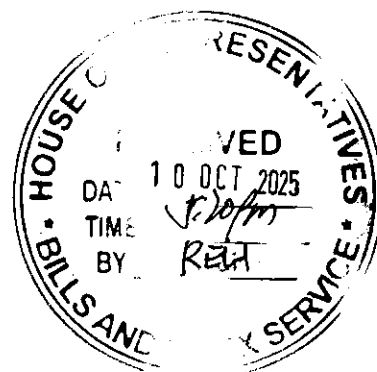


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. **5470**



Introduced by Honorable EULOGIO "LEO" R. RODRIGUEZ

EXPLANATORY NOTE

Section 16, Article II of the 1987 Constitution provides for the protection and advancement of the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. Likewise, Section 2, Article XII declares that all forces of potential energy are owned by the State and that their exploration, development, and utilization shall be under its control and supervision. These constitutional mandates underscore the State's duty to protect the environment while also ensuring the sustainable development and efficient use of energy resources.

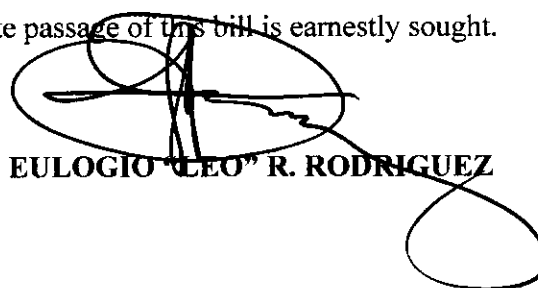
Among the most persistent challenges the country faces today is the unreliable or insufficient electricity supply in many of its provinces, including the Island Province of Catanduanes, which hampers economic development and adversely affects the quality of life of the people. At the same time, a perennial concern of Local Government Units (LGUs) across the country is the inadequacy of waste disposal systems to address the growing volume of garbage generated daily.

This bill responds to these twin challenges by regulating the adoption of waste-to-energy and other treatment technologies. By enabling the safe conversion of waste materials into usable energy, the measure aims to reduce the volume of garbage while contributing to our energy generation capacity. This proposed measure will repeal Section 20 of Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of 1999, which currently restricts incineration. In its place, this bill establishes a clear regulatory framework for the design, operation, and monitoring of treatment technologies that are environmentally sound, energy-efficient, and compliant with stringent emission standards.

This measure fulfills the State's constitutional duty to protect and advance the right of the Filipino people to a balanced and healthful ecology, harmonizing environmental protection with sustainable development.

Notably, the House of Representatives had already approved this bill seeking to regulate waste treatment technology on Third and Final Reading during the 19th Congress. However, due to lack of material time, the Senate was unable to consider and approve the said measure. In this view, to address our solid waste management challenges and to maximize potential energy resources, this representation has filed the same bill in the 20th Congress.

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


EULOGIO "LEO" R. RODRIGUEZ

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HOUSE BILL NO. **5470**

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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 the House of Representatives of the Philippines in the Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known 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 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 Council (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) days if the applications 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 the facilities that recover energy:

(a) Accredit 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 Philippine 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 (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 provided 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 capabilities 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 Systems; 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, the Senate and the House of Representatives shall constitute a Joint Congressional Oversight Committee which shall primarily monitor the implementation by the concerned agencies and LGUs.

The Joint Congressional Oversight Committee shall be co-chaired by the Chairpersons of the Committee on Environment and Natural Resources and Committee on Energy of the Senates and the Chairpersons of the Committee on Ecology and Committee on Energy of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives shall each designate five (5) Senators and five (5) members of the House of

Representatives, respectively, as members of the Joint Congressional Oversight Committee. The minority group in the Senate and the House of Representatives shall each have at least one (1) seat in the Joint Congressional Oversight Committee.

SEC. 13. *Implementing Rules and Regulations.* – The DENR and DOE shall promulgate the rules and regulations for the effective implementation of this Act, within ninety (90) days after its approval.

SEC. 14. *Report to Congress.* – The DENR and 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 is hereby repealed. The pertinent provision of R.A. No. 9003, 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,