



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

Twentieth Congress
First Regular Session

HOUSE BILL NO. **4272**



Introduced by Representatives Ferdinand Martin G. Romualdez, Yedda Marie K. Romualdez, Andrew Julian K. Romualdez and Jude A. Acidre

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”

EXPLANATORY NOTE

Section 20 of Republic Act No. 8749 or the *Philippine Clean Air Act of 1999* provides for the prohibition of incineration of municipal, biomedical, and hazardous waste, which process emits poisonous and toxic fumes. Likewise, certain provisions from Republic Act No. 9003 or the *Ecological Solid Waste Management Act of 2000* provided for the State to adopt a systematic, comprehensive and ecological solid waste management program which shall ensure the proper segregation collection, transport, storage, treatment and disposal of solid waste through the formulation and adoption of the best environmental practice in ecological waste management, excluding "incineration".

However, more than two decades after their enactment and implementation, new technologies have emerged, paving way for the conversion of waste into energy. Waste-to-Energy (WTE) or energy-from-waste is the process of generating energy in the form of electricity heat from the incineration of waste. By-products emitted by landfills such as methane, dioxins and leachate, when left untreated, can seep

through the soil, thereby contaminating water sources, plants and even food. WTE technologies can address this issue because of its ability to process non-renewable waste, thereby reducing environmental and health damages, all the while generating sustainable energy.

Thus, this bill seeks to amend and / or repeal pertinent provisions of RA 8749 and RA 9003 with regard to the ban on incineration of wastes. The said repeal will allow for the necessary and modern options in solving the persistent garbage problem in the country and in the process, attract more investors by providing fiscal and non-fiscal incentives.

It is imperative to revisit the two-decade laws to give the national government alternatives in addressing the country's garbage problem, notwithstanding our dependence on non-renewable resources to produce power. Converting our waste to energy may be a good, if not the best, solution to solve both.

A similar bill was filed in the 19th Congress which was approved on third reading, as well as during the 18th Congress, by Representatives Carlito S. Marquez, Carlos O. Cojuangco, Enrico A. Pineda and Michael Odylon L. Romero, PhD.

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



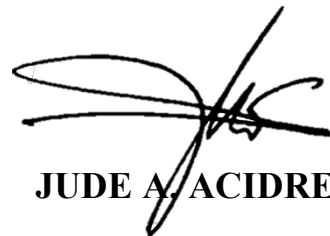
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*Be it enacted by the Senate and House of Representatives of the Philippines
in Congress assembled:*

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

Section 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 Act, while the Department of Energy is primarily responsible over relevant regulations pertaining to waste-to-energy facilities. Both agencies shall promote the use of state-of-the-art, environmentally-sound and safe technologies for the handling, treatment, thermal or non-thermal destruction, utilization, and disposal of residual wastes.

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

Sec. 4. *Role of Local Government Units (LGUs) in Setting Up Treatment Facilities.* –The LGUs are hereby mandated to promote, encourage and implement

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

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

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

Sec. 7. *Role of the Department of Energy (DOE)*. – The DOE, in addition to its powers and functions under R.A. No. 7638, otherwise known as “*The Department of Energy Act of 1992*, ” shall, 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. 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 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 accordance with and to the extent allowed by the enabling provisions of their respective charters or applicable laws, accord high priority in the extension of financial services to individuals, enterprises, or private entities engaged in putting up treatment facilities: *Provided*, That these institutions shall allocate five percent (5%) of their loan portfolio to waste treatment projects.

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

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

Sec. 11. *Fines and Penalties.* – Violations of the provisions of this Act, or the standards or rules and regulations promulgated for treatment facilities shall be fined or penalized under the provisions of P.D. 1586, otherwise known as the Environmental Impact Statement System; R.A. No. 6969, otherwise known as the "*Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990*"; R.A. No. 8749; R.A. No. 9003; and R.A. No. 9275, otherwise known as the "*Philippine*

Clean Water Act of 2004”. For waste-to-energy facilities, the penal schemes established under the Philippine Grid Code and Philippine Distribution Code pursuant to R.A. No. 9136, shall likewise apply.

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

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

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

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

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

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

Approved,