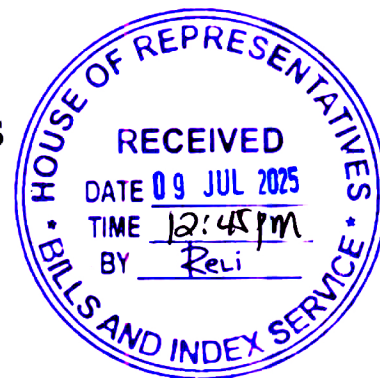


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 1636



Introduced by Representative Paolo Henry M. Marcoleta

EXPLANATORY NOTE

The rapid increase in the population growth and urbanization of the Philippines over the years has resulted in the consequent increase in the country's waste generation and energy demand.

According to the World Bank's 2018 study, the global annual waste generation is projected to jump to 3.4 billion tonnes by 2050. Carbon dioxide-equivalent emissions from solid waste treatment and disposal, primarily driven by open dumps and landfills without gas collection systems, reached 1.6 billion tonnes in 2016, and is anticipated to increase to 2.6 billion tonnes by 2050¹. With more than 116M Filipinos, we are a contributor to this wastage.

This problem is not limited to our country – it is one that is and should be addressed globally. A lot of countries have already taken proactive measures and innovations to address this.

On our part, despite the enactment of Republic Act No. 9003 or the Ecological Solid Waste Management Act (ESWMA) in 2001², the government has not fully implemented or realized the policies envisioned by the ESWMA due to failure in addressing the growing generation of waste and the insufficient infrastructure available for its disposal. Pursuant to ESWMA, only sanitary landfills are authorized as final disposal facilities, thereby prohibiting the operation of open dumpsites.

¹ "What a Waste 2.0: A Global Snapshot of Solid Waste Management to 2050"

² From Waste to Renewable Energy: A Policy Review on Waste-to-Energy in the Philippines

As of 2023, records indicate that 279 sanitary landfills were operational, with a total capacity of approximately 66.87 million cubic meters³. However, according to projections from the National Solid Waste Management Commission, the Philippines is expected to generate over 20 million cubic meters of solid waste annually until at least 2025.

In light of these projections, the current and planned landfill infrastructure of the Philippines may be insufficient to accommodate the volume of waste generated. Thus, the implementation of waste-to-energy technologies should be used not only to address our growing waste problem, but also the country's energy problem.

Highly developed countries like Sweden and Singapore have utilized Waste-to-Energy (WTE) innovations with successful outcomes. In the case of the Philippines, while Republic Act No. 8749 or the Philippine Clean Air Act of 1999 expressly banned incineration that “emits toxic or poisonous fumes”, Republic Act No. 9003 or the Ecological Solid Waste Management Act of 2000 made space for research on improved methods for collecting and disposing solid waste, including recovery of “energy from solid waste”.

Thereafter, Congress enacted laws such as Republic No. 9275 or the Clean Water Act, as well as Republic Act No. 9367 or Biofuels Act of 2006, which placed heavy emphasis on pollution control and sustainable technologies, eventually culminating to the enactment of the Republic Act No. 9513 or the Renewable Energy Act of 2008 (RE Law), which encouraged the adoption of WTE technologies. Subsequent laws such as Republic Act No. 9729 or the Climate Change Act of 2009, Republic Act No. 11285 or the Energy Efficiency and Conservation Act, as well as Republic Act No. 11898 or the Extended Producer Responsibility Act of 2022, further highlighted the Government's continuing commitment towards climate change mitigation and ecological conservation—the very same principles that WTE technologies aim to advance.

To help realize the goals of these measures, the DOE issued Department Circular No. DC2022-02-0002 on 17 February 2022, which created a policy program for the enhancement of Biomass WTE development⁴. DOE also released Department Circular No. 2024-06-0018, which detailed the requirements needed to establish a Biomass Energy or WTE operating plants. Other regulations such as the Department of Environment and Natural Resources Administrative Order No. 2019-21 and the Environmental

³ From Waste to Renewable Energy: A Policy Review on Waste-to-Energy in the Philippines

⁴ *Id*

Management Bureau (EMB) Memorandum Circular No. 2020-23 govern specific aspects of Biomass/WTE plants such as the implementation of strict standards on the plants' effluent and wastes.

Over the country, there are thirteen (13) WTE plants, as of 2023, ranging from 100 kW to 12 MW in capacity currently registered with the DOE, six (6) of which are currently in operational status, with more additions planned in the coming years. However, despite being supported by both the national government and local government units, and even with the enactment of laws to expedite energy projects such as Republic Act No. 11234 or the Energy Virtual One-Stop Shop Act, initiatives for WTE facilities have often been stalled due to legal and regulatory barriers.

The current measure seeks to fully authorize the use of WTE technologies, in line with the RE Law, provided that they meet the standards of environmental safety and operational efficiency. This bill reflects the provisions in the Committee Report made by the Committee on Energy of the 19th Congress and further aims to continue the same.

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



PAOLO HENRY M. MARCOLETA
Representative, SAGIP Partylist

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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HOUSE BILL NO. _____

Introduced by Representative Paolo Henry M. Marcoleta

AN ACT
ESTABLISHING A NATIONAL ENERGY POLICY AND REGULATORY
FRAMEWORK FOR FACILITIES UTILIZING WASTE-TO-ENERGY
TECHNOLOGIES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SEC. 1. Short Title.** - This Act shall be referred to as the “Waste-to-Energy
2 Act.”

3
4 **SEC. 2. Declaration of Policy.** - It is hereby declared the policy of the State to:

- 5
6 a. ensure protection of the public's health and the environment through a
7 systematic and comprehensive ecological solid waste management program;
8 b. strengthen its commitment to solid waste avoidance and volume reduction by
9 supplementing the latter with other solid waste management treatment
10 technologies to include waste-to-energy;
11 c. encourage the development and utilization of environmentally sustainable new
12 and alternative technologies in resource recovery, resource conservation,
13 processing, treatment, and disposal of solid waste, such as waste-to-energy
14 facilities;
15 d. support the utilization of waste-to-energy facilities in order to attain sustainable
16 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 (LGUs) and waste-to-energy (WTE) facilities.

SEC. 4. *Definition of Terms.* - For purposes of this Act, the following terms shall be defined as:

- 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, as amended;
- d. *Chemical and industrial 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 LGUs for the establishment of a common solid waste management treatment facility or service;

- 1 f. *Collection* refers to the act of removing solid waste from the source or from a
2 communal storage point;
3
- 4 g. *Disposal* refers to the deposit, or placing of any solid waste into an approved
5 disposal site pursuant to Republic Act No. 9003, as amended;
6
- 7 h. *Disposal site* refers to a facility where solid waste is finally deposited and
8 placed pursuant to Republic Act No. 9003, as amended;
9
- 10 i. *Emission* means any air contaminant, pollutant, gas stream, or unwanted sound
11 from a known source which is passed into the atmosphere;
12
- 13 j. *Hazardous waste* refers to substances that are without any safe commercial,
14 industrial, agricultural, or economic usage. It also includes those which are
15 shipped, transported, or brought from the country of origin for dumping or
16 disposal into or in transit through any part of the Philippines. It shall also refer
17 to by-products, side-products, process residues, spent reaction media,
18 contaminated plant or equipment, or other substances from manufacturing
19 operations and as a customer discard of manufactured products, or a
20 combination of solid waste which, because of its quantity, concentration,
21 physical, chemical, or infectious characteristics, may:
22
- 23 i. Cause or significantly contribute to an increase in mortality or an
24 increase in a serious irreversible or incapacitating reversible illness; or
25
- 26 ii. Pose a substantial present or potential hazard to human health or the
27 environment when improperly treated, stored, transported, or disposed
28 of, or otherwise managed;
29
- 30 k. *Incineration in a WTE facility* refers to a waste treatment and resource recovery
31 technology that involves the controlled combustion of waste materials for the
32 purpose of recovering energy from it, and whose emissions and effluents are
33 compliant with the guidelines pursuant to this Act and other relevant laws,
34 rules, and regulations;
35
- 36 l. *Local Government Solid Waste Management Plan* refers to the ten (10) year
37 solid waste management plan, consistent with the National Solid Waste
38 Management Framework, prepared by the LGUs pursuant to Section 16 of
39 Republic Act No. 9003, as amended;
40

- 1 m. *Municipal waste* refers to waste produced from activities within LGUs which
2 include a combination of domestic, commercial, institutional, and industrial
3 wastes and street litters pursuant to Republic Act No. 9003, as amended;
4
- 5 n. *National Solid Waste Management Commission (NSWMC)* refers to the body
6 created and primarily tasked with overseeing the implementation of solid waste
7 management plans and prescribing policies to achieve the objectives of
8 Republic Act No. 9003, as amended;
9
- 10 o. *National Solid Waste Management Framework* refers to a document prepared
11 by the NSWMC based on the National Solid Waste Management Status Report
12 pursuant to Section 15 of Republic Act No. 9003, as amended;
13
- 14 p. *National Solid Waste Management Status Report* refers to a document prepared
15 by the Department of Environment and Natural Resources (DENR), which is
16 used as a basis in formulating the National Solid Waste Management
17 Framework pursuant to Section 14 of Republic Act No. 9003, as amended;
18
- 19 q. *Poisonous and toxic fumes* means any emissions and fumes which are beyond
20 internationally accepted standards, including but not limited to the World
21 Health Organization air quality guidelines, as provided in Republic Act No.
22 8749, otherwise known as the Philippine Clean Air Act of 1999;
23
- 24 r. *Processing fee* refers to the amount paid to avail of the services of a waste-to-
25 energy facility as defined herein;
26
- 27 s. *Provincial Solid Waste Management Board* refers to the entity established by
28 each province pursuant to Section 11 of Republic Act No. 9003, as amended;
29
- 30 t. *Residue* refers to substances that remain after a process in a waste-to-energy
31 facility such as preparation, separation, purification, evaporation, combustion,
32 distillation, or filtration;
33
- 34 u. *Resource recovery* refers to the collection, extraction, or recovery of recyclable
35 materials from the waste stream for the purpose of recycling, generating
36 energy, or producing a product suitable for beneficial use;
37
- 38 v. *Sanitary landfill* refers to a waste disposal site designed, constructed, operated,
39 and maintained in a manner that exerts engineering control over significant

1 potential environment impacts arising from the development and operation of
2 the facility pursuant to Republic Act No. 9003, as amended;
3

4 w. *Segregation* refers to a solid waste management practice of separating different
5 materials found in solid waste in order to promote recycling and re-use of
6 resources, facilitate waste treatment processes, and to reduce the volume of
7 waste for collection and disposal pursuant to Republic Act No. 9003, as
8 amended;
9

10 x. *Solid waste* refers to all discarded household waste, commercial waste, non-
11 hazardous institutional and industrial waste, street sweepings, construction
12 debris, agricultural waste, and other non-hazardous or non-toxic solid waste. It
13 shall not include:
14

15 i. Waste identified or listed as hazardous waste of a solid, liquid,
16 contained gaseous, or semisolid form, which may cause or contribute to
17 an increase in mortality or in serious or incapacitating reversible illness,
18 or acute or chronic effect on the health of persons and other organisms;
19

20 ii. Infectious waste from hospitals such as equipment, instruments, utensils,
21 and fomites of a disposable nature from patients who are suspected to
22 have or have been diagnosed as having communicable diseases and must
23 therefore be isolated as required by public health agencies, laboratory
24 wastes as pathological specimens, and disposable fomites that may
25 harbor or transmit pathogenic organisms, and surgical operating room
26 pathologic materials from outpatient areas and emergency rooms; and,
27

28 iii. Waste resulting from mining activities, including contaminated soil and
29 debris;
30

31 y. *Solid waste management treatment facility* refers to any resource recovery
32 system or component thereof; any system, program or facility for resource
33 conservation; or any facility for the collection, source separation, storage
34 transportation, transfer, processing, treatment, or disposal of solid waste;
35

36 z. *Solid waste management* refers to the discipline associated with the control of
37 generation, storage, collection, transfer and transport, processing, and disposal
38 of solid wastes in a manner that is in accord with the best principal of public
39 health, economics, engineering, conservation, aesthetics, and other

1 environmental considerations, and that is also responsive to the public
2 attitudes;

3
4 aa. *Waste* refers to any material misplaced, unused or rejected by persons as
5 worthless or unwanted. It includes, among others, agricultural, biomedical,
6 chemical and industrial, hazardous, municipal, and solid wastes;

7
8 bb. *Waste-to-Energy (WTE)* refers to an energy system with a process of
9 converting WTE feedstock with various technologies, usually the conversion of
10 non-recyclable waste materials into usable heat, electricity, or fuel through a
11 variety of processes;

12
13 cc. *WTE facility* refers to the facility where the WTE operations are conducted;

14
15 dd. *WTE feedstock* refers to the waste materials with calorific-value that are taken
16 in for WTE processing in a WTE facility;

17
18 ee. *Waste generation* refers to the act or process of producing solid waste; and

19
20 ff. *WTE strategy* refers to a plan of action with measurable targets for the
21 utilization of WTE facilities for solid waste management treatment and energy
22 production.

23
24 **SEC. 5. *WTE and WTE Facility.*** - WTE shall be classified as another kind of
25 renewable energy resource. A WTE facility shall:

26
27 a. Be both a solid waste management treatment facility and an energy production
28 facility;

29
30 b. Comply with establishment and operation guidelines for WTE facilities
31 pursuant to Sections 6(c), 8(c), and 9(b) of this Act;

32
33 c. Ensure the proper management of its residue which should conform to relevant
34 laws, rules, and regulations and should include making arrangements with a
35 sanitary landfill, or developing its own, prior to Its operations, as a disposal site
36 for any residue generated from its operations in accordance with NSWMC,
37 DENR, and DOH guidelines issued pursuant to this Act; and

38
39 d. Comply with relevant laws, rules, and regulations including but not limited to
40 Presidential Decree No. 1586 Establishing an Environmental Impact Statement

1 System, Republic Act No. 6969 otherwise known as the Toxic Substances and
2 Hazardous and Nuclear Waste Act, Republic Act No. 7638 otherwise known as
3 the Department of Energy Act of 1992 as amended, Republic Act No. 8749,
4 Republic Act No. 9003, as amended. Republic Act No. 9136 otherwise known
5 as the Electric Power Industry Reform Act of 2001, Republic Act No. 9275
6 otherwise known as the Philippine Clean Water Act of 2004, Republic Act No.
7 9367 otherwise known as the Biofuels Act of 2006, Republic Act No. 9513
8 otherwise known as the Renewable Energy Act of 2008, Republic Act No.
9 11223 otherwise known as the Universal Health Care Act, and WHO
10 Guidelines on Air Quality.

11
12 All waste treatment technologies in a WTE facility shall be allowed including
13 incineration: *Provided*, that these technologies shall not emit toxic and poisonous
14 fumes into the environment, operate in compliance with best available techniques
15 and/or best existing practice for preventing and controlling pollution from waste
16 treatment, and shall comply with all the laws mentioned hereof and other relevant
17 laws, rules, and regulations.

18
19 In addition to the provisions of this Act, the segregation, collection, transfer,
20 storage, and transport of solid waste as WTE feedstock for a WTE facility, and the
21 waste treatment process of the WTE facility shall be governed by Republic Act No.
22 9003, as amended, and Republic Act No. 8749, while the energy production aspect of
23 the WTE facility shall be governed by Republic Act No. 7638, Republic Act No.
24 9136, Republic Act No. 9367, Republic Act No. 9513, and other relevant laws, rules,
25 and regulations.

26
27 **SEC. 6. NSWMC.** - The Secretary of Energy shall serve in ex-officio capacity
28 as member of the NSWMC, which shall now have fifteen (15) members, comprising
29 of nine (9) members from the government sector and six (6) members from the private
30 sector. In addition to its powers and functions under Republic Act No. 9003, as
31 amended, the NSWMC shall:

- 32
33 a. Include a WTE strategy in the National Solid Waste Management Framework;
34
35 b. Act as the lead agency in ensuring streamlined standards, criteria, and
36 guidelines for WTE facilities to avoid inconsistent and conflicting issuances;
37
38 c. Regularly determine, review, and publish the following:
39
40 i. Standards, criteria, and guidelines for:

- 1 1. Determination of the feasibility of integrating a WTE strategy in the
2 Local Government Solid Waste Management Plan, taking into
3 account the volume of WTE feedstock that may be generated from
4 municipal waste in an LGU or clusters thereof;
5
- 6 2. Characterization and composition of solid waste utilized as WTE
7 feedstock for WTE facilities to ensure emissions are compliant with
8 Republic Act No. 8749 and other relevant laws, rules, and
9 regulations;
10
- 11 3. Transport, storage, and pre-processing of WTE feedstock;
12
- 13 4. Pre-operation, siting, design, operation, and maintenance of WTE
14 facilities;
15
- 16 5. Quality control and operational control of WTE facilities;
17
- 18 6. Management of residue from WTE facilities, if any;
19
- 20 7. Pollution abatement, emissions monitoring, environmental
21 monitoring, and public health and safety monitoring in relation to
22 WTE facilities;
23
- 24 8. Decommissioning, closure, and abandonment of WTE facilities; and
25
- 26 9. Other guidelines pursuant to relevant laws, rules, and regulations,
27 and,
28
- 29 ii. Minimum standards, criteria, and guidelines, in determining a fair,
30 equitable, and reasonable processing fee for WTE facilities taking into
31 consideration, among others, the cost of construction, operation, and
32 maintenance of the facility as well as the potential revenue from the sale
33 of energy output, in consultation with relevant government agencies,
34 experts, and stakeholders;
35
- 36 d. Consolidate and make available to the public, through its website and any
37 online means, the following:
38
- 39 i. Current and potential uses of WTE facilities in relation to solid waste
40 management;

- 1
2 ii. Inventory of existing WTE facilities;
3
4 iii. General feedstock characterization;
5
6 iv. Status and projection of feedstock generation;
7
8 v. Specific locations of potential feedstock and WTE facilities; and
9
10 vi. Other relevant Information
11
12 e. Provide policy guidelines to assist LGUs in the development of WTE facilities
13 to include the determination of the potential of WTE facilities in their
14 respective localities;
15
16 f. Ensure LGUs incorporate a WTE strategy, if feasible, in their respective Local
17 Government Solid Waste Management Plans;
18
19 g. Identify and recommend potential clustering of LGUs for a common WTE
20 facility in accordance with the standards to be set forth in the Implementing
21 Rules and Regulations;
22
23 h. Coordinate with the Provincial, City, and Municipal Solid Waste Management
24 Boards especially for clustered LGUs employing a common WTE facility; and
25
26 i. Perform all other acts that are analogous to the foregoing, which are necessary
27 and incidental to accomplish the policy objectives of this Act.
28

29 **SEC. 7. *Role of the Department of Energy (DOE).*** - In addition to its powers
30 and functions under Republic Act No. 7638, the DOE shall:
31

- 32 a. Issue permits to WTE facilities based on the energy output, and determine the
33 standards, criteria, and requirements applicable for each kind of WTE facility
34 pursuant to Republic Act No. 7638, Republic Act No. 9136, Republic Act No.
35 9367, Republic Act No. 9513, and other relevant laws, rules, and regulations;
36
37 b. Include a WTE strategy in the Philippine Energy Plan, taking into
38 consideration the National Solid Waste Management Framework;
39

- 1 c. Regularly submit to the NSWMC and make available to the public, especially
2 to potential WTE investors, national and local information on the following:
3
4 i. Current and potential uses of WTE facilities in relation to solid waste
5 management;
6
7 ii. Inventory of existing WTE facilities; and
8
9 iii. Other relevant information; and
10
11 d. Perform all other acts that are analogous to the foregoing, which are necessary
12 and incidental to accomplish the policy objectives of this Act.
13

14 **SEC. 8. *Role of the DENR.*** - In addition to its powers and functions under
15 Republic Act No. 9003, as amended, and Republic Act No. 8749, the DENR shall:
16

- 17 a. Include a WTE strategy. If feasible, in the National Solid Waste Management
18 Status Report;
19
20 b. Provide technical and other capacity building assistance and support to LGUs
21 based on the policy guidelines created by the NSWMC pursuant to Section 6(e)
22 of this Act;
23
24 c. Implement and revise, when necessary, together with the DOH, existing
25 guidelines issued pursuant to Republic Act No. 9003, as amended, on waste
26 transport, pre-operation, waste acceptance, waste storage, pre-processing of
27 waste, quality control, operational control, pollution abatement, management of
28 residue, emissions monitoring, environmental monitoring, public health and
29 safety monitoring, decommissioning, closure, and abandonment, among others,
30 taking into account the NSWMC's standards, criteria, and guidelines under
31 Section 6(c) of this Act and other relevant laws, rules, and regulations, and in
32 consultation with relevant stakeholders;
33
34 d. Ensure compliance with Section 8(c) of this Act to include continuous
35 monitoring and testing of by-products of WTE facilities;
36
37 e. Make available to the public, through its website and any online means, the
38 emissions, effluents and other by-products of WTE facilities;
39

- 1 f. Investigate, *motu proprio* or upon complaint, reports of non-compliance of
2 WTE facilities with the provisions of this Act and other relevant laws, rules,
3 and regulations;
4
- 5 g. Exercise visitorial and enforcement powers to ensure strict compliance of WTE
6 facilities with this Act, Republic Act No. 9003, as amended. Republic Act No.
7 8749, and other relevant laws, rules, and regulations;
8
- 9 h. Recommend to the NSWMC policies to address challenges of WTE facilities
10 from a solid waste management perspective; and
11
- 12 i. Perform all other acts that are analogous to the foregoing, which are necessary
13 and incidental to accomplish the policy objectives of this Act.
14

15 **SEC. 9. Role of the Department of Health.** - In addition to its existing powers
16 and functions, the DOH shall:
17

- 18 a. Ensure all WTE facilities undergo a Health Impact Assessment, pursuant to
19 Republic Act No. 11223 and Presidential Decree No. 1586, as part of the
20 Environmental Impact Assessment System, to be jointly reviewed and
21 approved by the DOH and DENR prior to construction and operation;
22
- 23 b. Implement and revise, when necessary, together with DENR, existing
24 guidelines issued pursuant to Republic Act No. 9003, as amended, on waste
25 transport, pre-operation, waste acceptance, waste storage, pre-processing of
26 waste, quality control, operational control, pollution abatement, management of
27 residue, emissions monitoring, environmental monitoring, public health and
28 safety monitoring, decommissioning, closure, and abandonment, among others,
29 taking into account the NSWMCs standards, criteria, and guidelines under
30 Section 6(c) of this Act and other relevant laws, rules, and regulations, and in
31 consultation with relevant stakeholders;
32
- 33 c. Regularly conduct an analysis of the effects of WTE facilities and disposal sites
34 on public health and submit the same to the NSWMC for consolidation, and
35 DENR for proper action, if applicable;
36
- 37 d. Undertake research on the public health impact of WTE facilities together with
38 government agencies, the academe, and private stakeholders;
39

- 1 e. Make available to the public, through its website and any online means, studies
2 and analyses of the effects of WTE facilities and disposal sites on public
3 health; and
4
- 5 f. Perform all other acts that are analogous to the foregoing, which are necessary
6 and incidental to accomplish the policy objectives of this Act.
7

8
9 **SEC. 10. *Role of Local Government Units.*** - In addition to their powers,
10 functions, and responsibilities under Republic Act No. 7160 otherwise known as the
11 Local Government Code of 1991, and Republic Act No. 9003, as amended, LGUs
12 shall:

- 13
- 14 a. In the case of a city or municipality and if applicable, be responsible for the
15 hauling of WTE feedstock to a WTE facility;
16
- 17 b. In the case of a province and if applicable, provide necessary logistical and
18 operational support for the processing of WTE feedstock in a WTE facility;
19
- 20 c. Include a WTE strategy, if feasible, in their respective Local Government Solid
21 Waste Management Plans;
22
- 23 d. Comply with the standards, criteria, and guidelines on WTE feedstock and
24 WTE facilities pursuant to Sections 6(c), 8(c), and 9(b) of this Act, if
25 applicable; and
26
- 27 e. Be authorized to enter into and shall comply with all obligations under the
28 following:
29
- 30 i. Clustering arrangements with other LGUs for a common WTE facility, on
31 their own or upon recommendation of the Provincial Solid Waste
32 Management Board or the NSWMC: Provided, That the province shall have
33 the power to cluster component cities and municipalities based on the
34 NSWMC approved provincial and local solid waste management plans and
35 the recommendation of the NSWMC pursuant to Section 6(g) of this Act;
36
- 37 ii. Long term contracts with WTE facilities, on their own or with clustered
38 LGUs; and
39

1 iii. Public private partnerships pursuant to Republic Act No. 6957 otherwise
2 known as An Act Authorizing the Financing, Construction, Operation and
3 Maintenance of Infrastructure Projects by the Private Sector, and For Other
4 Purposes as amended, cooperative undertakings under Section 33 of
5 Republic Act No. 7160, and other contractual arrangements provided for
6 under existing laws, rules, regulations as well as the LGUs' respective
7 charters for the establishment of WTE facilities: Provided, That WTE
8 projects submitted to the Investment Coordinating Committee pursuant to
9 Republic Act No. 6957, as amended, shall be acted upon within thirty (30)
10 working days from submission: Provided further. That failure to act within
11 the prescribed time frame shall deem such projects approved.
12

13 The national government shall provide support to all LGUs towards the
14 effective implementation and the achievement of the policy objectives of this Act;
15 *Provided* that the provision of support by the national government shall be compliant
16 with the provisions of all relevant laws, rules and regulations.
17
18

19 **Sec. 11. *Role of the Provincial Solid Waste Management Board.*** - In addition
20 to its powers and functions under Republic Act No. 9003, as amended, the Provincial
21 Solid Waste Management Board shall:
22

- 23 a. Integrate a WTE strategy, if feasible, in the Provincial Solid Waste
24 Management Plan taking into consideration the Local Government Solid
25 Waste Management Plans of all its component cities and municipalities;
26
- 27 b. Recommend potential locations for WTE facilities in the Provincial Solid
28 Waste Management Plan;
29
- 30 c. Identify and recommend, or direct pursuant to Section 10 of this Act,
31 clustering of component cities and municipalities for a common WTE
32 facility, based on the Local Government Solid Waste Management Plans of
33 all its component cities and municipalities;
34
- 35 d. Provide the necessary logistical and operational support to component cities
36 and municipalities who have the potential to be clustered, have decided to be
37 clustered, or have been directed to be clustered pursuant to Section 10 of this
38 Act, for a common WTE facility;
39
- 40 e. Coordinate the efforts and oversee the implementation of the clustering of

1 component cities and municipalities for a common WTE facility; and

- 2
- 3 f. Coordinate with other Provincial, City, and Municipal Solid Waste
4 Management Boards In identifying possible inter- and intra- province
5 clustering for a common WTE facility.
- 6

7

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

13

14

15 **Sec. 13. *Role of the Public-Private Partnership Center.*** - The Public-Private
16 Partnership Center shall provide support to all LGUs towards the effective
17 implementation and the achievement of the policy objectives of this Act in accordance
18 with its mandate under existing laws, issuances, rules, and regulations.

19

20

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

24

25

26 **Sec. 15. *Prohibited Acts.*** - The following acts are prohibited:

27

28 a. For LGUs:

29 i. Failure to include, if feasible, and implement, if applicable, the
30 WTE strategy in their respective Local Government Solid Waste
31 Management Plans; and

32

33 ii. Failure to perform the responsibilities in Section 10 on the Role
34 of LGUs, Section 11 on the Role of the Provincial Solid Waste
35 Management Board, and Section 12 on the Role of the City or
36 Municipal Solid Waste Management Board;

37

38 b. For government agencies, failure to perform the powers and functions
39 indicated under Section 6 on the National Solid Waste Management

1 Commission, Section 7 on the Role of the DOE, Section 8 on the Role of
2 the DENR, and Section 9 on the Role of the DOH; and
3

4 c. For WTE facilities:

- 5 i. Failure to comply with the responsibilities in Section 5 on WTE
6 and WTE Facility; and
7
8 ii. Use of imported municipal solid waste as WTE feedstock for a
9 WTE facility.
10
11

12 **Sec. 16. Penalties.** - Without prejudice to civil and criminal liability, the following
13 persons found to have violated the Sections mentioned below shall be meted with the
14 following penalties:
15

16 a. Officials of LGUs who violate Section 15(a):
17

- 18 i. First offense: six (6) months suspension;
19
20 ii. Second offense: Dismissal from service, perpetual disqualification from
21 holding public office, and forfeiture of retirement benefits.
22

23 b. Officials of government agencies who violate Section 15(b) shall suffer
24 dismissal from service, perpetual disqualification from holding public office,
25 forfeiture of retirement benefits, and imprisonment for one (1) to six (6) years
26 with a fine of not less than five hundred thousand pesos (Php500,000.00) but
27 not more than two million pesos (Php2,000,000.00);
28

29 c. Any person who violates Section 15
30

31 d. (c)(i):

- 32 i. First offense: Fine of one million pesos (Php1,000,000.00) and an
33 amount not less than ten percent (10%) but not more than fifteen percent
34 (15%) of the net annual income during the previous year;
35
36 ii. Second offense: The same penalties as with the first offense including
37 an additional penalty of imprisonment of a minimum period of one (1)
38 year but not to exceed three (3) years;
39

1 iii. Third offense: The same penalties as with the second offense and
2 permanent revocation of the license of the WTE facility;
3

4 d. Any person who violates Section 15(c)(ii) shall pay a fine of one million pesos
5 (Php1,000,000.00) and an amount not less than ten percent (10%) but not more
6 than fifteen percent (15%) of the net annual income during the previous year,
7 and shall suffer imprisonment of a minimum period of one (1) year but not to
8 exceed three (3) years and permanent revocation of the license of the WTE
9 facility. The same person shall repatriate the imported municipal solid waste to
10 its country of origin.
11

12 For Section 15, if the violation is committed by a corporation,
13 partnership, or other juridical entity duly recognized in accordance with the
14 law, the chief executive officer, president, general manager, managing partner,
15 or such other officer-in-charge shall be liable for the commission of the offense
16 penalized under this Act.
17
18

19 **Sec. 17. Incentives.** - WTE facilities, depending on their output, shall be
20 entitled to avail of the incentives under Republic Act No. 9367, otherwise known as
21 the Biofuels Act of 2006, and Republic Act No. 9513, otherwise known as the
22 Renewable Energy Act of 2008.
23
24

25 **Sec. 18. Establishment of Dedicated Offices.** - The DOE, DENR, DOH and
26 NSWMC shall establish dedicated offices for the effective implementation of this Act.
27 The organizational structure and staffing complement shall be determined by the
28 Secretaries of DENR, DOE, and DOH, in consultation with the Department of Budget
29 and Management, and in accordance with existing civil service rules and regulations.
30

31 The budgetary requirements necessary for the establishment of the dedicated
32 offices shall be taken from the current appropriations of DOE, DENR, DOH and
33 NSWMC. Thereafter, the funding for the dedicated offices shall be included in the
34 annual General Appropriations Act.
35
36

37 **Sec. 19. Appropriations.** - The amount of Fifteen million pesos
38 (Php15,000,000.00) for DOE, Three hundred million pesos (Php300,000,000.00) for
39 DENR, Forty-five million pesos (Php45,000,000.00) for DOH, and Twenty-seven
40 million (Php27,000,000.00) for NSWMC for the initial implementation of this Act

1 shall be charged against the current year's appropriations of the DOE, DENR, DOH,
2 and NSWMC respectively.

3 Thereafter, such amounts necessary for the sustainable implementation of this
4 Act shall be included in the Annual General Appropriations Act.
5
6

7 **Sec. 20. *Congressional Oversight.*** - The Joint Congressional Energy
8 Commission (JCEC), created under Republic Act No. 9136 and renamed under
9 Republic Act No. 11285, shall exercise oversight powers over the implementation of
10 this Act. The Chairpersons of the Committee on Environment and Natural Resources
11 of the Senate and the House of Representatives shall be automatic members.
12
13

14 **Sec. 21. *Implementing Rules and Regulations.*** - Within sixty (60) days from
15 the effectivity of this Act, DOE shall, in coordination with DENR, and in consultation
16 with DOH, NSWMC, Department of Interior and Local Government, and relevant
17 public and private stakeholders, promulgate the rules and regulations to effectively
18 implement the provisions of this Act.
19
20

21 **Sec. 22. *Separability Clause.*** - If any provision or part of this Act is declared
22 invalid or unconstitutional, the remaining parts not affected shall remain in full force
23 and effect.
24
25

26 **Sec. 23. *Repealing Clause.*** - All laws, presidential decrees, executive orders,
27 letters of instructions, administrative orders, proclamations or administrative
28 regulations that are inconsistent with the provisions of this Act are hereby repealed,
29 amended, or modified accordingly.
30
31

32 **Sec. 24. *Effectivity*** - This Act shall take effect fifteen (15) days following its
33 complete publication in the Official Gazette or in a newspaper of general circulation.
34
35

Approved,