COMMITTEE REPORT NO. 551

Submitted by the Joint Committees on Ecology and Energy, and the Committee on Ways and Means on 05 OCT 2020
Re: House Bill No. 7829
Recommending its approval in substitution of House Bills Numbered 618, 933, 1938, 3174, 3423, 4419, 5401, 5706 and 7045
Sponsors: Representatives Glona G. Labadlabad, Lord Allan Jay Q. Velasco, Carlito S. Marquez, and Carlos O. Cojuangco

Mr. Speaker:

The Joint Committees on Ecology and Energy, and the Committee on Ways and Means to which were referred House Bill No. 618, introduced by Reps. Carlito S. Marquez and Carlos O. Cojuangco, entitled:

"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";

House Bill No. 933, introduced by Rep. Manuel DG. Cabochan, entitled:

"AN ACT PROMOTING AND PERMITTING THE USE OF WASTE-TO-ENERGY TECHNOLOGY, AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED 8749, OTHERWISE KNOWN AS THE CLEAN AIR ACT OF 1999";

House Bill No. 1938, introduced by Reps. Enrico A. Pineda and Michael Odylon L. Romero, PhD, entitled:

"AN ACT REGULATING THE USE OF TREATMENT TECHNOLOGY FOR MUNICIPAL AND HAZARDOUS WASTES, REPEALING FOR THE PURPOSE SECTION 20 OF REPUBLIC ACT NO. 8749, OTHERWISE KNOWN AS 'THE PHILIPPINE CLEAN AIR ACT OF 1999'";
House Bill No. 3174, introduced by Rep. Abraham “Bambol” N. Tolentino, entitled:

“AN ACT ALLOWING THE USE OF WASTE TO ENERGY TECHNOLOGY IN ELECTRICITY, FUEL AND HEAT GENERATION, AND FOR OTHER PURPOSES”;

House Bill No. 3423, introduced by Rep. Alfred Vargas, entitled:

“AN ACT ESTABLISHING A NATIONAL ENERGY POLICY AND REGULATORY FRAMEWORK FOR FACILITIES UTILIZING WASTE-TO-ENERGY TECHNOLOGIES”;

House Bill No. 4419, introduced by Reps. David “Jay-Jay” C. Suarez, Anna Marie Villaraza-Suarez and Aleta C. Suarez, entitled:

“AN ACT PROMOTING THE USE OF WASTE-TO-ENERGY TECHNOLOGY, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 8749, OTHERWISE KNOWN AS THE CLEAN AIR ACT OF 1999”;

House Bill No. 5401, introduced by Rep. Jocelyn Sy Limkaichong, entitled:

“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";

House Bill No. 5706, introduced by Rep. Eric L. Olivarez, entitled:

“AN ACT PROMOTING AND ESTABLISHING THE USE OF WASTE TO ENERGY TECHNOLOGIES AND FACILITIES AS AN ALTERNATIVE SOURCE OF RENEWABLE ENERGY AND FOR OTHER PURPOSES” and,

House Bill No. 7045, introduced by Rep. Rodrigo A. Abellanosa, entitled:

“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"

have considered the same and recommend that the attached House Bill No. ____________ entitled:
"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"


Respectfully submitted,

REP. JOEY SARTE SALCEDA

Chairperson
Committee on Ways & Means

REP. LORD ALLAN JAY Q. VELASCO

Chairperson
Committee on Energy

REP. GLONA G. LABADLABAD

Chairperson
Committee on Ecology

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY
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:

SECTION 1. Title. – This Act shall be known and referred to 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 recover energy shall be given priority over other treatment technologies. Entities utilizing such technologies shall incorporate in their facilities or operations appropriate material recovery program. Thermal treatment units shall treat wastes at a temperature of not less than eight hundred fifty degrees centigrade (850°C).

Sec. 3. Role of the Department of Environment and Natural Resources (DENR). – The DENR shall be primarily responsible for the implementation and enforcement of this Act. It 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 Commission (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) working days if the application 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 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;

(b) Include a strategy in the Philippines Energy Plan, taking 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 ten (10) years following the commencement of the operation of the facility that is established after the effectiveness of this Act.

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

(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 providing 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 capacities 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. 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 System; 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 RA No. 9136, shall likewise apply.

Sec. 11. Congressional Oversight — The Joint Congressional Oversight Committee created under R.A. No. 9003 shall exercise oversight powers over the solid waste management aspect of the implementation of this Act. The Joint Congressional Energy Commission, created under R.A. No. 9136 or the EPIRA of 2001 and renamed under R.A. No. 11285, otherwise known as the “Energy Efficiency and Conservation Act,” shall exercise oversight powers over the energy aspect of the implementation of this Act.
Sec. 12. Implementing Rules and Regulations. – The DENR, in coordination with the NSWMC, DOE, BOI, DTI, Bureau of Internal Revenue, the Bureau of Customs, academe or research institutions, and other concerned agencies, shall promulgate the implementing rules and regulations for this Act within three (3) months after its approval.

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

Sec. 14. 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. 15. Repealing Clause. – Section 20 of R.A. No. 8749 otherwise known as the “Philippine Clean Air Act of 1999” is hereby repealed. The pertinent provision of R.A. No. 9003 otherwise known as the “Ecological Solid Waste Management Act of 2000”, 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. 16. Effectivity. – This Act shall take effect fifteen (15) days after publication in the Official Gazette or in a newspaper of general circulation.

Approved.
FACT SHEET

House Bill No. 7829

In substitution of House Bills Numbered 618, 933, 1938, 3174, 3423, 4419, 5401, 5706 and 7045
(As approved by the Committees on Ecology and Energy and the Committee on Ways and Means on 03 March 2020)

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”.

Introduced by: REPS. CARLITO MARQUEZ, ET. AL.

Committee Referral: ECOLOGY AND ENERGY
Committee Chairpersons:
REPS. GLONA G. LABADLABAD AND LORD ALLAN Q. VELASCO

OBJECTIVES:

• To reduce the ever-growing volume of garbage in the country, prolong the service life of sanitary landfills, and minimize damage to the environment and the human health;

• To regulate all waste thermal and other treatment technologies like waste-to-energy incinerators;

• To underscore the importance of reducing, reusing, and recycling of wastes while safely recovering energy or fuel from it.

KEY PROVISIONS:

• Sets the standards on the use of treatment technologies for the disposal of municipal and hazardous wastes, or for the processing of any waste material for fuel;

• Mandates the Department of Environment and Natural Resources (DENR) to implement and enforce this Act, including the promotion and the use of state-of-the-art, environmentally-sound and safe technologies for the treatment, utilization, and disposal of residual wastes;
• Mandates the Local Government Units (LGUs) to facilitate the establishment of waste treatment facilities within a region, province, or in strategically clustered LGUs in consonance with their respective ten-year solid waste management plans as approved by the National Solid Waste Management Commission (NSWMC);

• Tasks the Department of Science and Technology to undertake the necessary technology verification of the technology that will be used for the treatment or waste processing projects;

• Directs the Department of Energy (DOE) to accredit and classify facilities that recover energy based on the energy output, and include a strategy in the Philippines Energy Plan, taking into consideration the National Solid Waste Management Framework;

• Holds current and future owner/operator of the waste treatment facility responsible for complying with the standards promulgated for its establishment and operation;

• Grants fiscal and non-fiscal incentives to registered investors and hosts of waste treatment programs;

• Stipulates fines and penalties for violations of standards, rules and regulations promulgated under specified environmental and energy laws;

• Directs the DENR, in coordination with the NSWMC, DOE, Department of Trade and Industry, Bureau of Investments, Bureau of Internal Revenue, Bureau of Customs, academe or research institutions, and other concerned agencies, to promulgate the Implementing Rules and Regulations; and

• Repeals Sec. 20 of RA 8749 on the ban on incineration, and parts of R.A. 9003 deemed inconsistent with any provision of this Act.

RELATED LAWS:

• P.D. 1586 - Environmental Impact Statement System
• R.A. 6969 - Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990
• R.A. 7638 - Department of Energy Act of 1992
• R.A. 8749 - Clean Air Act of 1999
• R.A. 9003 - Ecological Solid Waste Management Act of 2000
• R.A. 9136 - Electric Power Industry Reform Act of 2001
• R.A. 9367 - Biofuels Act of 2006
• R.A. 9513 - Renewable Energy Act of 2008