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

EIGHTEENTH CONGRESS
Second Regular Session

HOUSE BILL NO. 7829

Introduced by Representatives Carlito S. Marquez, Carlos O. Cojuangco, Manuel D. Cabochan III, Enrico A. Pineda, Michael Odylon L. Romero, PhD, Abraham "Bambol" N. Tolentino, Alfred Vargas, David "Jay-Jay" C. Suarez, Anna Marie Villaraza-Suarez, Aleta C. Suarez, Jocelyn Sy Limkaichong, Eric L. Olivarez, Rodrigo A. Abellanosa, Estrellita B. Suansing, Emmanuel "Tawi" Billones, Romeo S. Momo, Nina Taduran, Joy Myra S. Tambunting, Franz "Chicoy" E. Alvarez, Arnold "Noli" Celeste, Ann K. Hofer, Edcel C. Lagman, Geraldine B. Roman, Edgar R. Erice, Janice Z. Salimbangon, John Marvin "Yul Servo" C. Nieto, Gil "Kabarangay Jr." A. Acosta, Elpidio F. Barzaga, Rudy S. Caoagdan, Solomon R. Chungalao, Anthony Peter "Onyx" D. Crisologo, Wilfrido Mark M. Enverga, Dale "Along" R. Malapitan, Jose "Jun" L. Ong, Strike B. Revilla, Xavier Jesus D. Romualdo, Ron P. Salo, Yasser Alonto Balindong, Hector S. Sanchez, Rolando M. Valeriano, Robert Ace S. Barbers, Juan Miguel Macapagal Arroyo, Joselito "Joel" S. Sacdalan, Raul "Boboy" C. Tupas, Rossano Rufino B. Biazon, Gerardo P. Valmayor, Jonathan Keith T. Flores, Romeo M. Jalosjos Jr., Erico Aristotle C. Aumentado, Argel Joseph T. Cabatbat, Cesar "Jawo" L. Jimenez Jr., Jesus Crispin C. Remulla, Rosanna "Ria" Vergara, Raul V. Del Mar, Angelo Marcos Barba, Jose "Pingping" I. Tejada, Ian Paul L. Dy, Ma. Theresa V. Collantes, Benjamin C. Agarao Jr., Alex "AA" L. Advincula, Frederick W. Siao, Manuel T. Sagarbarria, Rodante D. Marcoleta, Pantaleon D. Alvarez, Fredenil "Fred" H. Castro, Christian S. Unabia, Diego C. Ty, Dan S. Fernandez, Noel L. Villanueva, Kristine Singson-Meehan, Ma. Lucille L. Nava, Rommel Rico T. Angara, Florida "Rida" P. Robes, Alan 1 B. Ecleo, Joel Mayo Z. Almario, Carmelo "Jon" B. Lazatin, Lianda B. Bolilia, Lorna C. Silverio, Elias C. Bulut Jr., Jocelyn F. Fortuno, Edgar Mary S. Sarmiento, Lorna P. Bautista-Bandigan, Rose Marie "Baby" J. Arenas, Jose Enrique "Joel" S. Garcia, Ma. Bernardita "Ditas" Ramos, Pablo John F. Garcia, Wilter "Sharky" Wee Palma II, Jorge Antonio P. Bustos, Junie E. Cua, Abdullah D. Dimaporo, Gabriel H. Bordado Jr., Ria Christina G. Fariñas, Jocelyn P. Tulfo, Greg G. Gasataya, Adriano A. Ebcas, Alfred C. Delos Santos, Faustino Michael Carlos T. Dy III, Luis "Jon-Jon" A. Ferrer, Rolando "Klarex" A. Uy, Esmael G. Mangudadatu, Claudine Diana D. Bautista, Jose Gay G. Padiernos, Corazon T. Nuñez-Malanyaon, Ramon V. Guico III, Antonio "Tonypet" T. Albano, Maria Lourdes Acosta-Alba, Marlyn "Len" B. Alonte, Peter John D. Calderon, Elisa "Olga" T. Kho, Rashidin H. Matba, Horacio P. Suansing Jr., Jesus "Bong" C. Suntay, Christopher V.P. De Venecia, Isagani S. Amatong, Manuel F. Zubiri, Eleandro Jesus F. Madrona, Faustino "Inno" V. Dy V, Eduardo "Eddie" R. Gullas, Deogracias Victor "DV" B. Savellano, Pablo C. Ortega, Juliette T. Uy, Romulo "Kid" Pena Jr., Ma. Victoria V. Umali, Cheryl P. Deloso-Montalla, Munir M. Arbison, Ed Christopher S. Go, Doy C. Leachon, Godofredo N. Guya, Sergio C. Dagooc, Michael Edgar Y. Aglipay, Fernando T. Cabredo, Mohamad Khalid Q. Dimaporo, Sonny "SL" L. Lagon, Johnny Ty Pimentel, Carl Nicolas C. Cari, Samier A. Tan, Neptali Gonzales II, Josephine Veronique R. Lacson-Noel, Julianne "Jam" L. Baronda, John Reynald M. Tiangco, Raneo "Ranie" E. Abu, Luisa Lloren Cuaresma, Lolita T. Javier, Wilton "Tonton" Kho, Joseph Stephen "Caraps" S. Paduano, Paz C. Radaza, Allan Benedict S. Reyes, Datu Roonie Q. Sinsuat Sr., Jake Vincent Villa, Joaquin M. Chipeco Jr., Rogelio Neil P. Roque, Evelina G. Escudero, Ma. Angelica M.

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Amante-Matba, Henry S. Oaminal, Michael T. Defensor, Mario Vittorio "Marvey" A. Marino, Leonardo L. Babasa Jr., Yedda Marie K. Romualdez, Alan "Aldu" R. Dujali, Kristine Alexie B. Tutor, Gavini "Apol" C. Pancho, Janette L. Garin, Vicente "Ching" S.E. Veloso III, Sandra Y. Eriguel M.D., Vicente "Ching" S.E. Veloso, Antonino G. Calixto, Rodolfo B. Albano, Wilfredo "Willy" S. Caminero, Francisco Jose "Bingo" F. Matugas II, Resurreccion M. Acop, Gerardo "Gerryboy" J. Espina, Francisco "Kiko" Benitez, Sharon S. Garin, Angelica Natasha Co, Marisol C. Panotes, Ferdinand L. Hernandez, Jose "Bong" J. Teves, Jr., Elizaldy S. Co, Michael B. Gorriceta, "Kuya" Jose Antonio R. Sy-Alvarado, Stella Luz A. Quimbo, Alyssa Sheena P. Tan, Virgilio S. Lacson, Mark O. Go, Jericho Jonas B. Nograles, Aurelio "Dong" D. Gonzales, Jr., Teodorico T. Haresco, Jr., Micaela S. Violago, Rico B. Geron, Prospero A. Pichay Jr., Arnie B. Fuentesbella, Ramon C. Nolasco, Jr., Jumel Anthony I. Espino, Joey Sarte Salceda, Lord Allan Jay Q. Velasco, Glona G. Labadlabad and Henry R. Villarica

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

13 **Sec. 3.** *Role of the Department of Environment and Natural Resources (DENR).* –
14 The DENR shall be primarily responsible for the implementation and enforcement of this
15 Act. It shall promote the use of state-of-the-art, environmentally-sound and safe technologies
16 for the handling, treatment, thermal or non-thermal destruction, utilization, and disposal of
17 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.

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

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

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

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

24 (a) Accredite and classify facilities that recover energy based on the energy output,
25 and determine the standards, criteria and requirements applicable therefor pursuant to R.A.
26 No. 9136, otherwise known as the “Electric Power Industry Reform Act (EPIRA) of 2001,”
27 R.A. No. 9367, otherwise known as the “Biofuels Act of 2006,” and R.A. No. 9513 otherwise
28 known as the “Renewable Energy Act of 2008,” whichever is applicable;

29 (b) Include a strategy in the Philippines Energy Plan, taking into consideration the
30 National Solid Waste Management Framework;

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

- 33 (i) current and potential uses of facilities in relation to solid waste management;
34 (ii) inventory of existing facilities; and,
35 (iii) other relevant information.

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

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

5 **Sec. 9. *Grant of Incentives.*** – Fiscal and non-fiscal incentives shall be granted to
6 registered investors and hosts of waste treatment programs.

7 (a) *Fiscal and Non-Fiscal Incentives.* - Upon certification by the DOE, waste-to-
8 energy projects, as defined in this Act, shall be included in the strategic investments priority
9 plan (SIPP) of the Board of Investments (BOI) and shall be entitled to the incentives provided
10 under Executive Order No. 226, otherwise known as the "Omnibus Investments Code of
11 1987", as amended, and any other applicable laws for ten (10) years from the effectivity of
12 this Act: *Provided*, That after the aforementioned period, the inclusion of waste-to-energy
13 projects in the annual investment priorities plan shall be reviewed and may be extended by
14 the BOI: *Provided, further*, That waste-to-energy projects shall be exempt from Article 32(1)
15 of Executive Order No. 226.

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

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

31 **Sec. 10. *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,
36 otherwise known as the Philippine Clean Water Act of 2004. For waste-to-energy facilities,
37 the penal schemes established under the Philippine Grid Code and Philippine Distribution
38 Code pursuant to RA No. 9136, shall likewise apply.

39 **Sec. 11. *Congressional Oversight*** – The Joint Congressional Oversight Committee
40 created under R.A. No. 9003 shall exercise oversight powers over the solid waste
41 management aspect of the implementation of this Act. The Joint Congressional Energy
42 Commission, created under R.A. No. 9136 or the EPIRA of 2001 and renamed under R.A.
43 No. 11285, otherwise known as the "Energy Efficiency and Conservation Act," shall exercise
44 oversight powers over the energy aspect of the implementation of this Act.

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1 **Sec. 12. *Implementing Rules and Regulations.*** –The DENR, in coordination with the
2 NSWMC, DOE, BOI, DTI, Bureau of Internal Revenue, the Bureau of Customs, academe or
3 research institutions, and other concerned agencies, shall promulgate the implementing rules
4 and regulations for this Act within three (3) months after its approval.

5 **Sec. 13. *Report to Congress*** – The DENR, in coordination with NSWMC, shall
6 submit to the President of the Philippines and to Congress an annual report, which includes
7 the appropriate monitoring, evaluation, and recommendation, on the implementation progress
8 of this Act not later than March 30 of every year following the approval of this Act.

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

11 **Sec. 15. *Repealing Clause.*** – Section 20 of R.A. No. 8749 otherwise known as the
12 “Philippine Clean Air Act of 1999” is hereby repealed. The pertinent provision of R.A. No.
13 9003 otherwise known as the “Ecological Solid Waste Management Act of 2000”, and other
14 laws, presidential decrees, executive orders, rules and regulations inconsistent with any
15 provisions of this Act shall be deemed repealed or modified accordingly.

16 **Sec. 16. *Effectivity.*** – This Act shall take effect fifteen (15) days after publication in
17 the Official Gazette or in a newspaper of general circulation.

Approved.