COMMITTEE REPORT NO. 1099

Submitted by the Committee on Energy and the Committee on Ecology on July 28, 2021
Re: House Bill No. 9893

Recommend its approval, in substitution of House Bill Number 9240

Sponsors: Representatives Juan Miguel M. Arroyo, Glona G. Labadlabad and Wes T. Gatchalian

Mr. Speaker:

The Committee on Energy and the Committee on Ecology to which was referred:

House Bill No. 9240, introduced by Representative Wes T. Gatchalian, entitled: “AN ACT ESTABLISHING A NATIONAL ENERGY POLICY AND REGULATORY FRAMEWORK FOR FACILITIES UTILIZING WASTE-TO-ENERGY TECHNOLOGIES

have considered the same and recommend the approval of House Bill No. 9893, entitled:

AN ACT

ESTABLISHING A NATIONAL ENERGY POLICY AND REGULATORY FRAMEWORK FOR FACILITIES UTILIZING WASTE-TO-ENERGY TECHNOLOGIES


Respectfully submitted,

GLONA G. LABADLABAD
Chairperson
Committee on Ecology

JUAN MIGUEL MACAPAGAL ARROYO
Chairperson
Committee on Energy

The HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
Quezon City

AN ACT

ESTABLISHING A NATIONAL ENERGY POLICY AND REGULATORY FRAMEWORK FOR FACILITIES UTILIZING WASTE-TO-ENERGY TECHNOLOGIES

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

SECTION 1. Short Title. – This Act shall be referred to as the “Waste-to-Energy Act”.

SEC. 2. Declaration of Policy. – It is hereby declared the policy of the State to promote sustainable energy, energy security, and environmentally-sound methods in resource recovery, resource conservation, and treatment of residual wastes through the utilization of waste-to-energy facilities.

SEC. 3. Waste-to-Energy. – The term Waste-to-Energy or “WTE”, hereby classified as a renewable energy resource, shall cover the processes to generate clean and sustainable energy through the treatment of municipal wastes, or processing of such wastes into a fuel source.
For this purpose, all technologies for processing, treatment, or thermal
destruction of residual municipal wastes shall be allowed: Provided, however,
That these technologies shall not emit poisonous and toxic fumes defined
under Republic Act No. 8749, otherwise known as the “Clean Air Act”.

SEC. 4. Role of the Department of Energy. – In addition to its powers and
functions under Republic Act No. 7638, otherwise known as “The Department
of Energy Act of 1992”, as amended, the Department of Energy (DOE) shall be
primarily responsible for the implementation and enforcement of this Act. The
DOE shall, in coordination with the Department of Environment and Natural
Resources (DENR), Department of Health (DOH), Department of Interior and
Local Government (DILG) and National Solid Wastes Management
Commission (NSWMC), promote the use of state-of-the-art, environmentally-
sound and safe technologies to recover energy through appropriate handling,
treatment, thermal destruction, utilization, and disposal of residual wastes.
For this purpose, the DOE shall:

(a) Issue permits and accreditation certificates to WTE facilities based on
the energy output, and determine the standards, criteria, and requirements
applicable for each kind of WTE facility pursuant to Republic Act No. 7638,
Republic Act No. 9136, otherwise known as the “Electric Power Industry
Reform Act (EPIRA) of 2001”, 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”, and other relevant laws, rules, and
regulations;

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

(c) Regularly submit to the NSWMC and make available to the public,
especially to potential WTE investors, national and local information on the
following:

(i) Current and potential uses of WTE facilities in relation to solid waste
management,

(ii) Inventory of existing WTE facilities, and

(iii) Other relevant information; and
(d) Perform all other acts that are necessary and incidental to accomplish the objectives of this Act.

**SEC. 5. Role of the DENR.** – Consistent with the provisions of this Act, the DENR shall ensure that the establishment and operation of WTE facilities shall comply with the standards set pursuant to the following laws:

a) Republic Act No. 8749, otherwise known as the “Clean Air Act of 1999”, as regards emission standards;

b) Republic Act No. 9003, otherwise known as the “Ecological Solid Waste Management Act of 2000”, with respect to guidelines on waste reduction, segregation, collection, recycling, composting, and recovery;

c) Republic Act No. 9275, otherwise known as the “Philippine Clean Water Act of 2004”, in relation to effluent standards;

d) Presidential Decree No. 1586, otherwise known as the “Environmental Impact Statement System”; and

e) Republic Act No. 6969, otherwise known as the “Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990”.

Moreover, the DENR shall ensure that all WTE facilities shall be appropriately fitted with continuous monitoring equipment, which shall also record and make publicly available their emissions or air pollutant concentrations data.

**SEC. 6. Role of Local Government Units (LGUs) in Setting Up Treatment Facilities.** – Consistent with the powers, functions, and responsibilities under Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”, the LGUs shall implement in their respective jurisdictions, or as clustered LGUs, a comprehensive solid waste management plan that will integrate the WTE objective into their local programs on waste reduction, collection, transportation, segregation, recycling, composting, and recovery.

**SEC. 7. Permits and Licenses.** – The procedure for the issuance of permits and licenses for all kinds of WTE facilities shall be governed by Republic Act No. 11234, otherwise known as the “Energy Virtual One-Stop Shop Act.”
SEC. 8. 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 Presidential Decree No. 1586; Republic Act No. 6969; Republic Act No. 8749; Republic Act No. 9003; and Republic Act No. 9275, otherwise known as the “Philippine Clean Water Act of 2004”. For WTE facilities, the penal schemes established under the Philippine Grid Code and Philippine Distribution Code pursuant to Republic Act No. 9136, shall likewise apply.

SEC. 9. Congressional Oversight. – The Joint Congressional Power Commission (JCPC), created under Republic Act No. 9136 and renamed as Joint Congressional Energy Commission under Republic Act No. 11285, otherwise known as the “Energy Efficiency and Conservation Act”, shall exercise oversight powers over the implementation of this Act.

SEC. 10. Implementing Rules and Regulations. – Within ninety (90) calendar days upon its effectivity, the DOE shall, in coordination with the DENR, and in consultation with the DOH, NSWMC, DILG, and public and private stakeholders, issue rules and regulations for the effective implementation of this Act.

SEC. 11. Separability Clause. – If, for any reason, any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provisions not affected thereby shall remain in full force and effect.

SEC. 12. Repealing Clause. – Any law, presidential decree or issuance, executive order, letter of instruction, rule or regulation inconsistent with the provisions of this Act is hereby repealed or modified accordingly.

SEC. 13. Effectivity. – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved,
FACT SHEET

House Bill No. 9893
(As approved by the joint Committee on July 15, 2021)

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

Introduced by: REPRESENTATIVES WES T. GATCHALIAN, LORD ALLAN JAY Q. VELASCO,
JUAN MIGUEL MACAPAGAL ARROYO, GLONA G. LABADLABAD, JERICHO JONAS B.
NOGRALES, PRESLEY C. DE JESUS, ROSANNA “RIA” V. VERGARA, JOCELYN P. TULFO,
ABDULLAH D. DIMAPORO, ADRIANO A. EBCAS, RUTH MARIANO-HERNANDEZ, SERGIO
C. DAGOOC, GODOFREDO N. GUYA, GABRIEL H. BORDADO JR., FRANCISCO “KIKO” B.
BENITEZ, JOCELYN SY LIMKAICHONG AND DAHLIA A. LOYOLA

Committee Referral: COMMITTEE ON ENERGY (Primary)
Committee Chairperson: REP. JUAN MIGUEL “MIKEY” M. ARROYO
Committee Referral: COMMITTEE ON ECOLOGY (Secondary)
Committee Chairperson: REP. GLONA G. LABADLABAD

OBJECTIVES:

● To provide a national policy and regulatory framework for the entire value chain of
Waste-to-Energy (WTE) technologies and facilities.

● To promote sustainable energy, energy security, and environmentally-sound
methods in resource recovery, resource conservation, and treatment of residual
wastes through the utilization of WTE facilities.

● To ensure protection of the public’s health and the environment through a
systematic and comprehensive ecological solid waste management program.

● To promote collaboration, cooperation, and participation of various sectors in
coordinated approaches to solid waste management and waste treatment
technology.

KEY PROVISIONS:

● Mandates the Department of Energy (DOE), to undertake the following additional
functions:

1. Promote in coordination with the Department of Environment and Natural
Resources (DENR), Department of Health, Department of Interior Local
Government, and National Solid Wastes Management Commission (NSWMC),
the use of safe, state-of-the-art and environmentally-sound technologies to
recover energy through appropriate handling, treatment, thermal destruction,
utilization, and disposal of residual wastes;
2. Issue permits to WTE facilities based on the energy output, and determine the standards, criteria, and requirements applicable for each kind of WTE facility;
3. Includes a WTE strategy in the Philippine Energy Plan, taking into consideration the National Solid Waste Management Framework;
4. Submit Regularly to the NSWMC and make available to the public, especially to potential WTE investors, national and local information on the following:
   i. Current and potential uses of WTE facilities in relation to solid waste management,
   ii. Inventory of existing WTE facilities, and
   iii. Other relevant information.

● Mandates the DENR to undertake the following additional duties:

1. Ensure that the standards set pursuant to the following laws are complied with:
   i. Republic Act No. 8749, otherwise known as the “Clean Air Act of 1999”;
   ii. Republic Act No. 9003, otherwise known as the “Ecological Solid Waste Management Act of 2000”, with respect to the guidelines on waste reduction, segregation, collection, recycling, composting, and recovery;
   iii. Republic Act No. 9275, otherwise known as the “Philippine Clean Water Act of 2004”, in relation to effluent standards;
   iv. Presidential Decree No. 1586, otherwise known as the “Environmental Impact Statement System”; and
   v. Republic Act No. 6969, otherwise known as the “Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990”.

2. Monitor LGU compliance with the requirement to continuously monitor, record, and make publicly available their emissions or air pollutant concentration data.

● Mandates local government units (LGUs) to implement in their respective jurisdictions, or as clustered LGUs, a comprehensive solid waste management plan that integrates the WTE - resource utilization strategy into their local programs on waste reduction, collection, transportation, segregation, recycling, composting, and recovery.

● Stipulates that the procedure for the issuance of permits and licenses for all kinds of WTE facilities shall be governed by Republic Act No. 11234, otherwise known as the “Energy Virtual One-Stop Shop Act”.

● Provides that the penal schemes established under the Philippine Grid Code and the Philippine Distribution Code pursuant to Republic Act No. 9136 shall apply for violations of the standards or rules and regulations promulgated for WTE facilities. Violations of standards promulgated for treatment facilities shall be fined or penalized under the provisions of:
   i. Presidential Decree No. 1586, otherwise known as the “Environmental Impact Statement System”;
   ii. Republic Act No. 9275, otherwise known as “Philippine Clean Water Act of 2004”;
iii. Republic Act No. 6969, otherwise known as the “Toxic Substances and Hazardous and Nuclear Waste Control”;
iv. Republic Act No. 8749;
v. Republic Act No. 9003; and

● Mandates that the Joint Congressional Energy Commission (JCEC) shall exercise oversight powers over the implementation of the Act.

RELATED LAWS:

● Presidential Decree No. 1586, or the Environmental Impact Statement System
● Republic Act No. 6969, or the Toxic Substances and Hazardous and Nuclear Waste Control Act of 1990
● Republic Act No. 8749, or the Clean Air Act of 1999
● Republic Act No. 9003, or the Ecological Solid Waste Management Act of 2000
● Republic Act No. 9136, or the Electric Power Industry Reform Act of 2001
● Republic Act No. 9275, or the Philippine Clean Water Act of 2004
● Republic Act No. 11234, or the Energy Virtual One-Stop Shop Act