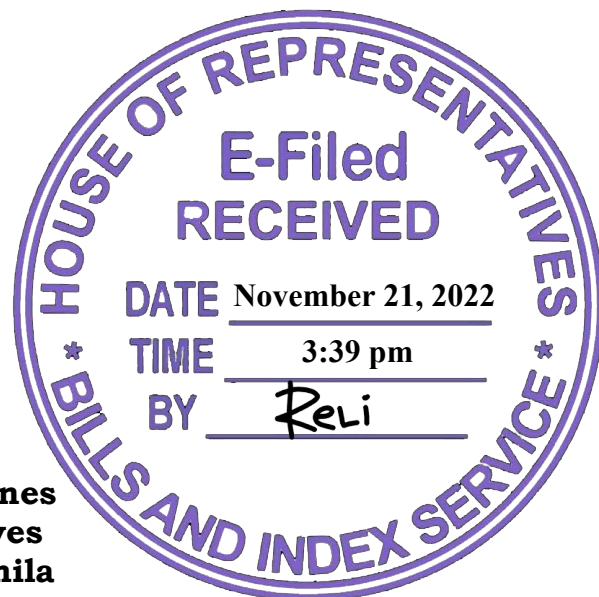




**Republic of the Philippines
House of Representatives
Quezon City, Metro Manila**

**Nineteenth Congress
First Regular Session**

HOUSE BILL NO. 6265



Introduced by Representative Rudys Caesar G. Fariñas I

EXPLANATORY NOTE

Republic Act No. 9513, otherwise known as the Renewable Energy Act of 2008 (RE Act), mandates the Department of Energy (DOE) 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.¹ However, more than a decade after the enactment of the RE Act, WTE facilities are almost negligible in the energy mix, with only 13.83 MW of installed capacity and a mere 26.48 MW of committed or indicative capacity.² Discussions with WTE proponents identify the continuous source of feedstock, in the form of waste, as the main barrier to entry.

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 selling energy output such as electric power and biofuels.

Hence, the passage of this measure is sought.



RUDYS CAESAR G. FARIÑAS I

¹ Sec. 4(b) and Sec. 30 of Republic Act No. 9513

² Reports and Updates by the DOE- Renewable Energy Management Bureau (REMB) (15 May 2019)



**Republic of the Philippines
House of Representatives
Quezon City, Metro Manila**

**Nineteenth Congress
First Regular Session**

HOUSE BILL NO. 6265

Introduced by Representative Rudys Caesar G. Fariñas I

**AN ACT
ESTABLISHING A NATIONAL ENERGY POLICY AND REGULATORY
FRAMEWORK FOR FACILITIES UTILIZING WASTE-TO-ENERGY
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-
2 Energy Act”.

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

- 6 (a) Ensure protection of the public’s health and the environment through a
7 systematic and comprehensive ecological solid waste management
8 program;
9 (b) Strengthen its commitment to solid waste avoidance and volume
10 reduction by supplementing the latter with other solid waste
11 management treatment technologies to include waste-to-energy;
12 (c) Encourage the development and utilization of environmentally
13 sustainable new and alternative technologies in resource recovery,
14 resource conservation, processing, treatment, and disposal of solid
15 waste, such as waste-to-energy facilities;
16 (d) Support the utilization of waste-to-energy facilities in order to attain
17 sustainable energy and energy security;

- (e) Strengthen the integration of solid waste management, waste-to-energy promotion, and environmental protection towards healthful cities amidst economic growth and development; and
- (f) Promote collaboration, cooperation, and participation of various sectors in coordinated approaches to solid waste management and waste treatment technology towards national development and jobs creation.

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

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

- (a) *Agricultural waste* refers to waste generated from planting or harvesting of crops, trimming or pruning of plants, and wastes or run-off materials from farms or fields;
- (b) *Biomedical waste or hazardous healthcare waste* refers to waste from healthcare facilities that may pose a variety of environmental and health risks. It can be further classified into sharps waste, infectious waste, pathological and anatomical waste, pharmaceutical waste, genotoxic waste, chemical waste, radioactive waste, and pressurized containers as defined by the Department of Health (DOH);
- (c) *City or Municipal Solid Waste Management Board* refers to the entity established by each city or municipality pursuant to Section 12 of Republic Act No. 9003, otherwise known as the Ecological Solid Waste Management Act of 2000;
- (d) *Chemical waste* refers to discarded solid, liquid, or gaseous chemicals from laboratories, industrial establishments, or other sources such as diagnostic and experimental work, environmental work, cleaning, housekeeping and disinfecting procedures;
- (e) *Clustering* is a strategy of pooling available resources of local government units (LGUs) for the establishment of a common solid waste management facility or service;
- (f) *Collection* refers to the act of removing solid waste from the source or from a communal storage point;
- (g) *Disposal* refers to the deposit, or placing of any solid waste into an approved disposal site pursuant to Republic Act No. 9003;
- (h) *Disposal site* refers to a facility where solid waste is finally deposited and placed pursuant to Republic Act No. 9003;

- 1 (i) *Emission* means any air contaminant, pollutant, gas stream, or
2 unwanted sound from a known source which is passed into the
3 atmosphere;
- 4 (j) *Hazardous waste* refers to substances that are without any safe
5 commercial, industrial, agricultural, or economic usage and are shipped,
6 transported, or brought from the country of origin for dumping or
7 disposal into or in transit through any part of the Philippines. It shall
8 also refer to by-products, side-products, process residues, spent reaction
9 media, contaminated plant or equipment, or other substances from
10 manufacturing operations and as a customer discards of manufactured
11 products, or a combination of solid waste which, because of its quantity,
12 concentration, physical, chemical, or infectious characteristics, may:
13 **(i)** Cause or significantly contribute to an increase in mortality or an
14 increase in a serious irreversible or incapacitating reversible illness,
15 or
16 **(ii)** Pose a substantial present or potential hazard to human health or the
17 environment when improperly treated, stored, transported, or
18 disposed of, or otherwise managed;
- 19 (k) *Incineration in a WTE facility* refers to a waste treatment and resource
20 recovery technology that involves the controlled combustion of waste
21 materials for the purpose of recovering energy from it, and whose
22 emissions and effluents are compliant with the guidelines pursuant to
23 this Act and other relevant laws, rules, and regulations;
- 24 (l) *Local Government Solid Waste Management Plan* refers to the ten (10)
25 year solid waste management plan, consistent with the National Solid
26 Waste Management Framework, prepared by the LGUs pursuant to
27 Section 16 of Republic Act No. 9003;
- 28 (m) *Municipal waste* refers to waste produced from activities within LGUs
29 which include a combination of domestic, commercial, institutional, and
30 industrial wastes and street litters pursuant to Republic Act No. 9003;
- 31 (n) *National Solid Waste Management Commission (NSWMC)* refers to the
32 body created and primarily tasked with overseeing the implementation of
33 solid waste management plans and prescribing policies to achieve the
34 objectives of Republic Act No. 9003;
- 35 (o) *National Solid Waste Management Framework* refers to a document
36 prepared by the NSWMC based on the National Solid Waste Management
37 Status Report pursuant to Section 15 of Republic Act No. 9003;

- (p) *National Solid Waste Management Status Report* refers to a document prepared by the Department of Environment and Natural Resources (DENR), which is used as a basis in formulating the National Solid Waste Management Framework pursuant to Section 14 of Republic Act No. 9003;
- (q) *Poisonous and toxic fumes* refer to any emissions and fumes which are beyond internationally accepted standards, including but not limited to the World Health Organization (WHO) air quality guidelines, as provided in Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999;
- (r) *Processing fee* refers to the amount paid to avail of the services of a waste-to-energy facility as defined herein;
- (s) *Provincial Solid Waste Management Board* refers to the entity established by each province pursuant to Section 11 of Republic Act No. 9003;
- (t) *Residue* refers to substances that remain after a process in a waste-to-energy facility such as preparation, separation, purification, evaporation, combustion, distillation, or filtration;
- (u) *Resource recovery* refers to the collection, extraction, or recovery of recyclable materials from the waste stream for the purpose of recycling, generating energy, or producing a product a suitable for beneficial use;
- (v) *Sanitary landfill* refers to a waste disposal site designed, constructed, operated, and maintained in a manner that exerts engineering control over significant potential environment impacts arising from the development and operation of the facility pursuant to Republic Act No. 9003;
- (w) *Segregation* refers to a solid waste management practice of separating different materials found in solid waste in order to promote recycling and re-use of resources, facilitate waste treatment processes, and to reduce the volume of waste for collection and disposal pursuant to Republic Act No. 9003;
- (x) *Solid waste* refers to all discarded household waste, commercial waste, non-hazardous institutional and industrial waste, street sweepings, construction debris, agricultural waste, and other non-hazardous or non-toxic solid waste. It shall not include:
- (i) Waste identified or listed as hazardous waste of a solid, liquid, contained gaseous, or semisolid form, which may cause or contribute to an increase in mortality or in serious or incapacitating

- 1 reversible illness, or acute or chronic effect on the health of persons
2 and other organisms,
- 3 (ii) Infectious waste from hospitals such as equipment, instruments,
4 utensils, and fomites of a disposable nature from patients who are
5 suspected to have or have been diagnosed as having communicable
6 diseases and must therefore be isolated as required by public health
7 agencies, laboratory wastes as pathological specimens, and
8 disposable fomites that may harbor or transmit pathogenic
9 organisms, and surgical operating room pathologic materials from
10 outpatient areas and emergency rooms, and
- 11 (iii) Waste resulting from mining activities, including contaminated soil
12 and debris;
- 13 (y) *Solid waste management treatment facility* refers to any resource recovery
14 system or component thereof; any system, program or facility for
15 resource conservation; or any facility for the collection, source
16 separation, storage, transportation, transfer, processing, treatment, or
17 disposal of solid waste;
- 18 (z) *Solid waste management* refers to the discipline associated with the
19 control of generation, storage, collection, transfer and transport,
20 processing, and disposal of solid wastes in a manner that is in accord
21 with the best principal of public health, economics, engineering,
22 conservation, aesthetics, and other environmental considerations, and
23 that is also responsive to the public attitudes;
- 24 (aa) *Waste* refers to any material misplaced, unused or rejected by persons
25 as worthless or unwanted. It is not a natural resource and includes,
26 among others, agricultural, biomedical, chemical and industrial,
27 hazardous, municipal, and solid wastes;
- 28 (bb) *Waste-to-Energy (WTE)* refers to an energy system with a process of
29 converting WTE feedstock with various technologies, usually the
30 conversion of non-recyclable waste materials into usable heat, electricity,
31 or fuel through a variety of processes;
- 32 (cc) *WTE facility* refers to the facility where the WTE operations are
33 conducted;
- 34 (dd) *WTE feedstock* refers to the waste materials with calorific-value that are
35 taken in for WTE processing in a WTE facility;
- 36 (ee) *Waste generation* refers to the act or process of producing solid waste;
37 and

1 (ff) *WTE strategy* refers to a plan of action with measurable targets for the
2 utilization of WTE facilities for solid waste management treatment and
3 energy production.
4

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

7 (a) Be both a solid waste management treatment facility and an energy
8 production facility;

9 (b) Comply with establishment and operation guidelines for WTE facilities
10 pursuant to Sections 6(c), 8(c), and 9(b) of this Act;

11 (c) Ensure the proper management of its residue which should conform to
12 relevant laws, rules, and regulations and should include making
13 arrangements with a sanitary landfill, or developing its own, prior to
14 its operations, as a disposal site for any residue generated from its
15 operations in accordance with NSWMC, DENR, and DOH guidelines
16 issued pursuant to this Act; and

17 (d) Comply with relevant laws, rules, and regulations including but not
18 limited to Presidential Decree No. 1586 Establishing an Environmental
19 Impact Statement System, Republic Act No. 6969 otherwise known as
20 the Toxic Substances and Hazardous and Nuclear Waste Act, Republic
21 Act No. 7638 otherwise known as the Department of Energy Act of
22 1992 as amended, Republic Act No. 8749, Republic Act No. 9003,
23 Republic Act No. 9136 otherwise known as the Electric Power Industry
24 Reform Act of 2001, Republic Act No. 9275 otherwise known as the
25 Philippine Clean Water Act of 2004, Republic Act No. 9367 otherwise
26 known as the Biofuels Act of 2006, Republic Act No. 9513 otherwise
27 known as the Renewable Energy Act of 2008, Republic Act No. 11223
28 otherwise known as the Universal Health Care Act, and WHO
29 Guidelines on Air Quality.

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

34 In addition to the provisions of this Act, the segregation, collection,
35 transfer, storage, and transport of solid waste as WTE feedstock for a WTE
36 facility, and the waste treatment process of the WTE facility shall be governed by
37 Republic Act No. 9003 and Republic Act No. 8749, while the energy production
38 aspect of the WTE facility shall be governed by Republic Act No. 7638, Republic

1 Act No. 9136, Republic Act No. 9367, Republic Act No. 9513, and other relevant
2 laws, rules, and regulations.

3
4 Sec. 6. *The National Solid Waste Management Commission.* – The Secretary
5 of the Department of Energy shall serve in *ex officio* capacity as member of the
6 National Solid Waste Management Commission (NSWMC), which shall now have
7 fifteen (15) members from the government sector. In addition to its powers and
8 functions under Republic Act No. 9003, the NSWMC shall:

9 (a) Include a WTE strategy in the National Solid Waste Management
10 Framework;

11 (b) Act as the lead agency in ensuring streamlined standards, criteria, and
12 guidelines for WTE facilities to avoid inconsistent and conflicting
13 issuances;

14 (c) Regularly determine, review, and publish the following:

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

16 1. Characterization and composition of solid waste utilized as
17 WTE feedstock for WTE facilities to ensure emissions are
18 compliant with Republic Act No. 8749 and other relevant
19 laws, rules, and regulations,

20 2. Transport, storage, and pre-processing of WTE feedstock,

21 3. Pre-operation, siting, design, operation, and maintenance of
22 WTE facilities,

23 4. Quality control and operational control of WTE facilities,

24 5. Management of residue from WTE facilities, if any;

25 6. Pollution abatement, emissions monitoring, environmental
26 monitoring, and public health and safety monitoring in
27 relation to WTE facilities,

28 7. Decommissioning, closure, and abandonment of WTE
29 facilities, and

30 8. Other guidelines pursuant to relevant laws, rules, and
31 regulations, and

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

- (d) Consolidate and make available to the public, through its website, the following:
- (i) Current and potential uses of WTE facilities in relation to solid waste management;
 - (ii) Inventory of existing WTE facilities;
 - (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

1 (d) Perform all other acts that are analogous to the foregoing, which are
2 necessary and incidental to accomplish the policy objectives of this Act.

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

7 (a) Include a WTE strategy, if feasible, in the National Solid Waste
8 Management Status Report;

9 (b) Provide technical and other capacity building assistance and support to
10 LGUs based on the policy guidelines created by the NSWMC pursuant to
11 Section 6(e) of this Act;

12 (c) Implement and revise, when necessary, together with the DOH, existing
13 guidelines issued pursuant to Republic Act No. 9003 on waste transport,
14 pre-operation, waste acceptance, waste storage, pre-processing of waste,
15 quality control, operational control, pollution abatement, management of
16 residue, emissions monitoring, environmental monitoring, public health
17 and safety monitoring, decommissioning, closure, and abandonment,
18 among others, taking into account the NSWMC's standards, criteria, and
19 guidelines under Section 6(c) of this Act and other relevant laws, rules,
20 and regulations, and in consultation with relevant stakeholders;

21 (d) Ensure compliance with Section 8(c) of this Act to include continuous
22 monitoring and testing of by-products of WTE facilities;

23 (e) Make available to the public, through its website, the emissions, effluents
24 and other by-products of WTE facilities;

25 (f) Investigate, motu proprio or upon complaint, reports of non-compliance of
26 WTE facilities with the provisions of this Act and other relevant laws, rules,
27 and regulations;

28 (g) Exercise visitorial and enforcement powers to ensure strict compliance of
29 WTE facilities with this Act, Republic Act No. 9003, Republic Act No. 8749,
30 and other relevant laws, rules, and regulations;

31 (h) Recommend to the NSWMC policies to address challenges of WTE facilities
32 from a solid waste management perspective; and

33 (i) Perform all other acts that are analogous to the foregoing, which are
34 necessary and incidental to accomplish the policy objectives of this Act.

35
36 *Sec. 9. Role of the Department of Health.* – In addition to its existing powers
37 and functions, the DOH shall:

- (a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant to Republic Act No. 11223 and Presidential Decree No. 1586, as part of the Environmental Impact Assessment System, to be jointly reviewed and approved by the DOH and DENR prior to construction and operation;
- (j) Implement and revise, when necessary, together with DENR, existing guidelines issued pursuant to Republic Act No. 9003 on waste transport, pre-operation, waste acceptance, waste storage, pre-processing of waste, quality control, operational control, pollution abatement, management of residue, emissions monitoring, environmental monitoring, public health and safety monitoring, decommissioning, closure, and abandonment, among others, taking into account the NSWMC's standards, criteria, and guidelines under Section 6(c) of this Act and other relevant laws, rules, and regulations, and in consultation with relevant stakeholders;
- (b) Regularly conduct an analysis of the effects of WTE facilities and disposal sites on public health and submit the same to the NSWMC for consolidation, and DENR for proper action, if applicable;
- (c) Undertake research on the public health impact of WTE facilities together with government agencies, the academe, and private stakeholders;
- (d) Make available to the public, through its website, studies and analyses of the effects of WTE facilities and disposal sites on public health; and
- (e) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

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

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

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

- 1 (f) Coordinate with other Provincial, City, and Municipal Solid Waste
2 Management Boards in identifying possible inter- and intra- province
3 clustering for a common WTE facility.
4

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

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

15 Sec. 14. *Prohibited Acts.* – The following acts are prohibited:

16 (a) For LGUs:

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

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

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

29 (c) For WTE facilities:

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

32 (ii) Use of imported municipal solid waste as WTE feedstock for a WTE
33 Facility.
34

35 Sec. 15. *Penalties.* – Without prejudice to civil and criminal liability, the
36 following persons found to have violated the Sections mentioned below shall be
37 meted with the following penalties:

38 (a) Officials of LGUs and government agencies who violate Section 14(a):

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

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

32 Sec. 16. *Incentives.* – WTE facilities, depending on their output, shall be
33 entitled to avail of the incentives under Republic Act No. 9367 otherwise known
34 as the Biofuels Act of 2006 and Republic Act No. 9513 otherwise known as the
35 Renewable Energy Act of 2008.
36

37 Sec. 17. *Establishment of Dedicated Offices.* – The DOE, DENR, DOH and
38 NSWMC shall establish dedicated offices for the effective implementation of this

1 Act. The organizational structure and staffing complement shall be determined
2 by the Secretaries of DENR, DOE, and DOH, in consultation with the Department
3 of Budget and Management, and in accordance with existing civil service rules
4 and regulations. The budgetary requirements necessary for the establishment
5 of the dedicated offices shall be taken from the current appropriations of DOE,
6 DENR, DOH and NSWMC. Thereafter, the funding for the dedicated offices shall
7 be included in the annual General Appropriations Act.

8
9 Sec. 18. *Appropriations.* – The amount of Fifteen million pesos
10 (P15,000,000.00) for DOE, Three hundred million pesos (P300,000,000.00) for
11 DENR, Forty five million pesos (P45,000,000.00) for DOH, and Twenty seven
12 million (P27,000,000.00) for NSWMC for the initial implementation of this Act
13 shall be charged against the current year’s appropriations of the DOE, DENR,
14 DOH, and NSWMC respectively. Thereafter, such amounts necessary for the
15 sustainable implementation of this Act shall be included in the Annual General
16 Appropriations Act.

17
18 Sec. 19. *Congressional Oversight.* – The Joint Congressional Energy
19 Commission, created under Republic Act No. 9136 and renamed under Republic
20 Act No. 11285, shall exercise oversight powers over the implementation of this
21 Act. **The Chairpersons** of the Committee on Environment and Natural
22 Resources of the Senate and the House of Representatives **shall be automatic**
23 **members of the JCEC.**

24
25 Sec. 20. *Implementing Rules and Regulations.* – The DOE together with the
26 DENR, in consultation with DOH, NSWMC, Department of Interior and Local
27 Government, and public and private stakeholders, shall issue the implementing
28 rules and regulations of this Act within ninety (90) calendar days upon its
29 effectivity.

30
31 Sec. 21. *Amendatory Clause.* – All laws, decrees, orders, rules, regulations,
32 and other issuances inconsistent with the provisions of this Act are hereby
33 deemed amended and modified accordingly.

34
35 Sec. 22. *Separability Clause.* – If any portion or provision of this Act is
36 declared unconstitutional, the remainder of this Act or any provisions not
37 affected thereby shall remain in force and effect.

1 Sec. 23. *Repealing Clause.* – Any law, presidential decree or issuance,
2 executive order, letter of instruction, rule or regulation inconsistent with the
3 provisions of this Act is hereby repealed or modified accordingly.

4
5 Sec. 24. *Effectivity Clause.* – This Act shall take effect fifteen (15) days
6 following its complete publication in the Official Gazette or a newspaper of
7 general circulation.

8
9 *Approved,*
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