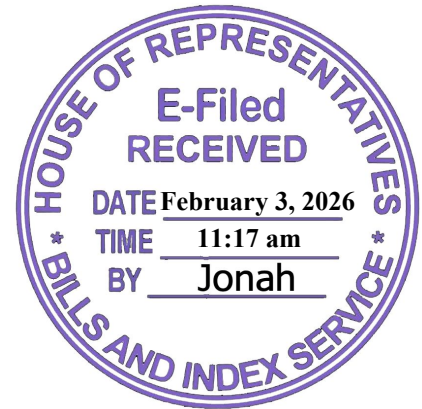


Republic of the Philippines  
**HOUSE OF REPRESENTATIVES**  
Quezon City

TWENTIETH CONGRESS  
First Regular Session

HOUSE BILL NO. 7575



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**Introduced by Representative Gloria Macapagal-Arroyo**

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**AN ACT AMENDING REPUBLIC ACT NO. 9003, ALSO KNOWN AS THE ECOLOGICAL  
SOLID WASTE MANAGEMENT ACT OF 2000, PROVIDING APPROPRIATIONS  
THEREFOR, AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

Landfills are a significant source of environmental degradation, contributing to the release of harmful greenhouse gases and soil and groundwater contamination risks. In contrast, incineration facilities offer a cleaner alternative by converting waste into energy, reducing the overall volume of waste. They likewise provide a renewable energy source by converting waste into electricity or heat, which helps reduce reliance on fossil fuels and diversifies the energy mix.

Transitioning to incineration facilities can also greatly contribute to efficient land use, by reducing the need for large landfill sites. This transition also benefits public health, as they offer a safer alternative by controlling and containing emissions. Economically, the shift may prove more valuable than landfills, especially when considering the enduring costs associated with landfill maintenance, environmental remediation, and potential health impacts.

In summary, this proposed amendment to the Solid Waste Management Act seeks to replace landfills with incineration facilities under acceptable standards set by the Department of Environment and Natural Resources – Environmental Management Bureau as a more sustainable and effective approach to waste management. This transition promises significant environmental, economic, and public health benefits.

With the foregoing, the passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to be "Gloria Macapagal-Arroyo". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

**GLORIA MACAPAGAL-ARROYO**  
Representative, 2<sup>nd</sup> District of Pampanga

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THEREFOR, AND FOR OTHER PURPOSES**

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

SECTION 1. *Declaration of Policy.* – It is hereby declared the policy of the State to adopt a systematic, comprehensive, and ecological solid waste management program which shall ensure the protection of public health and environment, utilize environmentally-sound methods that maximize the utilization of valuable resources and encourage resource and energy conservation and recovery, promote national research and development programs for improved solid waste management and resource conservation techniques, more effective institutional arrangement and indigenous and improve methods of waste reduction, collection, separation and recovery, and retain primary enforcement and responsibility of solid waste management with local government units while establishing a cooperative effort among the national government, other local government units, non-government organizations, and the private sector.

Towards this end the State shall encourage the development and utilization of environmentally sustainable, new, and alternative technologies, such as incinerators, under acceptable standards to be set forth by the Department of Environment and Natural Resources – Environmental Management Bureau (DENR-EMB), in resource recovery, resource and energy conservation, processing, treatment, and disposal of solid waste.

SEC. 2. – Section 16 of Republic Act No. 9003 is hereby amended to read as follows:

“SECTION 16. Local Government Solid Waste Management Plans. – The province, city or municipality, through its local solid waste management boards, shall prepare its respective 10-year solid waste management plans consistent with the national solid waste management framework: Provided, That the waste

management plan shall be for the re-use, recycling and composting of wastes generated in their respective jurisdictions: Provided, further, That the solid waste management plan of the LGU shall ensure the efficient management of solid waste generated within its jurisdiction. The plan shall place primary emphasis on implementation of all feasible re-use, recycling, and composting programs while identifying the amount of ~~landfills~~ [INCINERATORS] and transformation capacity that will be needed for solid waste which cannot be re-used, recycled, or composted. XXX”

SEC. 3. – Section 17 of the same law is hereby amended to read as follows:

“SECTION 17. The Components of the Local Government Solid Waste Management Plan. – The solid waste management plan shall include, but not be limited to, the following components:

XXX

(2) Illustration or map of the city/municipality, indicating locations of residential, commercial, and industrial centers, and agricultural area, as well as dump sites, landfills and other solid waste facilities. The illustration shall indicate as well, the proposed sites for disposal and other solid waste facilities, [ INCLUDING INCINERATORS THAT COMPLY WITH ACCEPTABLE STANDARDS TO BE SET FORTH BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES – ENVIRONMENTAL MANAGEMENT BUREAU (DENR-EMB)];

XXX

(3) All disposal capacity which has been secured through an agreement with another LGU, or through an agreement with a solid waste enterprise.

The plan shall identify existing and proposed disposal sites and waste management facilities in the city or municipality or in other areas. The plan shall specify the strategies for the efficient disposal of waste through existing disposal facilities and the identification of prospective sites for future use. The selection and development of disposal sites shall be made on the basis of internationally accepted standards and on the guidelines set in Secs. 41 and 42 of this Act.

Strategies shall be included to improve said existing sites to reduce adverse impact on health and the environment, and to extend life span and capacity. The plan shall clearly define projections for future disposal site requirements and the estimated cost for these efforts.

Open dump sites shall not be allowed as final disposal sites. If an open dump site is existing within the city or municipality, the plan shall make provisions for its closure or eventual phase out within the period specified under the framework and pursuant to the provisions under Sec. 37 of this Act. ~~As an alternative, sanitary landfill sites shall be developed and operated as a final disposal site for solid and, eventually, residual wastes of a municipality or city or a cluster of municipalities and/or cities. Sanitary landfills shall be designed and operated in accordance with the guidelines set under Secs. 40 and 41 of this Act.~~ [ALL LANDFILLS, INCLUDING ANY EXISTING OPEN DUMP SITES, CONTROLLED DUMP SITES, AND SANITARY LANDFILLS, SHALL NO LONGER BE DEVELOPED AND OPERATED AS A FINAL DISPOSAL SITE FOR SOLID, RESIDUAL WASTES OF A MUNICIPALITY OR CITY OR A CLUSTER OF MUNICIPALITIES AND/OR CITIES. INSTEAD, INCINERATORS SHALL BE DESIGNED AND OPERATED IN ACCORDANCE WITH THE GUIDELINES ON EMISSIONS STANDARDS TO BE SET BY THE DENR-EMB].

XXX”

SEC. 4. – Section 32 of the same law is hereby amended to read as follows:

“SECTION 32. Establishment of LGU Materials Recovery Facility. – There shall be established a Materials Recovery Facility (MRF) in every barangay or cluster of barangays. The facility shall be established in a barangay-owned or -leased land or any suitable open space to be determined by the barangay through its Sanggunian. For this purpose, the barangay or cluster of barangays shall allocate a certain parcel of land for the MRF. The determination of site and actual establishment of the facility shall likewise be subject to the guidelines and criteria set pursuant to this Act. The MRF shall receive mixed waste for final sorting, segregation, composting, and recycling. The resulting residual wastes shall be transferred to a long-term storage or disposal

facility or ~~sanitary landfill~~ [INCINERATORS COMPLIANT WITH ACCEPTABLE STANDARDS SET FORTH BY THE DENR-EMB].”

SEC. 5. – Sections 39, 40, 41, and 42 are hereby repealed, to be replaced by Section 39-A which shall read as follows:

“SECTION 39-A. Establishment of Incineration Facilities Compliant with DENR-EMB Standards. – There shall be established incineration facilities compliant with acceptable standards set forth by the DENR-EMB in every municipality, city, or cluster of municipalities and/or cities. The facility shall be established in a municipality or city-owned or -leased land or any suitable open space to be determined by the municipalities and/or cities through their respective *Sanggunian*. For this purpose, the relevant LGU(s) shall allocate a certain parcel of land for the WTE facility. The determination of site and actual establishment of the facility shall likewise be subject to the guidelines and criteria set by the DENR-EMB. An incinerator shall:

- (a) Be both a solid waste management treatment facility and an energy production facility;
- (b) Comply with establishment and operation guidelines for incineration facilities;
- (c) Ensure the proper management of its residue which should conform to relevant laws, rules, and regulations and should include making arrangements with a sanitary landfill, or developing its own, prior to its operations, as a disposal site for any residue generated from its operations in accordance with NSWMC, DENR, and DOH guidelines; and
- (d) Comply with relevant laws, rules, and regulations including but not limited to Presidential Decree No. 1586 Establishing an Environmental Impact Statement System, Republic Act No. 6969 otherwise known as the Toxic Substances and Hazardous and Nuclear Waste Act, Republic Act No. 7638 otherwise known as the Department of Energy Act of 1992 as amended, Republic Act No. 8749, Republic Act No. 9003, Republic Act No. 9136 otherwise known as the Electric Power Industry Reform Act of 2001, Republic Act No. 9275 otherwise known as the Philippine Clean Water Act of 2004, Republic Act No. 9367 otherwise known as the Biofuels Act of 2006, Republic Act No. 9513 otherwise known as the Renewable Energy Act of 2008, Republic Act No. 11223 otherwise known as the Universal Health Care Act, and WHO Guidelines on Air Quality.”

SEC. 6. – Section 48 of the same law is hereby amended to read as follows:

“SECTION 48. Prohibited Acts. – The following acts are prohibited:

XXX

[(17) The construction of any kind of landfill upon the expiration of the phase out period established by the DENR.]”

SEC. 7. *The National Solid Waste Management Commission.* – The Secretary of the Department of Energy (DOE) shall serve in *ex officio* capacity as member of the National Solid Waste Management Commission (NSWMC), which shall now have fifteen (15) members from the government sector. In addition to its powers and functions under Republic Act No. 9003, the NSWMC shall:

- (a) Act as the lead agency in ensuring streamlined standards, criteria, and guidelines for incinerators to avoid inconsistent and conflicting issuances;
- (b) Regularly determine, review, and publish the following:
  - (i) Standards, criteria, and guidelines for:
    1. Characterization and composition of solid waste utilized as feedstock for incineration facilities to ensure emissions are compliant with Republic Act No. 8749 and other relevant laws, rules, and regulations,
    2. Transport, storage, and pre-processing of feedstock,
    3. Pre-operation, siting, design, operation, and maintenance of incinerators,
    4. Quality control and operational control of incineration facilities,
    5. Management of residue from incinerators, if any;
    6. Pollution abatement, emissions monitoring, environmental monitoring, and public health and safety monitoring in relation to incinerators,
    7. Decommissioning, closure, and abandonment of incinerators, and
    8. Other guidelines pursuant to relevant laws, rules, and regulations, and
  - (ii) Minimum standards, criteria, and guidelines, in determining a fair, equitable, and reasonable processing fee for incinerators taking into consideration, among others, the cost of construction, operation, and maintenance of the facility as well as the potential revenue from the sale of energy output, in consultation with relevant government agencies, experts, and stakeholders;
- (c) Consolidate and make available to the public, through its website, the following:
  - (i) Current and potential uses of incinerators in relation to solid waste management;
  - (ii) Inventory of existing incinerators;
  - (iii) General feedstock characterization;

- (iv) Status and projection of feedstock generation;
  - (v) Specific locations of potential feedstock and incineration facilities; and
  - (vi) Other relevant information;
- (d) Provide policy guidelines to assist LCDs in the development of incinerators to include the determination of the potential of such facilities in their respective localities;
- (e) Identify and recommend potential clustering of LGUs for a common incineration facility;
- (f) Coordinate with the Provincial, City, and Municipal Solid Waste Management Boards especially for clustered LGUs employing a common incineration facility; and
- (g) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.
- (h) Study the inclusion of a waste-to-energy (WTE) strategy in the National Solid Waste Management Framework;

SEC. 8. *Establishment of Dedicated Offices.* – The DOE, DENR, DOH, and NSWMC shall establish dedicated offices for the effective implementation of this Act.

SEC. 9. *Incentives.* – Incinerators, depending on their output, shall be entitled to avail of the incentives under Republic Act No. 9367 otherwise known as the Biofuels Act of 2006 and Republic Act No. 9513 otherwise known as the Renewable Energy Act of 2008.

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

Sec. 11. *Implementing Rules and Regulations.* – The DOE together with the DENR, in consultation with DOH, NSWMC, Department of Interior and Local Government, and public and private stakeholders, shall issue the implementing rules and regulations (IRR) of this Act within ninety (90) calendar days upon its effectivity.

The DENR shall include the timeline for the eventual phaseout of landfills in the IRR of this Act. It shall also include guidelines for the study and eventual adoption of other WTE technologies in the Philippines.

Sec. 12. *Appropriations.* – The initial implementation of this Act shall be charged against the current year's appropriations of the DOE, DENR, DOH, and NSWMC respectively. Thereafter, such amounts necessary for the sustainable implementation of this Act shall be included in the annual General Appropriations Act.

SEC. 13. *Separability Clause.* – If any provision of this Act is declared invalid, the other provisions hereof not affected thereby shall remain in force and effect.

SEC. 14. *Repealing Clause.* –The provisions of any law, executive order, presidential decree, or other issuances inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 15. *Effectivity Clause.* – This Act shall take effect after fifteen (15) days following its publication in the Official Gazette or two (2) national newspapers of general circulation.

Approved,