

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

TWENTIETH CONGRESS

First Regular Session



HOUSE BILL NO. 62

INTRODUCED BY REPRESENTATIVE JURDIN JESUS M. ROMUALDO

EXPLANATORY NOTE

This bill is a refiled measure from the 19th Congress, which had already passed on third reading in the House of Representatives and was transmitted to the Senate, where a counterpart committee report was likewise prepared. We are pushing for the passage of this legislative proposal due to its importance and benefits for the country and the Filipino people.

This 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, or the Ecological Solid Waste Management Act of 2000, specifically those relating to the prohibition on incineration of waste.

With the ever-increasing volume of waste in the country and the limited capacity of existing disposal facilities, there is an urgent need to provide a sustainable, science-based approach to waste management. The proposed measure aims to provide local government units (LGUs) with viable and environmentally sound alternatives to address the garbage crisis while minimizing further damage to our environment and ecological systems.

This bill establishes clear standards and guidelines for the use of thermal and other waste treatment technologies, including waste-to-energy (WTE) systems, for the disposal of municipal and hazardous wastes or for the processing of waste materials into fuel. It empowers the Department of Environment and Natural Resources (DENR) to implement and enforce this Act and promotes the use of modern, safe, and environmentally friendly technologies.

Key provisions of the bill include:

- Repeal of the ban on incineration under Section 20 of R.A. No. 8749, and the amendment of provisions under R.A. No. 9003 that are inconsistent with this new policy direction.
- Regulation of waste-to-energy and thermal treatment technologies, in a manner that ensures public health and environmental protection.
- Reinforcement of the "reduce, reuse, and recycle" hierarchy, while providing for the safe recovery of energy or fuel from residual waste.

- Mandating LGUs to establish or host waste treatment facilities aligned with their ten-year solid waste management plans, subject to approval by the National Solid Waste Management Commission (NSWMC).
- Designation of DENR and DOE as lead implementing agencies, with the DOE focusing on energy recovery and integration of WTE strategies into the Philippine Energy Plan.
- Technology verification to be undertaken by the Department of Science and Technology (DOST) to ensure safety, efficiency, and suitability of waste processing technologies.
- Facility accreditation and classification by the DOE, based on energy output and environmental performance.
- Strict compliance by facility owners and operators with environmental and operational standards.
- Provision of fiscal and non-fiscal incentives to encourage investment in compliant waste treatment technologies and facilities.
- Imposition of penalties for violations of applicable laws and regulations, including R.A. Nos. 8749, 9003, 6969, 9275, and relevant energy and environmental codes.

To ensure timely implementation, the DENR and DOE are directed to promulgate the necessary Implementing Rules and Regulations (IRR) within three (3) months from the effectivity of the Act. The DENR, in coordination with key agencies including the NSWMC, DOST, DOE, Department of Trade and Industry (DTI), Bureau of Investments (BOI), Bureau of Internal Revenue (BIR), Bureau of Customs (BOC), and other relevant stakeholders, will lead the development of these guidelines.

In sum, this measure provides an inclusive, science-based, and environmentally responsible framework for addressing the country's solid waste challenges. It balances the need for waste reduction with the opportunities provided by modern technology to recover energy and reduce landfill dependence, thereby protecting public health and the environment.

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


JURDIN JESUS M. ROMUALDO

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

TWENTIETH CONGRESS

First Regular Session

HOUSE BILL NO. 62

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 House of Representatives of the Philippines in Congress
assembled:*

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

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

1 degrees centigrade (850°C).

2

3 **Sec. 3. *Lead Agencies.*** – The Department of Environment and Natural Resources
4 (DENR) shall be primarily responsible for the implementation and enforcement of this Act, while the
5 Department of Energy is primarily responsible over relevant regulations pertaining to waste-to-energy
6 facilities. Both agencies shall promote the use of state-of-the-art, environmentally-sound and safe
7 technologies for the handling, treatment, thermal or nonthermal destruction, utilization, and disposal of
8 residual wastes. Pursuant to Sec. 15 of R.A No. 8749, otherwise known as the “*Clean Air Act of 1999*”,
9 the Pollution Research and Development Program shall likewise include the continuous
10 monitoring, evaluation, and development of more appropriate air quality guideline values and
11 standards for the treatment of municipal and hazardous wastes, or for the processing of any waste material
12 for fuel.

13

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

22

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

28

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

34

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

(a) Accredite and classify facilities that recover energy based on the energy output, and determine the standards, criteria and requirements applicable therefor pursuant to R.A. No. 9136, otherwise known as the “*Electric Power Industry Reform Act (EPIRA) of 2001*,” R.A. No. 9367, otherwise known as the “*Biofuels Act of 2006*,” and R.A. No. 9513, otherwise known as the “*Renewable Energy Act of 2008*,” whichever is applicable: *Provided*, That the energy generated from the facilities shall be regulated by the Energy Regulatory Commission in as far as the rates and pricing thereof;

(b) Include a waste-to-energy implementation strategy in the Philippines Energy Plan, which takes into consideration the National Solid Waste Management Framework;

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

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

Sec. 8. Responsibility of Owner and Operator. – Responsibility for compliance with the standards promulgated for the establishment and operation of waste treatment facilities shall rest with the owner and/or operator thereof. If, by virtue of a contract, the operator is primarily and solely responsible for compliance with the standards, the same shall not relieve the owner of the requirement to exercise due diligence to ensure the operator’s compliance the event that the ownership of the facility is transferred to another person, the previous owner shall notify the new owner of the standards and the conditions set for the operation of said facility, and the laws and regulations that the new owner or operator has to comply with. These standards for operation of waste treatment or processing facility may be made more stringent by not more than five percent (5%): *Provided*, That the more stringent standards shall be effected ten (10) years following the commencement of the operation of the facility that is established after the effectivity of this Act.

Sec. 9. Grant of Incentives. – The following fiscal and non-fiscal incentives shall be granted to registered investors and hosts of waste treatment programs:

(a) *Fiscal and Non-Fiscal Incentives.* – Upon certification by the DOE, waste-to-energy projects, as defined in this Act, may be granted the incentives provided under Title XIII of Republic Act No. 8424, otherwise known as the “National Internal Revenue Code of 1997”, as amended, and any other applicable laws: *Provided*, That the inclusion of waste-to energy projects in the strategic investment priorities plan shall be reviewed and may be extended by the BOI.

(b) *Financial Assistance Program* – Government financial institutions such as the Landbank of the Philippines, Development Bank of the Philippines, Government Service Insurance System, and such other government institutions providing financial service shall, in

1 accordance with and to the extent allowed by the enabling provisions of their respective charters
2 or applicable laws, accord high priority in the extension of financial services to individuals,
3 enterprises, or private entities engaged in putting up treatment facilities: *Provided*, That these
4 institutions shall allocate five percent (5%) of their loan portfolio to waste treatment projects.
5

6 (c) *Extension of Grants and Incentives to LGUs* – Provinces, cities, and
7 municipalities, the treatment facilities plan of which have been duly approved by the NSWMC
8 for adopting innovative waste treatment programs, may be entitled to receive grants for the
9 purpose of developing their technical capacities toward actively participating in the waste
10 treatment projects. The LGUs that host common treatment facilities shall be entitled to
11 incentives as may be determined by the NSWMC.
12

13 **Sec. 10. *Permits and Licenses.*** – The procedure for the issuance of permits and licenses for all
14 kinds of waste-to-energy facilities shall be governed by R.A No. 11234, otherwise known as the "*Energy*
15 *Virtual One-Stop Shop Act*", and R.A. No.11032, otherwise known as the "*Ease of Doing Business and*
16 *Efficient Government Service Delivery Act of 2018*".
17

18 **Sec. 11. *Fines and Penalties.*** – Violations of the provisions of this Act, or the standards or rules
19 and regulations promulgated for treatment facilities shall be fined or penalized under the provisions of
20 P.D. 1586, otherwise known as the Environmental Impact Statement System; R.A. No. 6969, otherwise
21 known as the "*Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990*"; R.A. No.
22 8749; R.A. No. 9003; and R.A. No. 9275, otherwise known as the "*Philippine Clean Water Act of 2004*".
23 For waste-to-energy facilities, the penal schemes established under the Philippine Grid Code and
24 Philippine Distribution Code pursuant to R.A. No. 9136, shall likewise apply.
25

26 **Sec. 12. *Congressional Oversight Committee.*** – Upon the effectivity of this Act, a Joint
27 Congressional Oversight Committee shall be constituted to monitor its implementation by the
28 concerned agencies and LGUs. The Oversight Committee shall be composed of fourteen (14)
29 members, with the Chairpersons of the Committee on Ecology and Committee on Energy of the House
30 of Representatives and the Chairpersons of the Committee on Environment and Natural Resources and
31 Committee on Energy of the Senate as co-chairpersons and an additional four members from each House,
32 to be designated by the Speaker of the House of Representatives and the Senate President, respectively.
33

34 **Sec. 13. *Implementing Rules and Regulations.*** – The DENR and DOE shall
35 promulgate the rules and regulations for the effective implementation of this Act, within three (3) months
36 after its approval.
37

1 **Sec. 14. *Report to Congress.*** – The DENR and the DOE shall submit to the President of the
2 Philippines and to Congress an annual report not later than March 30 of every year following the approval
3 of this Act, which shall include an evaluation of the implementation of this Act, and the appropriate
4 recommendations thereon, and for any improvements or modifications to the policies enunciated herein.
5

6 **Sec. 15. *Separability Clause.*** – If any part or section of this Act is declared unconstitutional, such
7 declaration shall not affect the other parts or sections of this Act.
8

9 **Sec. 16. *Repealing Clause.*** – Section 20 of R.A. No. 8749 otherwise known as the “Philippine
10 Clean Air Act of 1999” is hereby repealed. The pertinent provision of R.A. No. 9003 otherwise known
11 as the “Ecological Solid Waste Management Act of 2000”, as amended, and other laws, presidential
12 decrees, executive orders, rules and regulations inconsistent with any provisions of this Act shall be
13 deemed repealed or modified accordingly.
14

15 **Sec. 17. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the Official
16 Gazette or in a newspaper of general circulation.
17

18 Approved,