

HOUSE OF REPRESENTATIVES

H. No. 6683

BY REPRESENTATIVES ROMUALDO, GATCHALIAN, MARQUEZ, RODRIGUEZ (R.), RODRIGUEZ (M.), TEODORO, VILLAFUERTE (M.L.), VILLAFUERTE (V.R.L.), HORIBATA, RIDON, CUA, MARCOLETA, FRESNEDI, ROMUALDEZ (F.M.), ROMUALDEZ (Y.M.), ROMUALDEZ (A.J.), ACIDRE, ZUBIRI, PLEYTO, RODRIGUEZ (E.), TOLENTINO, LEGARDA, MERCADO-REVILLA, REVILLA (B.), REVILLA (R.J.), ESCUDERO, SUNTAY, YAP (EDVIC), MASTURA, DY (F.), MARCOS, ALMARIO (C.M.), ALVAREZ (J.), AUMENTADO, QUIMBO, RIVERA, LORIA, NAZAL, ALMONTE, ALVAREZ (M.), BERNOS (C.), CHUNGALAO, DAZA, DE VENECIA, GALEOS, MARAÑON, MATUGAS, ODUCAZO, PANALIGAN, PASCUAL, SALCEDA, SALI, UY (D.C.), BONDOL, SUANSING (B.V.), TANJUATCO, POE, RAMA, TARIELA, ALBANO, GALANG, CORVERA, SUAN, BULUT-BEGTANG, AGYAO, BANCORO, BAUTISTA (C.), BELTRAN, CAOAGDAN, CO-PILAR, CRUZADO, DAGOOC, DALOG, DIMAPORO (I.), ESPARES, ESPINA, GARBIN, GARCIA (D.), GONZALES (C.S.), GORRICETA, GUINTU, HERNANDEZ (F.), KHO (W.), LOYOLA, MACASAET, MADRONA, PANOTES, SAGARBARRIA, SANTOS (M.A.), SINGSON (R.), SOLON, TAN (S.J.), TERENG, TUAN, TUPAS, VALERIANO, SALVAME, BARBA, FERRER (A.), KHONGHUN, LACSON, LAGDAMEO (M.Y.M.), MACAPAGAL-ARROYO, MANIQUIZ, MERCADO, SAN FERNANDO, VELOSO-TUAZON, YU (J.K.), ZAMORA (Y.M.), ANGELES, ALBA, ATAYDE, CALIXTO, ENVERGA, FUENTEBELLA, GONZALES (A.), GUICO, LUMAYAG, MATIBAG, MIRAFLORES, SALVADOR, VILLARICA, EMANO, DEL MAR, GLEPA, AGARAO, OLIVAREZ, DY (F.M.C.), CHUA, ABALOS, BAÑAS-NOGRALES, BENITEZ (J.M.), CRUZ (R.), DY (I.P.), GULLAS, LAZATIN, LOPEZ, MANGUDADATU, OAMINAL (H.), SUAREZ, TAN (K.M.), VELOSO, SHIMURA, ANG, FERRER (J.), GARCIA (J.A.), ROMAN, DEGAMO, CARI, DE JESUS, ACOSTA, ARENAS, ROBES, YAP (A.), LAGON (S.), COLLANTES, PADIERNOS, ORETA, GATO, DIMAGUILA, AMANTE, NAVA, LAGBAS, VILLA, BAUTISTA-LIM, DE LIMA, HERNANDEZ (D.), BIRON, GARIN, KHO (A.), CENIZA, AQUINO-MAGSAYSAY, HERNANDEZ (C.A.), PUNO, DOMINGO AND FLORES

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:*

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

3 **SEC. 2. *Regulation of Waste Treatment Technology.*** – Thermal and
4 other treatment technologies for the disposal of municipal and hazardous wastes,
5 or for the processing of any waste material for fuel, whether for commercial use or
6 not, shall be designed and operated to meet the standards established pursuant to
7 this Act and its implementing rules and regulations. These technologies shall be
8 fitted with equipment that will continuously monitor, record, and make publicly
9 available the reported data on their emissions or air pollutant concentrations.
10 Proposed facilities that generate energy or waste-to-energy facilities shall be given

1 shall incorporate in their facilities and operations the appropriate material recovery
2 program. Thermal treatment units shall treat wastes at a temperature of not less
3 than eight hundred fifty degrees centigrade (850°C).

4 **SEC. 3. *Lead Agencies.*** – The Department of Environment and Natural
5 Resources (DENR) shall be primarily responsible for the implementation and
6 enforcement of this Act, while the Department of Energy (DOE) is primarily
7 responsible over relevant regulations pertaining to waste-to-energy facilities. Both
8 agencies shall promote the use of state-of-the-art, environmentally-sound and safe
9 technologies for the handling, treatment, thermal or non-thermal destruction,
10 utilization, and disposal of residual wastes.

11 Pursuant to Section 15 of Republic Act No. 8749, or the “Philippine Clean
12 Air Act of 1999”, the Pollution Research and Development Program shall likewise
13 include the continuous monitoring, evaluation, and development of more
14 appropriate air quality guideline values and standards for the treatment of
15 municipal and hazardous wastes, or for the processing of any waste material for
16 fuel.

17 **SEC. 4. *Role of Local Government Units (LGUs) in Setting Up
Treatment Facilities.*** – The LGUs are hereby mandated to promote, encourage
18 and implement in their respective jurisdictions a comprehensive solid waste
19 management plan that includes waste reduction, segregation, recycling,
20 composting, and recovery. The establishment of treatment facilities shall be
21 facilitated by LGUs within a region, province, or strategically clustered LGUs, in
22 consonance with their respective ten-year solid waste management plans:
23 *Provided*, That these are consistent with the national solid waste management
24 framework established pursuant to Republic Act No. 9003, or the “Ecological Solid
25 Waste Management Act of 2000”.

27 **SEC. 5. *Role of the National Solid Waste Management Commission
(NSWMC).*** – The solid waste management plans and supplemental disposal plans
28 of all LGUs, including those which may carry out treatment projects, shall be

1 submitted to the NSWMC which shall render a decision within ten (10) working
2 days from submission thereof. The NSWMC shall put in writing the reasons for
3 either approving or denying such plans.

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

9 **SEC. 7. *Role of the DOE.*** – The DOE, in addition to its powers and functions
10 under Republic Act No. 7638, or the “Department of Energy Act of 1992,” shall,
11 insofar as the establishment and operation of facilities that recover energy:

- 12 (a) Accredit and classify facilities that recover energy based on the energy
13 output, and determine the standards, criteria and requirements
14 applicable therefor pursuant to Republic Act No. 9136, or the “Electric
15 Power Industry Reform Act (EPIRA) of 2001”, Republic Act No. 9367, or
16 the “Biofuels Act of 2006”, and Republic Act No. 9513, or the “Renewable
17 Energy Act of 2008”, whichever is applicable: *Provided*, That the energy
18 generated from the facilities shall be regulated by the Energy Regulatory
19 Commission in as far as the rates and pricing thereof;
- 20 (b) Include a waste-to-energy implementation strategy in the Philippines
21 Energy Plan, which takes into consideration the National Solid Waste
22 Management Framework;
- 23 (c) Make available to the public, especially to potential investors for these
24 facilities, local and national information on the following:
 - 25 (i) current and potential uses of facilities in relation to solid waste
26 management;
 - 27 (ii) inventory of existing facilities; and
 - 28 (iii) other relevant information.

29 **SEC. 8. *Responsibility of Owner and Operator.*** – Responsibility for
30 compliance with the standards promulgated for the establishment and operation

1 of waste treatment facilities shall rest with the owner and/or operator thereof. If,
2 by virtue of a contract, the operator is primarily and solely responsible for
3 compliance with the standards, the same shall not relieve the owner of the
4 requirement to exercise due diligence to ensure the operator's compliance.

5 In the event that the ownership of the facility is transferred to another
6 person, the previous owner shall notify the new owner of the standards and the
7 conditions set for the operation of said facility, and the laws and regulations that
8 the new owner or operator has to comply with.

9 These standards for operation of waste treatment or processing facility may be
10 made more stringent by not more than five percent (5%): *Provided*, That the more
11 stringent standards shall be effected ten (10) years following the commencement
12 of the operation of the facility that is established after the effectivity of this Act.

13 **SEC. 9. *Grant of Incentives.*** – The following fiscal and non-fiscal incentives
14 shall be granted to registered investors and hosts of waste treatment programs:

15 (a) *Fiscal and Non-Fiscal Incentives.* – Upon certification by the DOE,
16 waste-to-energy projects, as defined in this Act, may be granted the
17 incentives provided under Title XIII of Republic Act No. 8424, or the
18 “National Internal Revenue Code of 1997”, as amended, and any other
19 applicable laws: *Provided*, That the inclusion of waste-to-energy projects
20 in the strategic investment priorities plan shall be reviewed and may
21 be extended by the Board of Investments.

22 (b) *Financial Assistance Program* – Government financial institutions such
23 as the Landbank of the Philippines, Development Bank of the
24 Philippines, Government Service Insurance System, and such other
25 government institutions providing financial service shall, in accordance
26 with and to the extent allowed by the enabling provisions of their
27 respective charters or applicable laws, accord high priority in the
28 extension of financial services to individuals, enterprises, or private
29 entities engaged in putting up treatment facilities: *Provided*, That these

1 institutions shall allocate five percent (5%) of their loan portfolio to waste
2 treatment projects.

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

10 **SEC. 10. *Permits and Licenses.*** – The procedure for the issuance of permits
11 and licenses for all kinds of waste-to-energy facilities shall be governed by
12 Republic Act No. 11234, or the “Energy Virtual One-Stop Shop Act”, and Republic
13 Act No. 11032, or the “Ease of Doing Business and Efficient Government Service
14 Delivery Act of 2018”.

15 **SEC. 11. *Fines and Penalties.*** – Violations of the provisions of this Act, or
16 the standards or rules and regulations promulgated for treatment facilities shall be
17 fined or penalized under the provisions of Presidential Decree No. 1586,
18 entitled: “Establishing an Environmental Impact Statement System, Including
19 Other Environmental Management Related Measures and For Other Purposes”;
20 Republic Act No. 6969, or the “Toxic Substances and Hazardous and Nuclear Waste
21 Control Act of 1990”; Republic Act No. 8749; Republic Act No. 9003; and Republic
22 Act No. 9275, or the “Philippine Clean Water Act of 2004”. For waste-to-energy
23 facilities, the penal schemes established under the Philippine Grid Code and the
24 Philippine Distribution Code pursuant to Republic Act No. 9136, shall likewise
25 apply.

26 **SEC. 12. *Congressional Oversight Committee.*** – Upon the effectivity of
27 this Act, a Joint Congressional Oversight Committee shall be constituted to
28 monitor its implementation by the concerned agencies and LGUs. The Oversight
29 Committee shall be composed of fourteen (14) members, with the Chairpersons of
30 the Committee on Ecology and Committee on Energy of the House of

1 Representatives and the Chairpersons of the Committee on Environment and
2 Natural Resources and Committee on Energy of the Senate as co-chairpersons and
3 an additional four members from each House, to be designated by the Speaker
4 of the House of Representatives and the Senate President, respectively.

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

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

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

17 **SEC. 16. *Repealing Clause.*** – Section 20 of Republic Act No. 8749 is hereby
18 repealed. The pertinent provision of Republic Act No. 9003, as amended, and other
19 laws, presidential decrees, executive orders, rules and regulations inconsistent
20 with any provisions of this Act shall be deemed repealed or modified accordingly.

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

Approved,