

**SENATE**

20 AUG 25 P3:29

**COMMITTEE REPORT NO. 106**

Submitted jointly by the Committees on Energy, Environment, Natural Resources and Climate Change, and Ways and Means on **AUG 25 2020**  
Re: Senate Bill No. 1789

Recommending its approval in substitution of **Senate Bill Nos. 363 and 401.**

Sponsor: **Senator Sherwin T. Gatchalian**

The Committees on Energy, Environment, Natural Resources and Climate Change, and Ways and Means, to which were referred **Senate Bill No. 363**, introduced by Senator Sherwin T. Gatchalian, entitled:

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

and **Senate Bill No. 401**, introduced by Senator Francis "Toi" N. Tolentino, entitled:

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

have considered the same and have the honor to report them back to the Senate with the recommendation that the attached bill, **Senate Bill No. 1789** entitled:

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

be approved in substitution of **Senate Bill Nos. 363**, and **401**, with Senators Gatchalian, Tolentino, and Binay as authors thereof.

Respectfully submitted:

**CHAIRPERSONS:**

**SEN. CYNTHIA A. VILLAR**  
*Committee on Environment,  
Natural Resources and Climate  
Change*



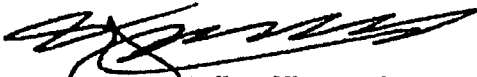
**SEN. WIN GATCHALIAN**  
*Committee on Energy;  
Member, Committee on  
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**SENATOR PIA S. CAYETANO**  
*Committee on Ways and Means  
Vice Chairperson, Committee on Environment,  
Natural Resources and Climate Change*

*with reservation  
will interpellate/  
amend*

**VICE CHAIRPERSONS:**



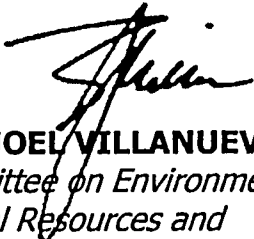
**SEN. FRANCIS "Tol" N. TOLENTINO**  
*Committee on Environment, Natural Resources  
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**SEN. SONNY ANGARA**  
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**MEMBERS:**

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Committee on Environment, Natural Resources  
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**SEN. JOEL VILLANUEVA**  
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*"may interpellate"*

**SEN. IMEE R. MARCOS**

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**SEN. MARIA LOURDES NANCY S. BINAY**

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**SEN. GRACE POE**

*Committee on Energy  
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Committee on Ways and Means*



**SEN. RONALD "Bato" DELA ROSA**

*Committee on Energy  
Committee on Environment, Natural  
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Committee on Ways and Means*



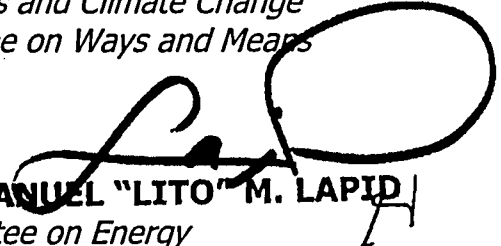
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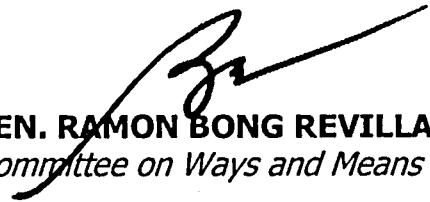
**SEN. AQUILINO "Koko" PIMENTEL III**

*Committee on Energy*



**SEN. RAMON BONG REVILLA JR.**

*Committee on Ways and Means*



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**SEN. FRANCIS "Kiko" PANGILINAN**

*Committee on Energy  
Committee on Environment, Natural  
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*leila de lima*  
**SEN. LEILA M. DE LIMA**  
*Committee on Energy  
Committee on Environment,  
Natural Resources and Climate Change  
Committee on Ways and Means*

**EX-OFFICIO MEMBERS:**

  
**SEN. RALPH G. RECTO**  
President Pro-Tempore

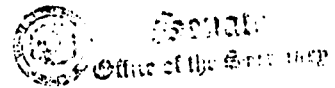
*"may amend"*

  
**SEN. JUAN MIGUEL F. ZUBIRI**  
Majority Leader

  
**SEN. FRANKLIN M. DRILON**  
Minority Leader

**HON. VICENTE C. SOTTO III**  
Senate President

EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



20 AUG 25 P3:29

**SENATE**

**Senate Bill No. 1789**

REC'D

**(In substitution of Senate Bill Nos. 363 and 401)**

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Prepared by the Committees on Energy; Environment, Natural Resources and Climate Change; and Ways and Means with Senators Sherwin T. Gatchalian, Francis "To" N. Tolentino, and Maria Lourdes Nancy S. Binay as authors thereof

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**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:*

1 SECTION 1. *Short Title.* – This Act shall be referred to as the "Waste-to-Energy  
2 Act".

3  
4 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to:

- 5 (a) Ensure protection of the public's health and the environment through a  
6 systematic and comprehensive ecological solid waste management program;
- 7 (b) Strengthen its commitment to solid waste avoidance and volume reduction  
8 by supplementing the latter with other solid waste management treatment  
9 technologies to include waste-to-energy;
- 10 (c) Encourage the development and utilization of environmentally sustainable  
11 new and alternative technologies in resource recovery, resource conservation,  
12 processing, treatment, and disposal of solid waste, such as waste-to-energy  
13 facilities;

- 1 (d) Support the utilization of waste-to-energy facilities in order to attain  
2 sustainable energy and energy security;
- 3 (e) Strengthen the integration of solid waste management, waste-to-energy  
4 promotion, and environmental protection towards healthful cities amidst  
5 economic growth and development; and
- 6 (f) Promote collaboration, cooperation, and participation of various sectors in  
7 coordinated approaches to solid waste management and waste treatment  
8 technology towards national development and jobs creation.

9

10 **Sec. 3. *Scope and Application.*** – This Act shall apply to all local government  
11 units and waste-to-energy facilities.

12

13 **Sec. 4. *Definition of Terms.*** – For purposes of this Act, the following terms  
14 shall be defined as stated below:

- 15 (a) *Agricultural waste* refers to waste generated from planting or harvesting of  
16 crops, trimming or pruning of plants, and wastes or run-off materials from  
17 farms or fields;
- 18 (b) *Biomedical waste or hazardous healthcare waste* refers to waste from  
19 healthcare facilities that may pose a variety of environmental and health risks.  
20 It can be further classified into sharps waste, infectious waste, pathological  
21 and anatomical waste, pharmaceutical waste, genotoxic waste, chemical  
22 waste, radioactive waste, and pressurized containers as defined by the  
23 Department of Health (DOH);
- 24 (c) *City or Municipal Solid Waste Management Board* refers to the entity  
25 established by each city or municipality pursuant to Section 12 of Republic  
26 Act No. 9003, otherwise known as the Ecological Solid Waste Management  
27 Act of 2000;
- 28 (d) *Chemical and industrial waste* refers to discarded solid, liquid, or gaseous  
29 chemicals from laboratories, industrial establishments, or other sources such  
30 as diagnostic and experimental work, environmental work, cleaning,  
31 housekeeping, and disinfecting procedures;

- 1 (e) *Clustering* is a strategy of pooling available resources of local government  
2 units (LGUs) for the establishment of a common solid waste management  
3 treatment facility or service;
- 4 (f) *Collection* refers to the act of removing solid waste from the source or from  
5 a communal storage point;
- 6 (g) *Disposal* refers to the deposit, or placing of any solid waste into an approved  
7 disposal site pursuant to Republic Act No. 9003;
- 8 (h) *Disposal site* refers to a facility where solid waste is finally deposited and  
9 placed pursuant to Republic Act No. 9003;
- 10 (i) *Emission* means any air contaminant, pollutant, gas stream, or unwanted  
11 sound from a known source which is passed into the atmosphere;
- 12 (j) *Hazardous waste* refers to substances that are without any safe commercial,  
13 industrial, agricultural, or economic usage and are shipped, transported, or  
14 brought from the country of origin for dumping or disposal into or in transit  
15 through any part of the Philippines. It shall also refer to by-products, side-  
16 products, process residues, spent reaction media, contaminated plant or  
17 equipment, or other substances from manufacturing operations and as a  
18 customer discards of manufactured products, or a combination of solid waste  
19 which, because of its quantity, concentration, physical, chemical, or infectious  
20 characteristics, may:
- 21 (i) Cause or significantly contribute to an increase in mortality or an increase  
22 in a serious irreversible or incapacitating reversible illness, or
- 23 (ii) Pose a substantial present or potential hazard to human health or the  
24 environment when improperly treated, stored, transported, or disposed  
25 of, or otherwise managed;
- 26 (k) *Incineration in a WTE facility* refers to a waste treatment and resource  
27 recovery technology that involves the controlled combustion of waste  
28 materials for the purpose of recovering energy from it, and whose emissions  
29 and effluents are compliant with the guidelines pursuant to this Act and other  
30 relevant laws, rules, and regulations;
- 31 (l) *Local Government Solid Waste Management Plan* refers to the ten (10) year  
32 solid waste management plan, consistent with the National Solid Waste



1 Management Framework, prepared by the LGUs pursuant to Section 16 of  
2 Republic Act No. 9003;

3 (m) *Municipal waste* refers to waste produced from activities within LGUs which  
4 include a combination of domestic, commercial, institutional, and industrial  
5 wastes and street litters pursuant to Republic Act No. 9003;

6 (n) *National Solid Waste Management Commission (NSWMC)* refers to the body  
7 created and primarily tasked with overseeing the implementation of solid  
8 waste management plans and prescribing policies to achieve the objectives  
9 of Republic Act No. 9003;

10 (o) *National Solid Waste Management Framework* refers to a document prepared  
11 by the NSWMC based on the National Solid Waste Management Status Report  
12 pursuant to Section 15 of Republic Act No. 9003;

13 (p) *National Solid Waste Management Status Report* refers to a document  
14 prepared by the Department of Environment and Natural Resources (DENR),  
15 which is used as a basis in formulating the National Solid Waste Management  
16 Framework pursuant to Section 14 of Republic Act No. 9003;

17 (q) *Poisonous and toxic fumes* refer to any emissions and fumes which are  
18 beyond internationally accepted standards, including but not limited to the  
19 World Health Organization (WHO) air quality guidelines, as provided in  
20 Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of  
21 1999;

22 (r) *Processing fee* refers to the amount paid to avail of the services of a waste-  
23 to-energy facility as defined herein;

24 (s) *Provincial Solid Waste Management Board* refers to the entity established by  
25 each province pursuant to Section 11 of Republic Act No. 9003;

26 (t) *Residue* refers to substances that remain after a process in a waste-to-energy  
27 facility such as preparation, separation, purification, evaporation, combustion,  
28 distillation, or filtration;

29 (u) *Resource recovery* refers to the collection, extraction, or recovery of  
30 recyclable materials from the waste stream for the purpose of recycling,  
31 generating energy, or producing a product suitable for beneficial use;

1 (v) *Sanitary landfill* refers to a waste disposal site designed, constructed,  
2 operated, and maintained in a manner that exerts engineering control over  
3 significant potential environment impacts arising from the development and  
4 operation of the facility pursuant to Republic Act No. 9003;

5 (w) *Segregation* refers to a solid waste management practice of separating  
6 different materials found in solid waste in order to promote recycling and re-  
7 use of resources, facilitate waste treatment processes, and to reduce the  
8 volume of waste for collection and disposal pursuant to Republic Act No.  
9 9003;

10 (x) *Solid waste* refers to all discarded household waste, commercial waste, non-  
11 hazardous institutional and industrial waste, street sweepings, construction  
12 debris, agricultural waste, and other non-hazardous or non-toxic solid waste.

13 It shall not include:

14 (i) Waste identified or listed as hazardous waste of a solid, liquid, contained  
15 gaseous, or semisolid form, which may cause or contribute to an  
16 increase in mortality or in serious or incapacitating reversible illness, or  
17 acute or chronic effect on the health of persons and other organisms,

18 (ii) Infectious waste from hospitals such as equipment, instruments,  
19 utensils, and fomites of a disposable nature from patients who are  
20 suspected to have or have been diagnosed as having communicable  
21 diseases and must therefore be isolated as required by public health  
22 agencies, laboratory wastes as pathological specimens, and disposable  
23 fomites that may harbor or transmit pathogenic organisms, and surgical  
24 operating room pathologic materials from outpatient areas and  
25 emergency rooms, and

26 (iii) Waste resulting from mining activities, including contaminated soil and  
27 debris;

28 (y) *Solid waste management treatment facility* refers to any resource recovery  
29 system or component thereof; any system, program or facility for resource  
30 conservation; or any facility for the collection, source separation, storage,  
31 transportation, transfer, processing, treatment, or disposal of solid waste;

- 1 (z) *Solid waste management* refers to the discipline associated with the control  
2 of generation, storage, collection, transfer and transport, processing, and  
3 disposal of solid wastes in a manner that is in accord with the best principal  
4 of public health, economics, engineering, conservation, aesthetics, and other  
5 environmental considerations, and that is also responsive to the public  
6 attitudes;
- 7 (aa) *Waste* refers to any material misplaced, unused or rejected by persons as  
8 worthless or unwanted. It includes, among others, agricultural, biomedical,  
9 chemical and industrial, hazardous, municipal, and solid wastes;
- 10 (bb) *Waste-to-Energy (WTE)* refers to an energy system with a process of  
11 converting WTE feedstock with various technologies, usually the conversion  
12 of non-recyclable waste materials into usable heat, electricity, or fuel through  
13 a variety of processes;
- 14 (cc) *WTE facility* refers to the facility where the WTE operations are conducted;
- 15 (dd) *WTE feedstock* refers to the waste materials with calorific-value that are taken  
16 in for WTE processing in a WTE facility;
- 17 (ee) *Waste generation* refers to the act or process of producing solid waste; and
- 18 (ff) *WTE strategy* refers to a plan of action with measurable targets for the  
19 utilization of WTE facilities for solid waste management treatment and energy  
20 production.

21  
22 **Sec. 5. *Waste-to-Energy and Waste-to-Energy Facility.*** – WTE shall be classified  
23 as another kind of renewable energy resource. A WTE facility shall:

- 24 (a) Be both a solid waste management treatment facility and an energy  
25 production facility;
- 26 (b) Comply with establishment and operation guidelines for WTE facilities  
27 pursuant to Sections 6(c), 8(c), and 9(b) of this Act;
- 28 (c) Ensure the proper management of its residue which should conform to  
29 relevant laws, rules, and regulations and should include making  
30 arrangements with a sanitary landfill, or developing its own, prior to its  
31 operations, as a disposal site for any residue generated from its operations

1 in accordance with NSWMC, DENR, and DOH guidelines issued pursuant to  
2 this Act; and

- 3 (d) Comply with relevant laws, rules, and regulations including but not limited  
4 to Presidential Decree No. 1586 Establishing an Environmental Impact  
5 Statement System, Republic Act No. 6969 otherwise known as the Toxic  
6 Substances and Hazardous and Nuclear Waste Act, Republic Act No. 7638  
7 otherwise known as the Department of Energy Act of 1992 as amended,  
8 Republic Act No. 8749, Republic Act No. 9003, Republic Act No. 9136  
9 otherwise known as the Electric Power Industry Reform Act of 2001,  
10 Republic Act No. 9275 otherwise known as the Philippine Clean Water Act  
11 of 2004, Republic Act No. 9367 otherwise known as the Biofuels Act of  
12 2006, Republic Act No. 9513 otherwise known as the Renewable Energy  
13 Act of 2008, Republic Act No. 11223 otherwise known as the Universal  
14 Health Care Act, and WHO Guidelines on Air Quality.

15 All waste treatment technologies in a WTE facility shall be allowed including  
16 incineration: *Provided*, that these technologies shall not emit toxic and poisonous  
17 fumes into the environment and shall comply with all the laws mentioned hereof and  
18 other relevant laws, rules, and regulations.

19 In addition to the provisions of this Act, the segregation, collection, transfer,  
20 storage, and transport of solid waste as WTE feedstock for a WTE facility, and the  
21 waste treatment process of the WTE facility shall be governed by Republic Act No.  
22 9003 and Republic Act No. 8749, while the energy production aspect of the WTE  
23 facility shall be governed by Republic Act No. 7638, Republic Act No. 9136, Republic  
24 Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and regulations.

25  
26 **Sec. 6. *The National Solid Waste Management Commission.*** – The Secretary of  
27 the Department of Energy shall serve in *ex officio* capacity as member of the National  
28 Solid Waste Management Commission (NSWMC), which shall now have fifteen (15)  
29 members from the government sector. In addition to its powers and functions under  
30 Republic Act No. 9003, the NSWMC shall:

- 31 (a) Include a WTE strategy in the National Solid Waste Management Framework;

1 (b) Act as the lead agency in ensuring streamlined standards, criteria, and  
2 guidelines for WTE facilities to avoid inconsistent and conflicting issuances;

3 (c) Regularly determine, review, and publish the following:

4 (i) Standards, criteria, and guidelines for:

- 5 1. Characterization and composition of solid waste utilized as WTE  
6 feedstock for WTE facilities to ensure emissions are compliant  
7 with Republic Act No. 8749 and other relevant laws, rules, and  
8 regulations,
- 9 2. Transport, storage, and pre-processing of WTE feedstock,
- 10 3. Pre-operation, siting, design, operation, and maintenance of  
11 WTE facilities,
- 12 4. Quality control and operational control of WTE facilities,
- 13 5. Management of residue from WTE facilities, if any;
- 14 6. Pollution abatement, emissions monitoring, environmental  
15 monitoring, and public health and safety monitoring in relation  
16 to WTE facilities,
- 17 7. Decommissioning, closure, and abandonment of WTE facilities,  
18 and
- 19 8. Other guidelines pursuant to relevant laws, rules, and  
20 regulations, and

21 (ii) Minimum standards, criteria, and guidelines, in determining a fair,  
22 equitable, and reasonable processing fee for WTE facilities taking into  
23 consideration, among others, the cost of construction, operation, and  
24 maintenance of the facility as well as the potential revenue from the  
25 sale of energy output, in consultation with relevant government  
26 agencies, experts, and stakeholders;

27 (d) Consolidate and make available to the public, through its website, the  
28 following:

- 29 (i) Current and potential uses of WTE facilities in relation to solid waste  
30 management;
- 31 (ii) Inventory of existing WTE facilities;
- 32 (iii) General feedstock characterization;

- 1 (iv) Status and projection of feedstock generation;
- 2 (v) Specific locations of potential feedstock and WTE facilities; and
- 3 (vi) Other relevant information;
- 4 (e) Provide policy guidelines to assist LGUs in the development of WTE facilities to
- 5 include the determination of the potential of WTE facilities in their respective
- 6 localities;
- 7 (f) Ensure LGUs incorporate a WTE strategy, if feasible, in their respective Local
- 8 Government Solid Waste Management Plans;
- 9 (g) Identify and recommend potential clustering of LGUs for a common WTE
- 10 facility;
- 11 (h) Coordinate with the Provincial, City, and Municipal Solid Waste Management
- 12 Boards especially for clustered LGUs employing a common WTE facility; and
- 13 (i) Perform all other acts that are analogous to the foregoing, which are necessary
- 14 and incidental to accomplish the policy objectives of this Act.

15

16 *Sec. 7. Role of the Department of Energy.* – In addition to its powers and

17 functions under Republic Act No. 7638, the Department of Energy (DOE) shall:

- 18 (a) Issue permits to WTE facilities based on the energy output, and determine the
- 19 standards, criteria, and requirements applicable for each kind of WTE facility
- 20 pursuant to Republic Act No. 7638, Republic Act No. 9136, Republic Act No.
- 21 9367, Republic Act No. 9513, and other relevant laws, rules, and regulations;
- 22 (b) Include a WTE strategy in the Philippine Energy Plan, taking into consideration
- 23 the National Solid Waste Management Framework;
- 24 (c) Regularly submit to the NSWMC and make available to the public, especially to
- 25 potential WTE investors, national and local information on the following:
- 26 (i) Current and potential uses of WTE facilities in relation to solid waste
- 27 management,
- 28 (ii) Inventory of existing WTE facilities, and
- 29 (iii) Other relevant information; and
- 30 (d) Perform all other acts that are analogous to the foregoing, which are necessary
- 31 and incidental to accomplish the policy objectives of this Act.
- 32

1           **Sec. 8. *Role of the Department of Environment and Natural Resources.*** – In  
2 addition to its powers and functions under Republic Act No. 9003 and Republic Act  
3 No. 8749, the DENR shall:

4           (a) Include a WTE strategy, if feasible, in the National Solid Waste Management  
5           Status Report;

6           (b) Provide technical and other capacity building assistance and support to LGUs  
7           based on the policy guidelines created by the NSWMC pursuant to Section 6(e)  
8           of this Act;

9           (c) Implement and revise, when necessary, together with the DOH, existing  
10           guidelines issued pursuant to Republic Act No. 9003 on waste transport, pre-  
11           operation, waste acceptance, waste storage, pre-processing of waste, quality  
12           control, operational control, pollution abatement, management of residue,  
13           emissions monitoring, environmental monitoring, public health and safety  
14           monitoring, decommissioning, closure, and abandonment, among others,  
15           taking into account the NSWMC's standards, criteria, and guidelines under  
16           Section 6(c) of this Act and other relevant laws, rules, and regulations, and in  
17           consultation with relevant stakeholders;

18           (d) Ensure compliance with Section 8(c) of this Act to include continuous  
19           monitoring and testing of by-products of WTE facilities;

20           (e) Make available to the public, through its website, the emissions, effluents and  
21           other by-products of WTE facilities;

22           (f) Investigate, motu proprio or upon complaint, reports of non-compliance of WTE  
23           facilities with the provisions of this Act and other relevant laws, rules, and  
24           regulations;

25           (g) Exercise visitorial and enforcement powers to ensure strict compliance of WTE  
26           facilities with this Act, Republic Act No. 9003, Republic Act No. 8749, and other  
27           relevant laws, rules, and regulations;

28           (h) Recommend to the NSWMC policies to address challenges of WTE facilities from  
29           a solid waste management perspective; and

30           (i) Perform all other acts that are analogous to the foregoing, which are necessary  
31           and incidental to accomplish the policy objectives of this Act.  
32

1       **Sec. 9. *Role of the Department of Health.*** – In addition to its existing powers and  
2 functions, the DOH shall:

3       (a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant to  
4       Republic Act No. 11223 and Presidential Decree No. 1586, as part of the  
5       Environmental Impact Assessment System, to be jointly reviewed and approved  
6       by the DOH and DENR prior to construction and operation;

7       (b) Implement and revise, when necessary, together with DENR, existing  
8       guidelines issued pursuant to Republic Act No. 9003 on waste transport, pre-  
9       operation, waste acceptance, waste storage, pre-processing of waste, quality  
10      control, operational control, pollution abatement, management of residue,  
11      emissions monitoring, environmental monitoring, public health and safety  
12      monitoring, decommissioning, closure, and abandonment, among others,  
13      taking into account the NSWMC's standards, criteria, and guidelines under  
14      Section 6(c) of this Act and other relevant laws, rules, and regulations, and in  
15      consultation with relevant stakeholders;

16      (c) Regularly conduct an analysis of the effects of WTE facilities and disposal sites  
17      on public health and submit the same to the NSWMC for consolidation, and  
18      DENR for proper action, if applicable;

19      (d) Undertake research on the public health impact of WTE facilities together with  
20      government agencies, the academe, and private stakeholders;

21      (e) Make available to the public, through its website, studies and analyses of the  
22      effects of WTE facilities and disposal sites on public health; and

23      (f) Perform all other acts that are analogous to the foregoing, which are necessary  
24      and incidental to accomplish the policy objectives of this Act.

25  
26      **Sec. 10. *Role of Local Government Units.*** – In addition to their powers, functions, and  
27      responsibilities under Republic Act No. 7160 otherwise known as the Local  
28      Government Code of 1991, and Republic Act No. 9003, LGUs shall:

29      (a) In the case of a city or municipality and if applicable, be responsible for the  
30      hauling of WTE feedstock to a WTE facility;

31      (b) In the case of a province and if applicable, provide necessary logistical and  
32      operational support for the processing of WTE feedstock in a WTE facility;



1 (c) Include a WTE strategy, if feasible, in their respective Local Government Solid  
2 Waste Management Plans;

3 (d) Comply with the standards, criteria, and guidelines on WTE feedstock and WTE  
4 facilities pursuant to Sections 6(c), 8(c), and 9(b) of this Act, if applicable; and

5 (e) Be authorized to enter into and shall comply with all obligations under the  
6 following:

7 (i) Clustering arrangements with other LGUs for a common WTE facility, on  
8 their own or upon recommendation of the Provincial Solid Waste  
9 Management Board or the NSWMC: *Provided*, That the province shall  
10 have the power to cluster component cities and municipalities based on  
11 the NSWMC approved provincial and local solid waste management  
12 plans and the recommendation of the NSWMC pursuant to Section 6(g)  
13 of this Act,

14 (ii) Long term contracts with WTE facilities, on their own or with clustered  
15 LGUs, and

16 (iii) Public private partnerships pursuant to Republic Act No. 6957 otherwise  
17 known as An Act Authorizing the Financing, Construction, Operation and  
18 Maintenance of Infrastructure Projects by the Private Sector, and For  
19 Other Purposes as amended, cooperative undertakings under Section 33  
20 of Republic Act No. 7160, and other contractual arrangements provided  
21 for under existing laws, rules, regulations as well as the LGUs' respective  
22 charters for the establishment of WTE facilities: *Provided*, That WTE  
23 projects submitted to the Investment Coordinating Committee pursuant  
24 to Republic Act No. 6957, as amended, shall be acted upon within thirty  
25 (30) working days from submission: *Provided further*, That failure to act  
26 within the prescribed time frame shall deem such projects approved.

27 The national government shall provide support to all LGUs towards the effective  
28 implementation and the achievement of the policy objectives of this Act.

29  
30 **Sec. 11. Role of the Provincial Solid Waste Management Board.** – In addition to  
31 its powers and functions under Republic Act No. 9003, the Provincial Solid Waste  
32 Management Board shall:

- 1 (a) Integrate a WTE strategy, if feasible, in the Provincial Solid Waste Management  
2 Plan taking into consideration the Local Government Solid Waste Management  
3 Plans of all its component cities and municipalities;
- 4 (b) Recommend potential locations for WTE facilities in the Provincial Solid Waste  
5 Management Plan;
- 6 (c) Identify and recommend, or direct pursuant to Section 10 of this Act, clustering  
7 of component cities and municipalities for a common WTE facility, based on  
8 the Local Government Solid Waste Management Plans of all its component  
9 cities and municipalities;
- 10 (d) Provide the necessary logistical and operational support to component cities  
11 and municipalities who have the potential to be clustered, have decided to be  
12 clustered, or have been directed to be clustered pursuant to Section 10 of this  
13 Act, for a common WTE facility;
- 14 (e) Coordinate the efforts and oversee the implementation of the clustering of  
15 component cities and municipalities for a common WTE facility; and
- 16 (f) Coordinate with other Provincial, City, and Municipal Solid Waste Management  
17 Boards in identifying possible inter- and intra- province clustering for a common  
18 WTE facility.

19

20 *Sec. 12. Role of the City or Municipal Solid Waste Management Board.* – In  
21 addition to its powers and functions under Republic Act No. 9003, the City or Municipal  
22 Solid Waste Management Board shall integrate a WTE strategy, if feasible, in its Local  
23 Government Solid Waste Management Plan, and shall submit a copy thereof to the  
24 Provincial Solid Waste Management Board.

25

26 *Sec. 13. Permits and Licenses.* – The procedure for the issuance of permits and  
27 licenses for all kinds of WTE facilities shall be governed by Republic Act No. 11234,  
28 otherwise known as the Energy Virtual One-Stop Shop Act.

29

30 *Sec. 14. Prohibited Acts.* – The following acts are prohibited:

- 31 (a) For LGUs:

- 1 (i) Failure to include, if feasible, and implement, if applicable, the WTE
- 2 strategy in their respective Local Government Solid Waste Management
- 3 Plans, and
- 4 (ii) Failure to perform the responsibilities in Section 10 on the Role of Local
- 5 Government Units, Section 11 on the Role of the Provincial Solid Waste
- 6 Management Board, and Section 12 on the Role of the City or Municipal
- 7 Solid Waste Management Board;
- 8 (b) For government agencies, failure to perform the powers and functions
- 9 indicated under Section 6 on the National Solid Waste Management
- 10 Commission, Section 7 on the Role of the Department of Energy, Section 8 on
- 11 the Role of the Department of Environment and Natural Resources, and Section
- 12 9 on the Role of the Department of Health; and
- 13 (c) For WTE facilities:
- 14 (i) Failure to comply with the responsibilities in Section 5 on Waste-to-
- 15 Energy and Waste-to-Energy Facility, and
- 16 (ii) Use of imported municipal solid waste as WTE feedstock for a WTE
- 17 facility.

18

19 **Sec. 15. Penalties.** – Without prejudice to civil and criminal liability, the

20 following persons found to have violated the Sections mentioned below shall be meted

21 with the following penalties:

- 22 (a) Officials of LGUs and government agencies who violate Section 14(a):
- 23 (i) First offense: six (6) months suspension,
- 24 (ii) Second offense: Dismissal from service, perpetual disqualification from
- 25 holding public office, and forfeiture of retirement benefits;
- 26 (b) Officials of LGUs and government agencies who violate Section 14(b) shall be
- 27 suffer dismissal from service, perpetual disqualification from holding public
- 28 office, forfeiture of retirement benefits, and imprisonment for one (1) to six
- 29 (6) years with a fine of not less than Five hundred thousand pesos
- 30 (P500,000.00) but not more than Two million pesos (P2,000,000.00);
- 31 (c) Any person who violates Section 14(c)(i):

- 1 (i) First offense: Fine of One million pesos (P1,000,000.00) and an amount  
2 not less than ten percent (10%) but not more than fifteen percent  
3 (15%) of the net annual income during the previous year,  
4 (ii) Second offense: The same penalties as with the first offense including  
5 an additional penalty of imprisonment of a minimum period of one (1)  
6 year but not to exceed three (3) years,  
7 (iii) Third offense: The same penalties as with the second offense and  
8 permanent revocation of the license of the WTE facility;  
9 (d) Any person who violates Section 14(c)(ii) shall pay a fine of One million pesos  
10 (P1,000,000.00) and an amount not less than ten percent (10%) but not more  
11 than fifteen percent (15%) of the net annual income during the previous year,  
12 and shall suffer imprisonment of a minimum period of one (1) year but not to  
13 exceed three (3) years and permanent revocation of the license of the WTE  
14 facility. The same person shall repatriate the imported municipal solid waste  
15 to its country of origin.

16 For Section 14, if the violation is committed by a corporation, partnership, or  
17 other juridical entity duly recognized in accordance with the law, the chief executive  
18 officer, president, general manager, managing partner, or such other officer-in-charge  
19 shall be liable for the commission of the offense penalized under this Act.

20  
21 **Sec. 16. *Incentives.*** – WTE facilities, depending on their output, shall be entitled  
22 to avail of the incentives under Republic Act No. 9367 otherwise known as the Biofuels  
23 Act of 2006 and Republic Act No. 9513 otherwise known as the Renewable Energy Act  
24 of 2008.

25  
26 **Sec. 17. *Establishment of Dedicated Offices.*** – The DOE, DENR, DOH and  
27 NSWMC shall establish dedicated offices for the effective implementation of this Act.  
28 The organizational structure and staffing complement shall be determined by the  
29 Secretaries of DENR, DOE, and DOH, in consultation with the Department of Budget  
30 and Management, and in accordance with existing civil service rules and regulations.  
31 The budgetary requirements necessary for the establishment of the dedicated offices  
32 shall be taken from the current appropriations of DOE, DENR, DOH and NSWMC.

1 Thereafter, the funding for the dedicated offices shall be included in the annual  
2 General Appropriations Act.

3  
4 Sec. 18. *Appropriations.* – The amount of Fifteen million pesos  
5 (P15,000,000.00) for DOE, Three hundred million pesos (P300,000,000.00) for DENR,  
6 Forty five million pesos (P45,000,000.00) for DOH, and Twenty seven million  
7 (P27,000,000.00) for NSWMC for the initial implementation of this Act shall be charged  
8 against the current year's appropriations of the DOE, DENR, DOH, and NSWMC  
9 respectively. Thereafter, such amounts necessary for the sustainable implementation  
10 of this Act shall be included in the Annual General Appropriations Act.

11  
12 Sec. 19. *Congressional Oversight.* – The Joint Congressional Energy  
13 Commission (JCEC), created under Republic Act No. 9136 and renamed under Republic  
14 Act No. 11285, shall exercise oversight powers over the implementation of this Act.  
15 The Chairpersons of the Committee on Environment and Natural Resources of the  
16 Senate and the House of Representatives shall be automatic members of the JCEC.

17  
18 Sec. 20. *Implementing Rules and Regulations.* – The DOE together with the  
19 DENR, in consultation with DOH, NSWMC, Department of Interior and Local  
20 Government, and public and private stakeholders, shall issue the implementing rules  
21 and regulations of this Act within ninety (90) calendar days upon its effectivity.

22  
23 Sec. 21. *Amendatory Clause.* – All laws, decrees, orders, rules, regulations,  
24 and other issuances inconsistent with the provisions of this Act are hereby deemed  
25 amended and modified accordingly.

26  
27 Sec. 22. *Separability Clause.* – If any portion or provision of this Act is declared  
28 unconstitutional, the remainder of this Act or any provisions not affected thereby shall  
29 remain in force and effect.

30

1            **Sec. 23. *Repealing Clause.*** – Any law, presidential decree or issuance, executive  
2 order, letter of instruction, rule or regulation inconsistent with the provisions of this  
3 Act is hereby repealed or modified accordingly.

4

5            **Sec. 24. *Effectivity Clause.*** – This Act shall take effect fifteen (15) days following  
6 its complete publication in the Official Gazette or a newspaper of general circulation.

*Approved,*