

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

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1257



Introduced by Representative **MARCELINO R. TEODORO**

EXPLANATORY NOTE

This bill seeks to amend or repeal relevant provisions of Republic Act No. 8749, or the Philippine Clean Air Act of 1999, and Republic Act No. 9003, or the Ecological Solid Waste Management Act of 2000, specifically with regard to the ban on waste incineration. Section 20 of the Clean Air Act prohibits incineration, while R.A. 9003 promotes ecological solid waste management practices that expressly exclude such methods.

However, advancements in technology have challenged the notion that all forms of incineration are environmentally harmful. Waste-to-Energy (WTE) technologies now allow for the safe and efficient conversion of waste into electricity or heat, offering both environmental and energy benefits. Notably, the Supreme Court in *MMDA vs. Jancom Environmental Corporation* (G.R. No. 147465, January 30, 2002) clarified that the Clean Air Act does not impose an absolute ban on incinerators, but only prohibits burning processes that emit toxic and poisonous fumes.

This bill establishes standards for waste treatment technologies used in the disposal of municipal and hazardous waste, or in converting waste into fuel. It empowers the Department of Environment and Natural Resources (DENR) to enforce regulations and promote the use of modern, environment-friendly, and safe technologies for the treatment, utilization, and disposal of residual wastes.

Local government units (LGUs) will be mandated to establish waste treatment facilities consistent with their approved ten-year solid waste management plans. The Department of Science and Technology (DOST) will conduct technology verification for waste treatment projects, while the Department of Energy (DOE) will accredit energy recovery facilities and integrate these into the Philippine Energy Plan in alignment with the National Solid Waste Management Framework.

The bill also provides fiscal and non-fiscal incentives to registered investors and program implementers, and imposes penalties for violations of environmental, energy, and science and technology regulations.

Its immediate passage is earnestly sought.

A handwritten signature in blue ink, appearing to read "Marcelino R. Teodoro", written over a horizontal line.

MARCELINO R. TEODORO

Representative

First District, Marikina City

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
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HOUSE BILL NO. 1257

Introduced by **REP. MARCELINO R. TEODORO**

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:*

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

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

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

Sec. 3. Lead Agencies. – The Department of Environment and Natural Resources (DENR) shall be primarily responsible for the implementation and enforcement of this

1 Act, while the Department of Energy is primarily responsible over relevant regulations
2 pertaining to waste-to-energy facilities. Both agencies shall promote the use of
3 state-of-the-art, environmentally-sound and safe technologies for the handling,
4 treatment, thermal or non- thermal destruction, utilization, and disposal of residual
5 wastes. Pursuant to Sec. 15 of R.A No. 8749, otherwise known as the "*Clean Air*
6 *Act of 1999*", the Pollution Research and Development Program shall likewise
7 include the continuous monitoring, evaluation, and development of more appropriate air
8 quality guideline values and standards for the treatment of municipal and hazardous
9 wastes, or for the processing of any waste material for fuel.

10
11 **Sec. 4. Role of Local Government Units (LGUs) in Setting Up Treatment Facilities.**

12 – The LGUs are hereby mandated to promote, encourage and implement in their
13 respective jurisdictions a comprehensive solid waste management plan that includes
14 waste reduction, segregation, recycling, composting, and recovery. The establishment
15 of treatment facilities shall be facilitated by LGUs within a region, province, or
16 strategically clustered LGUs, in consonance with their respective ten-year solid waste
17 management plans: *Provided*, That these are consistent with the national solid
18 waste management framework established pursuant to R.A. No. 9003, otherwise known
19 as the "*Ecological Solid Waste Management Act of 2000*".

20
21 **Sec. 5. Role of the National Solid Waste Management Commission (NSWMC).** –

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

27
28 **Sec. 6. Role of the Department of Science and Technology (DOST).** – The DOST
29 shall undertake the necessary verification of the technology that will be used for the
30 treatment or waste processing projects. The verification shall be completed and reported
31 in writing within ten (10) working days from receipt of the application, or twenty (20)
32 working days if the application is for a new technology.

33
34 **Sec. 7. Role of the Department of Energy (DOE).** – The DOE, in addition to its
35 powers and functions under R.A. No. 7638, otherwise known as "*The Department of*
36 *Energy Act of 1992*," shall, insofar as the establishment and operation of facilities
37 that recover energy:

(a) Accredited 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.

In 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

1 under Title XIII of Republic Act No. 8424, otherwise known as the "National Internal
2 Revenue Code of 1997", as amended, and any other applicable laws: *Provided*, That
3 the inclusion of waste-to-energy projects in the strategic investment priorities plan
4 shall be reviewed and may be extended by the BOI.

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

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

19
20 **Sec. 10. *Permits and Licenses.*** – The procedure for the issuance of permits and
21 licenses for all kinds of waste-to-energy facilities shall be governed by R.A. No.
22 11234, otherwise known as the "*Energy Virtual One-Stop Shop Act*", and R.A. No.11032,
23 otherwise known as the "*Ease of Doing Business and Efficient Government Service*
24 *Delivery Act of 2018*".

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

34
35 **Sec. 12. *Congressional Oversight Committee.*** – Upon the effectivity of this Act, a
36 Joint Congressional Oversight Committee shall be constituted to monitor its
37 implementation by the concerned agencies and LGUs. The Oversight Committee

1 shall be composed of fourteen (14) members, with the Chairpersons of the Committee
2 on Ecology and Committee on Energy of the House of Representatives and the
3 Chairpersons of the Committee on Environment and Natural Resources and
4 Committee on Energy of the Senate as co-chairpersons and an additional four
5 members from each House, to be designated by the Speaker of the House of
6 Representatives and the Senate President, respectively.

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

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

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

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

30 *Approved,*