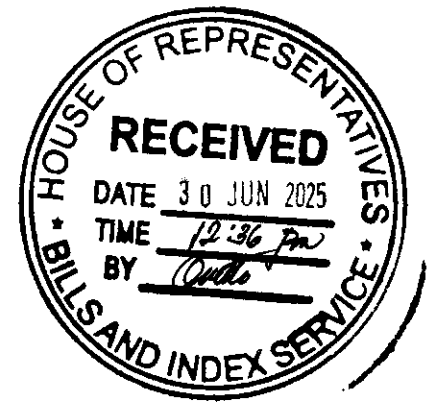


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City



**TWENTIETH CONGRESS**  
First Regular Session

**HOUSE BILL NO. 171**

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**Introduced by Hon. Kenneth T. Gatchalian**

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**EXPLANATORY NOTE**

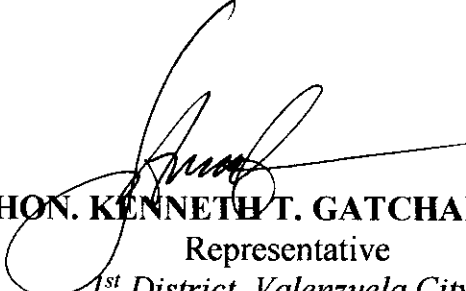
The bill submitted proposes to amend and/or repeal relevant provisions of Republic Act 8749 or “The Philippine Clean Air Act of 1999” and Republic Act 9003 or The Ecological Solid Waste Management Act of 2000” in relation to the ban on incineration of municipal and hazardous wastes.

Section 20 of Republic Act No. 8749, otherwise known as the “Philippine Clean Air Act of 1999” prohibits the incineration of municipal, biomedical, and hazardous waste, which process emits poisonous and toxic fumes. Consistent with R.A. No. 8749, R.A. No. 9003, or “Ecological Solid Waste Management Act of 2000” excludes "incineration". However, new technologies have emerged that made it feasible to convert waste into usable forms of energy including heat, fuel and electricity. This conversion can occur through several processes such as incineration, gasification, pyrolysis, anaerobic digestion, and landfill gas recovery.

Unfortunately, the Philippines cannot adhere to this available technology of converting waste to energy because of the express prohibition on incineration in Section 20 of R.A. No. 8749. Thus, this bill seeks to repeal Section 20 of the said law to allow regulated thermal and other treatment technologies for the disposal of municipal and hazardous wastes, or for the processing of any fuel material. Moreover, this bill imposes specific standards of thermal treatment units and levies responsibility to the owners and operators of such.

Last 19<sup>th</sup> Congress, a similar bill was filed by Speaker Ferdinand Martin G Romualdez and Representatives Yedda Marie Romualdez, Jude Acidre, Jurdin Jesus M. Romualdo, Carlito S. Marquez Michael L. Romero, Ph.D., Luis Raymund “Lray” Villafuerte, and Gerville "Jinky Bitrics" Luistro.

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



**HON. KENNETH T. GATCHALIAN**  
Representative  
*1<sup>st</sup> District, Valenzuela City*

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

TWENTIETH CONGRESS  
First Regular Session

HOUSE BILL NO. 171

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Introduced by HON. KENNETH T. GATCHALIAN

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

1 treatment units shall treat wastes at a temperature of not less than eight hundred fifty  
2 degrees centigrade (*850°C*).

3  
4 **Sec. 3. Lead Agencies.** – The Department of Environment and Natural Resources  
5 (DENR) shall be primarily responsible for the implementation and enforcement of this  
6 Act, while the Department of Energy is primarily responsible over relevant  
7 regulations pertaining to waste-to-energy facilities. Both agencies shall promote the  
8 use of state-of-the-art, environmentally-sound and safe technologies for the  
9 handling, treatment, thermal or non-thermal destruction, utilization, and disposal of  
10 residual wastes.

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

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

26  
27 **Sec. 5. Role of the National Solid Waste Management Commission (NSWMC).** –  
28 The solid waste management plans and supplemental disposal plans of all LGUs,  
29 including those which may carry out treatment projects, shall be submitted to the  
30 NSWMC which shall render a decision within ten (10) working days from submission

1 thereof. The NSWMC shall put in writing the reasons for either approving or denying  
2 such plans.

3  
4 **Sec. 6. Role of the Department of Science and Technology (DOST).** – The DOST  
5 shall undertake the necessary verification of the technology that will be used for the  
6 treatment or waste processing projects. The verification shall be completed and  
7 reported in writing within ten (10) working days from receipt of the application, or  
8 twenty (20) working days if the application is for a new technology.

9  
10 **Sec. 7. Role of the Department of Energy (DOE).** – The DOE, in addition to its  
11 powers and functions under R.A. No. 7638, otherwise known as “*The Department of*  
12 *Energy Act of 1992*,” shall, insofar as the establishment and operation of facilities  
13 that recover energy:

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

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

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

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

1 **Sec. 8. Responsibility of Owner and Operator.** – Responsibility for compliance  
2 with the standards promulgated for the establishment and operation of waste  
3 treatment facilities shall rest with the owner and/or operator thereof. If, by virtue of a  
4 contract, the operator is primarily and solely responsible for compliance with the  
5 standards, the same shall not relieve the owner of the requirement to exercise due  
6 diligence to ensure the operator's compliance. In the event that the ownership of the  
7 facility is transferred to another person, the previous owner shall notify the new  
8 owner of the standards and the conditions set for the operation of said facility, and  
9 the laws and regulations that the new owner or operator has to comply with.

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

14  
15 **Sec. 9. Grant of Incentives.** – The following fiscal and non-fiscal incentives shall be  
16 granted to registered investors and hosts of waste treatment programs:

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

23  
24 (b) *Financial Assistance Program* – Government financial institutions such as  
25 the Landbank of the Philippines, Development Bank of the Philippines, Government  
26 Service Insurance System, and such other government institutions providing  
27 financial service shall, in accordance with and to the extent allowed by the enabling  
28 provisions of their respective charters or applicable laws, accord high priority in the  
29 extension of financial services to individuals, enterprises, or private entities engaged

1 in putting up treatment facilities: *Provided*, That these institutions shall allocate five  
2 percent (5%) of their loan portfolio to waste treatment projects.

3  
4 (c) *Extension of Grants and Incentives to LGUs* – Provinces, cities, and  
5 municipalities, the treatment facilities plans of which have been duly approved by the  
6 NSWMC for adopting innovative waste treatment programs, may be entitled to  
7 receive grants for the purpose of developing their technical capacities toward actively  
8 participating in the waste treatment projects. The LGUs that host common treatment  
9 facilities shall be entitled to incentives as may be determined by the NSWMC.

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

16  
17 **Sec. 11. *Fines and Penalties.*** – Violations of the provisions of this Act, or the  
18 standards or rules and regulations promulgated for treatment facilities shall be fined  
19 or penalized under the provisions of P.D. 1586, otherwise known as the  
20 Environmental Impact Statement System; R.A. No. 6969, otherwise known as the  
21 “*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*  
23 *Water Act of 2004*”. For waste-to-energy facilities, the penal schemes established  
24 under the Philippine Grid Code and Philippine Distribution Code pursuant to R.A. No.  
25 9136, shall likewise apply.

26  
27 **Sec. 12. *Congressional Oversight Committee.*** – Upon the effectivity of this Act, a  
28 Joint Congressional Oversight Committee shall be constituted to monitor its  
29 implementation by the concerned agencies and LGUs. The Oversight Committee  
30 shall be composed of fourteen (14) members, with the Chairpersons of the

1 Committee on Ecology and Committee on Energy of the House of Representatives  
2 and the Chairpersons of the Committee on Environment and Natural Resources and  
3 Committee on Energy of the Senate as co-chairpersons and an additional four  
4 members from each House, to be designated by the Speaker of the House of  
5 Representatives and the Senate President, respectively.

6  
7 **Sec. 13. *Implementing Rules and Regulations.*** – The DENR and DOE shall  
8 promulgate the rules and regulations for the effective implementation of this Act,  
9 within three (3) months after its approval.

10  
11 **Sec. 14. *Report to Congress.*** – The DENR and the DOE shall submit to the  
12 President of the Philippines and to Congress an annual report not later than March  
13 30 of every year following the approval of this Act, which shall include an evaluation  
14 of the implementation of this Act, and the appropriate recommendations thereon, and  
15 for any improvements or modifications to the policies enunciated herein.

16  
17 **Sec. 15. *Separability Clause.*** – If any part or section of this Act is declared  
18 unconstitutional, such declaration shall not affect the other parts or sections of this  
19 Act.

20  
21 **Sec. 16. *Repealing Clause.*** – Section 20 of R.A. No. 8749 otherwise known as the  
22 “Philippine Clean Air Act of 1999” is hereby repealed. The pertinent provision of R.A.  
23 No. 9003 otherwise known as the “Ecological Solid Waste Management Act of  
24 2000”, as amended, and other laws, presidential decrees, executive orders, rules  
25 and regulations inconsistent with any provisions of this Act shall be deemed repealed  
26 or modified accordingly.

27  
28 **Sec. 17. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication  
29 in the Official Gazette or in a newspaper of general circulation.

30 *Approved,*