



HOUSE OF REPRESENTATIVES

H. No. 6444

---

BY REPRESENTATIVES ROMUALDEZ (F.M.), VELASCO, MARQUEZ, ALONTE, SALCEDA, ROMUALDEZ (Y.M.), ACIDRE, ROMUALDO, TOLENTINO, ROBES, RODRIGUEZ (E.), ROMERO, VILLAFUERTE (L.R.), LUISTRO, VERZOSA, TAMBUNTING, RODRIGUEZ (R.), FARIÑAS, PALMA, RIVERA, CAGAS, SINGSON-MEEHAN, ONGCHUAN, TAN-TAMBUT, SAKALURAN, RECTO, CARI, BARBERS, REVILLA (R.J.), GOMEZ, REYES, OAMINAL, MIGUEL, ATAYDE, TUTOR, SILVERIO, GO (E.C.), ESTRELLA, ARROGANCIA, HAGEDORN, VERGARA, ACHARON, COLLANTES, CABREDO, BENITEZ, ALBANO, ACOP, AMANTE, ARENAS, BASCUG, CALDERON, FERNANDEZ, GALEOS, GARCIA (M.A.), GARDIOLA, GUTIERREZ, LABADLABAD, MARINO, MASTURA, MATIBAG, QUIMBO, SALVAME, TEVES (J.), VILLA, SUANSING (M.A.), DIONISIO, HARESCO, LAGON (S.), BRIONES, CHUNGALAO, SALIMBANGON, ORDANES, GO (M.), PADUANO, DAGOOC, DEFENSOR, BERNOS, GATO, PUMAREN, PANOTES, KHO (R.), CAJAYON-UY, CUA, CUARESMA, TY, SUANSING (H.), LACSON-NOEL, FUENTEBELLA, TAN (S.J.), GORRICETA, LOYOLA, MACEDA, ZAMORA (Y.M.), SACDALAN, FRASCO, BAUTISTA, ABANTE, SALO, TEVES (A.), NAVA, DALIPE, DE VENECIA, VILLARICA, OLIVAREZ, YU (D.G.), DY (F.), YU (J.V.), UNABIA, SINGSON (R.), BORDADO, TAN (K.M.), HERNANDEZ, TAN (S.), PASCUAL, TAMAYO, DIMAPORO (S.A.), GUICO, YULO, GONZALEZ, BARBA, PANALIGAN, GARCIA (D.), VIOLAGO, AUMENTADO, NOLASCO, SUAREZ, LACSON, GASATAYA, YAP (C.), FRESNEDI, BULUT-BEGTANG, VALERIANO, ADIONG, ESPARES, GATCHALIAN, BARONDA, FORTES, ESPINA, VILLANUEVA AND UMALI, PER COMMITTEE REPORT NO. 190

---

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*".

1           **Sec. 2. Regulation of Waste Treatment Technology.** – Thermal and other treatment  
2 technologies for the disposal of municipal and hazardous wastes, or for the processing of any  
3 waste material for fuel, whether for commercial use or not, shall be designed and operated to  
4 meet the standards established pursuant to this Act and its implementing rules and  
5 regulations. These technologies shall be fitted with equipment that will continuously monitor,  
6 record, and make publicly available the reported data on their emissions or air pollutant  
7 concentrations. Proposed facilities that generate energy or waste-to-energy facilities shall be  
8 given priority over other treatment technologies. Entities utilizing such technologies shall  
9 incorporate in their facilities and operations the appropriate material recovery program.  
10 Thermal treatment units shall treat wastes at a temperature of not less than eight hundred fifty  
11 degrees centigrade (850°C).

12           **Sec. 3. Lead Agencies.** – The Department of Environment and Natural Resources  
13 (DENR) shall be primarily responsible for the implementation and enforcement of this Act,  
14 while the Department of Energy is primarily responsible over relevant regulations pertaining  
15 to waste-to-energy facilities. Both agencies shall promote the use of state-of-the-art,  
16 environmentally-sound and safe technologies for the handling, treatment, thermal or non-  
17 thermal destruction, utilization, and disposal of residual wastes.

18           Pursuant to Sec. 15 of R.A No. 8749, otherwise known as the “*Clean Air Act of*  
19 *1999*”, the Pollution Research and Development Program shall likewise include the  
20 continuous monitoring, evaluation, and development of more appropriate air quality guideline  
21 values and standards for the treatment of municipal and hazardous wastes, or for the  
22 processing of any waste material for fuel.

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

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

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

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

8 **Sec. 7. *Role of the Department of Energy (DOE).*** – The DOE, in addition to its  
9 powers and functions under R.A. No. 7638, otherwise known as “*The Department of Energy*  
10 *Act of 1992,*” shall, insofar as the establishment and operation of facilities that recover  
11 energy:

12 (a) Accredite and classify facilities that recover energy based on the energy output,  
13 and determine the standards, criteria and requirements applicable therefor pursuant to R.A.  
14 No. 9136, otherwise known as the “*Electric Power Industry Reform Act (EPIRA) of 2001,*”  
15 R.A. No. 9367, otherwise known as the “*Biofuels Act of 2006,*” and R.A. No. 9513,  
16 otherwise known as the “*Renewable Energy Act of 2008,*” whichever is applicable: *Provided,*  
17 That the energy generated from the facilities shall be regulated by the Energy Regulatory  
18 Commission in as far as the rates and pricing thereof;

19 (b) Include a waste-to-energy implementation strategy in the Philippines Energy  
20 Plan, which takes into consideration the National Solid Waste Management Framework;

21 (c) Make available to the public, especially to potential investors for these facilities,  
22 local and national information on the following:

23 (i) current and potential uses of facilities in relation to solid waste management;

24 (ii) inventory of existing facilities; and,

25 (iii) other relevant information.

26 **Sec. 8. *Responsibility of Owner and Operator.*** – Responsibility for compliance with  
27 the standards promulgated for the establishment and operation of waste treatment facilities  
28 shall rest with the owner and/or operator thereof. If, by virtue of a contract, the operator is  
29 primarily and solely responsible for compliance with the standards, the same shall not relieve  
30 the owner of the requirement to exercise due diligence to ensure the operator’s compliance.  
31 In the event that the ownership of the facility is transferred to another person, the previous  
32 owner shall notify the new owner of the standards and the conditions set for the operation of  
33 said facility, and the laws and regulations that the new owner or operator has to comply with.

34 These standards for operation of waste treatment or processing facility may be made  
35 more stringent by not more than five percent (5%): *Provided,* That the more stringent

1 standards shall be effected ten (10) years following the commencement of the operation of  
2 the facility that is established after the effectivity of this Act.

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

5 (a) *Fiscal and Non-Fiscal Incentives.* – Upon certification by the DOE, waste-to-  
6 energy projects, as defined in this Act, may be granted the incentives provided under Title  
7 XIII of Republic Act No. 8424, otherwise known as the “National Internal Revenue Code of  
8 1997”, as amended, and any other applicable laws: *Provided,* That the inclusion of waste-to-  
9 energy projects in the strategic investment priorities plan shall be reviewed and may be  
10 extended by the BOI.

11  
12 (b) *Financial Assistance Program* – Government financial institutions such as the  
13 Landbank of the Philippines, Development Bank of the Philippines, Government Service  
14 Insurance System, and such other government institutions providing financial service shall, in  
15 accordance with and to the extent allowed by the enabling provisions of their respective  
16 charters or applicable laws, accord high priority in the extension of financial services to  
17 individuals, enterprises, or private entities engaged in putting up treatment facilities:  
18 *Provided,* That these institutions shall allocate five percent (5%) of their loan portfolio to  
19 waste treatment projects.

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

26 **Sec. 10. *Permits and Licenses.*** – The procedure for the issuance of permits and  
27 licenses for all kinds of waste-to-energy facilities shall be governed by R.A No. 11234,  
28 otherwise known as the “*Energy Virtual One-Stop Shop Act*”, and R.A. No.11032, otherwise  
29 known as the “*Ease of Doing Business and Efficient Government Service Delivery Act of*  
30 *2018*”.

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

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

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

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

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

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

22 **Sec. 16. *Repealing Clause.*** – Section 20 of R.A. No. 8749 otherwise known as the  
23 “Philippine Clean Air Act of 1999” is hereby repealed. The pertinent provision of R.A. No.  
24 9003 otherwise known as the “Ecological Solid Waste Management Act of 2000”, as  
25 amended, and other laws, presidential decrees, executive orders, rules and regulations  
26 inconsistent with any provisions of this Act shall be deemed repealed or modified  
27 accordingly.

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

Approved,