act No. 8749 on the ban on incineration, and parts of Republic Act No. 9003 which are deemed inconsistent with this new measure.

The strong support of the Members of Congress is hereby sought for the early passage of this measure.



JURDIN JESUS M. ROMUALDO

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

NINETEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 193

INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

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
6 meet the standards established pursuant to this Act and its implementing rules and regulations.
7 These technologies shall be fitted with equipment that will continuously monitor, record and
8 make publicly available the reported data on their emissions or air pollutant concentrations.
9 Proposed facilities that recover energy shall be given priority over other treatment technologies.
10 Entities utilizing such technologies shall incorporate in their facilities or operations appropriate
11 material recovery program. Thermal treatment units shall treat wastes at a temperature of not
12 less than eight hundred fifty degrees centigrade (***850°C***).

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

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

1 **Sec. 4. Role of Local Government Units (LGUs) in Setting Up Treatment Facilities.** –
2 The LGUs are hereby mandated to promote, encourage and implement in their respective
3 jurisdictions a comprehensive solid waste management plan that includes waste reduction,
4 segregation, recycling, composting, and recovery. The establishment of treatment facilities
5 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
7 are consistent with the national solid waste management framework established pursuant to
8 R.A. No. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000.

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

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

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

22 (a) Accredit and classify facilities that recover energy based on the energy output, and
23 determine the standards, criteria and requirements applicable therefor pursuant to R.A. No.
24 9136, otherwise known as the “Electric Power Industry Reform Act (EPIRA) of 2001,” R.A.
25 No. 9367, otherwise known as the “Biofuels Act of 2006,” and R.A. No. 9513 otherwise known
26 as the “Renewable Energy Act of 2008,” whichever is applicable;

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

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

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

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

42 These standards for operation of waste treatment or processing facility may be made
43 more stringent by not more than five percent (5%): *Provided*, That the more stringent standards

1 shall be effected ten (10) years following the commencement of the operation of the facility
2 that is established after the effectivity of this Act.

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

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
8 Executive Order No. 226, otherwise known as the "Omnibus Investments Code of 1987", as
9 amended, and any other applicable laws for ten (10) years from the effectivity of this Act:
10 *Provided,* That after the aforementioned period, the inclusion of waste-to-energy projects in
11 the annual investment priorities plan shall be reviewed and may be extended by the BOI:
12 *Provided, further,* That waste-to-energy projects shall be exempt from Article 32(1) of
13 Executive Order No. 226.

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

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

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
31 the provisions of P.D. 1586, otherwise known as the Environmental Impact Statement System;
32 R.A. No. 6969, otherwise known as the Toxic Substances and Hazardous and Nuclear Waste
33 Control Act of 1990; R.A. No. 8749; R.A. No. 9003; and R.A. No. 9275, otherwise known as
34 the Philippine Clean Water Act of 2004. For waste-to-energy facilities, the penal schemes
35 established under the Philippine Grid Code and Philippine Distribution Code pursuant to RA
36 No. 9136, shall likewise apply.

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

43 **Sec. 12. Implementing Rules and Regulations.** –The DENR, in coordination with the
44 NSWMC, DOE, BOI, DTI, Bureau of Internal Revenue, the Bureau of Customs, academe or

1 research institutions, and other concerned agencies, shall promulgate the implementing rules
2 and regulations for this Act within three (3) months after its approval.

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

7 **Sec. 14. *Separability Clause***. – If any part or section of this Act is declared
8 unconstitutional, such declaration shall not affect the other parts or sections of this Act.

9 **Sec. 15. *Repealing Clause***. – Section 20 of R.A. No. 8749 otherwise known as the
10 “Philippine Clean Air Act of 1999” is hereby repealed. The pertinent provision of R.A. No.
11 9003 otherwise known as the “Ecological Solid Waste Management Act of 2000”, and other
12 laws, presidential decrees, executive orders, rules and regulations inconsistent with any
13 provisions of this Act shall be deemed repealed or modified accordingly.

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

Approved.