

**NINETEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES**)
First Regular Session)

23 MAY 31 P12:25

SENATE

RECEIVED BY: 

COMMITTEE REPORT NO. 91

Submitted jointly by the Committee on Energy, Committee on Environment and Natural Resources and Climate Change, Committee on Ways & Means, and Committee on Finance

Re: Senate Bill No. 2267

Recommending its approval in substitution of **Senate Bill Nos. 151, 177, 989, and 1746**

Sponsor: **Senator Raffy T. Tulfo**

MR. PRESIDENT:

The Committees on Energy, Environment, Natural Resources and Climate Change, Ways and Means, and Finance to which were referred **Senate Bill No. 151**, introduced by Senator Sherwin T. Gatchalian, entitled:

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

Senate Bill No. 177, introduced by Senator Francis "Toi" Tolentino, entitled:

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

Senate Bill No. 989, introduced by Senator Ramon Bong Revilla Jr., entitled:

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

and **Senate Bill No. 1746**, introduced by Senator Juan Miguel "*Migz*" F. Zubiri, entitled:

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

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached bill, **Senate Bill No. 2267** 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. 151, 177, 989** and **1746** with Senators Gatchalian, Tolentino, Revilla, Zubiri and Tulfo as authors thereof.

Respectfully submitted:

CHAIRPERSONS:



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Committee on Ways and Means; Vice Chairperson, Committee on Energy; Vice Chairperson, Committee on Finance Subcommittee E; Member, Committee on Environment, Natural Resources and Climate Change



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Committee on Energy; Member, Committee on Environment, Natural Resources and Climate Change; Member, Committee on Ways and Means; Member, Committee on Finance

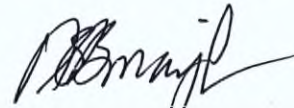


SEN. CYNTHIA A. VILLAR
Committee on Environment, Natural Resources and Climate Change; Vice Chairperson, Committee on Finance Subcommittee "B"

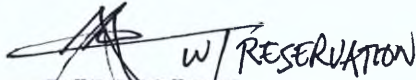
SEN. SONNY ANGARA
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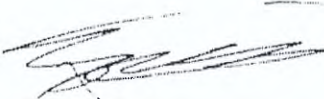


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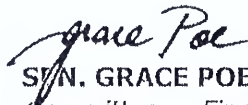


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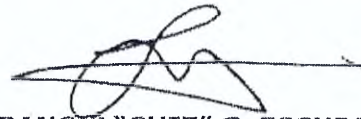
Committee on Environment, Natural Resources and Climate Change; and Committee on Finance

SEN. ROBINHOOD C. PADILLA

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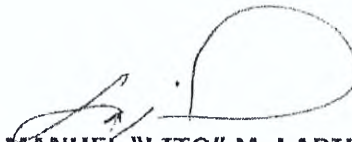
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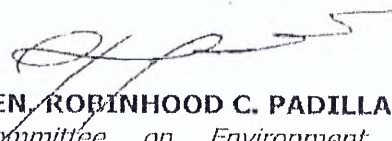
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Senate Pro-Tempore
Senior Vice Chair, Committee on Finance

will interpellate

A. Pimentel III

SEN. AQUILINO "KOKO" PIMENTEL III
Senate Minority Leader

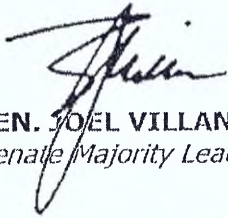
SEN. JOEL VILLANUEVA
Senate Majority Leader

HON. JUAN MIGUEL "MIGZ" F. ZUBIRI
Senate President

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*Senate Pro-Tempore
Senior Vice Chair, Committee on Finance*



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Senate Majority Leader

with interpellate



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Senate President

**NINETEENTH CONGRESS OF THE
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SENATE

Senate Bill No. 2267

RECEIVED BY:

(In substitution of Senate Bill Nos. 151, 177, 989 and 1746)

Prepared by the Committees on Energy; Environment, Natural Resources and Climate Change; Ways and Means; and Finance with Senators Sherwin T. Gatchalian, Francis "Tol" Tolentino, Ramon "Bong" Revilla Jr., Juan Miguel "Migz" F. Zubiri, and Raffy T. Tulfo as authors thereof

**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 by
8 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 new
11 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 sustainable
2 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 (LGU) and waste-to-energy (WTE) 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
20 risks. It can be further classified into sharps waste, infectious waste,
21 pathological and anatomical waste, pharmaceutical waste, genotoxic waste,
22 chemical waste, radioactive waste, and pressurized containers as defined
23 by the 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, as amended;

28 (d) *Chemical and industrial waste* refers to discarded solid, liquid, or gaseous
29 chemicals from laboratories, industrial establishments, or other sources
30 such 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, as amended;
- 8 (h) *Disposal site* refers to a facility where solid waste is finally deposited and
9 placed pursuant to Republic Act No. 9003, as amended;
- 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. It also includes those which are
14 shipped, transported, or brought from the country of origin for dumping or
15 disposal into or in transit through any part of the Philippines. It shall also
16 refer to by-products, side-products, process residues, spent reaction media,
17 contaminated plant or equipment, or other substances from manufacturing
18 operations and as a customer discard of manufactured products, or a
19 combination of solid waste which, because of its quantity, concentration,
20 physical, chemical, or infectious 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 of,
25 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
30 other 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, as amended;

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, as amended;

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, as amended;

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

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

18 (q) *Poisonous and toxic fumes* means any emissions and fumes which are
19 beyond internationally accepted standards, including but not limited to the
20 World Health Organization (WHO) air quality guidelines, as provided in
21 Republic Act No. 8749, otherwise known as the Philippine Clean Air Act of
22 1999;

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

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

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

- 1 (u) *Resource recovery* refers to the collection, extraction, or recovery of
2 recyclable materials from the waste stream for the purpose of recycling,
3 generating energy, or producing a product suitable for beneficial use;
- 4 (v) *Sanitary landfill* refers to a waste disposal site designed, constructed,
5 operated, and maintained in a manner that exerts engineering control over
6 significant potential environment impacts arising from the development and
7 operation of the facility pursuant to Republic Act No. 9003, as amended;
- 8 (w) *Segregation* refers to a solid waste management practice of separating
9 different materials found in solid waste in order to promote recycling and
10 re- use of resources, facilitate waste treatment processes, and to reduce
11 the volume of waste for collection and disposal pursuant to Republic Act No.
12 9003, as amended;
- 13 (x) *Solid waste* refers to all discarded household waste, commercial waste, non-
14 hazardous institutional and industrial waste, street sweepings, construction
15 debris, agricultural waste, and other non-hazardous or non-toxic solid
16 waste. It shall not include:
- 17 (i) Waste identified or listed as hazardous waste of a solid, liquid,
18 contained gaseous, or semisolid form, which may cause or contribute to
19 an increase in mortality or in serious or incapacitating reversible illness,
20 or acute or chronic effect on the health of persons and other organisms,
- 21 (ii) Infectious waste from hospitals such as equipment, instruments,
22 utensils, and fomites of a disposable nature from patients who are
23 suspected to have or have been diagnosed as having communicable
24 diseases and must therefore be isolated as required by public health
25 agencies, laboratory wastes as pathological specimens, and disposable
26 fomites that may harbor or transmit pathogenic organisms, and surgical
27 operating room pathologic materials from outpatient areas and
28 emergency rooms, and
- 29 (iii) Waste resulting from mining activities, including contaminated soil
30 and debris;
- 31 (y) *Solid waste management treatment facility* refers to any resource recovery
32 system or component thereof; any system, program or facility for resource

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

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

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

1 operations, as a disposal site for any residue generated from its operations
2 in accordance with NSWMC, DENR, and DOH guidelines issued pursuant to
3 this Act; and

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

16 All waste treatment technologies in a WTE facility shall be allowed including
17 incineration: *Provided*, that these technologies shall not emit toxic and poisonous
18 fumes into the environment, operate in compliance with best available techniques
19 and/or best existing practice for preventing and controlling pollution from waste
20 treatment, and shall comply with all the laws mentioned hereof and other relevant
21 laws, rules, and regulations.

22 In addition to the provisions of this Act, the segregation, collection, transfer,
23 storage, and transport of solid waste as WTE feedstock for a WTE facility, and the
24 waste treatment process of the WTE facility shall be governed by Republic Act No.
25 9003, as amended, and Republic Act No. 8749, while the energy production aspect of
26 the WTE facility shall be governed by Republic Act No. 7638, Republic Act No. 9136,
27 Republic Act No. 9367, Republic Act No. 9513, and other relevant laws, rules, and
28 regulations.

29 *Sec. 6. The National Solid Waste Management Commission.* - The Secretary of
30 the Department of Energy shall serve in ex officio capacity as member of the National
31 Solid Waste Management Commission (NSWMC), which shall now have fifteen (15)
32 members comprising of nine (9) members from the government sector and six (6)

1 members from the private sector. In addition to its powers and functions under
2 Republic Act No. 9003, as amended, the NSWMC shall:

- 3 (a) Include a WTE strategy in the National Solid Waste Management Framework;
- 4 (b) Act as the lead agency in ensuring streamlined standards, criteria, and
5 guidelines for WTE facilities to avoid inconsistent and conflicting issuances;
- 6 (c) Regularly determine, review, and publish the following:

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

- 8 1. Determination of the feasibility of integrating a WTE strategy in
9 the Local Government Solid Waste Management Plan, taking into
10 account the volume of WTE feedstock that may be generated from
11 municipal waste in an LGU or clusters thereof;
- 12 2. Characterization and composition of solid waste utilized as WTE
13 feedstock for WTE facilities to ensure emissions are compliant with
14 Republic Act No. 8749 and other relevant laws, rules, and
15 regulations,
- 16 3. Transport, storage, and pre-processing of WTE feedstock,
- 17 4. Pre-operation, siting, design, operation, and maintenance of WTE
18 facilities,
- 19 5. Quality control and operational control of WTE facilities,
- 20 6. Management of residue from WTE facilities, if any;
- 21 7. Pollution abatement, emissions monitoring, environmental
22 monitoring, and public health and safety monitoring in relation to
23 WTE facilities,
- 24 8. Decommissioning, closure, and abandonment of WTE facilities,
25 and
- 26 9. Other guidelines pursuant to relevant laws, rules, and regulations,
27 and

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

1 (d) Consolidate and make available to the public, through its website and any
2 online means, the following:

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

5 (ii) Inventory of existing WTE facilities;

6 (iii) General feedstock characterization;

7 (iv) Status and projection of feedstock generation;

8 (v) Specific locations of potential feedstock and WTE facilities; and

9 (vi) Other relevant information

10 (e) Provide policy guidelines to assist LGUs in the development of WTE facilities to
11 include the determination of the potential of WTE facilities in their respective
12 localities;

13 (f) Ensure LGUs incorporate a WTE strategy, if feasible, in their respective Local
14 Government Solid Waste Management Plans;

15 (g) Identify and recommend potential clustering of LGUs for a common WTE facility
16 in accordance with the standards to be set forth in the Implementing Rules and
17 Regulations;

18 (h) Coordinate with the Provincial, City, and Municipal Solid Waste Management
19 Boards especially for clustered LGUs employing a common WTE facility; and

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

22
23 *Sec. 7. Role of the Department of Energy.* - In addition to its powers and
24 functions under Republic Act No. 7638, the Department of Energy (DOE) shall:

25 (a) Issue permits to WTE facilities based on the energy output, and determine the
26 standards, criteria, and requirements applicable for each kind of WTE facility
27 pursuant to Republic Act No. 7638, Republic Act No. 9136, Republic Act No.
28 9367, Republic Act No. 9513, and other relevant laws, rules, and regulations;

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

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

- 1 (i) Current and potential uses of WTE facilities in relation to solid waste
2 management,
3 (ii) Inventory of existing WTE facilities, and
4 (iii) Other relevant information; and
5 (d) Perform all other acts that are analogous to the foregoing, which are necessary
6 and incidental to accomplish the policy objectives of this Act.

7 *Sec. 8. Role of the Department of Environment and Natural Resources.* - In
8 addition to its powers and functions under Republic Act No. 9003, as amended, and
9 Republic Act No. 8749, the DENR shall:

- 10 (a) Include a WTE strategy, if feasible, in the National Solid Waste Management
11 Status Report;
12 (b) Provide technical and other capacity building assistance and support to LGUs
13 based on the policy guidelines created by the NSWMC pursuant to Section 6(e)
14 of this Act;
15 (c) Implement and revise, when necessary, together with the DOH, existing
16 guidelines issued pursuant to Republic Act No. 9003, as amended, on waste
17 transport, pre-operation, waste acceptance, waste storage, pre-processing of
18 waste, quality control, operational control, pollution abatement, management
19 of residue, emissions monitoring, environmental monitoring, public health and
20 safety monitoring, decommissioning, closure, and abandonment, among
21 others, taking into account the NSWMC's standards, criteria, and guidelines
22 under Section 6(c) of this Act and other relevant laws, rules, and regulations,
23 and in consultation with relevant stakeholders;
24 (d) Ensure compliance with Section 8(c) of this Act to include continuous
25 monitoring and testing of by-products of WTE facilities;
26 (e) Make available to the public, through its website and any online means, the
27 emissions, effluents and other by-products of WTE facilities;
28 (f) Investigate, motu proprio or upon complaint, reports of non-compliance of WTE
29 facilities with the provisions of this Act and other relevant laws, rules, and
30 regulations;

1 (g) Exercise visitorial and enforcement powers to ensure strict compliance of WTE
2 facilities with this Act, Republic Act No. 9003, as amended, Republic Act No.
3 8749, and other relevant laws, rules, and regulations;

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

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

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

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

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

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

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

28 (e) Make available to the public, through its website and any online means, studies
29 and analyses of the effects of WTE facilities and disposal sites on public health;
30 and

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

1 Sec. 10. *Role of Local Government Units.* - In addition to their powers,
2 functions, and responsibilities under Republic Act No. 7160 otherwise known as the
3 Local Government Code of 1991, and Republic Act No. 9003, as amended, LGUs shall:

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

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

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

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

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

14 (i) Clustering arrangements with other LGUs for a common WTE facility, on
15 their own or upon recommendation of the Provincial Solid Waste
16 Management Board or the NSWMC: Provided, That the province shall have
17 the power to cluster component cities and municipalities based on the
18 NSWMC approved provincial and local solid waste management plans and
19 the recommendation of the NSWMC pursuant to Section 6(g) of this Act,

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

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

1 The national government shall provide support to all LGUs towards the effective
2 implementation and the achievement of the policy objectives of this Act; Provided
3 that the provision of support by the national government shall be compliant with
4 the provisions all relevant laws, rules and regulations.

5
6 *Sec. 11. Role of the Provincial Solid Waste Management Board.* -In addition to
7 its powers and functions under Republic Act No. 9003, as amended, the Provincial
8 Solid Waste Management Board shall:

9 (a) Integrate a WTE strategy, if feasible, in the Provincial Solid Waste Management
10 Plan taking into consideration the Local Government Solid Waste Management
11 Plans of all its component cities and municipalities;

12 (b) Recommend potential locations for WTE facilities in the Provincial Solid Waste
13 Management Plan;

14 (c) Identify and recommend, or direct pursuant to Section 10 of this Act, clustering
15 of component cities and municipalities for a common WTE facility, based on the
16 Local Government Solid Waste Management Plans of all its component cities
17 and municipalities;

18 (d) Provide the necessary logistical and operational support to component cities
19 and municipalities who have the potential to be clustered, have decided to be
20 clustered, or have been directed to be clustered pursuant to Section 10 of this
21 Act, for a common WTE facility;

22 (e) Coordinate the efforts and oversee the implementation of the clustering of
23 component cities and municipalities for a common WTE facility; and

24 (f) Coordinate with other Provincial, City, and Municipal Solid Waste Management
25 Boards in identifying possible inter- and intra- province clustering for a common
26 WTE facility.

27
28 *Sec. 12. Role of the City or Municipal Solid Waste Management Board.* - In
29 addition to its powers and functions under Republic Act No. 9003, as amended, the
30 City or Municipal Solid Waste Management Board shall integrate a WTE strategy, if
31 feasible, in its Local Government Solid Waste Management Plan, and shall submit a
32 copy thereof to the Provincial Solid Waste Management Board.

1 Sec. 13. *Role of the Public-Private Partnership Center.* – The Public-Private
2 Partnership Center shall provide support to all LGUs towards the effective
3 implementation and the achievement of the policy objectives of this Act in accordance
4 with its mandate under existing laws, issuances, rules, and regulations.

5
6 Sec. 14. *Permits and Licenses.* - The procedure for the issuance of permits and
7 licenses for all kinds of WTE facilities shall be governed by Republic Act No. 11234,
8 otherwise known as the Energy Virtual One-Stop Shop Act

9
10 Sec. 15. *Prohibited Acts.* - The following acts are prohibited:

11 (a) For LGUs:

12
13 (i) Failure to include, if feasible, and implement, if applicable, the WTE strategy
14 in their respective Local Government Solid Waste Management Plans, and

15 (ii) Failure to perform the responsibilities in Section 10 on the Role of Local
16 Government Units, Section 11 on the Role of the Provincial Solid Waste
17 Management Board, and Section 12 on the Role of the City or Municipal
18 Solid Waste Management Board;

19 (b) For government agencies, failure to perform the powers and functions indicated
20 under Section 6 on the National Solid Waste Management Commission, Section
21 7 on the Role of the Department of Energy, Section 8 on the Role of the
22 Department of Environment and Natural Resources, and Section 9 on the Role
23 of the Department of Health; and

24 (c) For WTE facilities:

25 (i) Failure to comply with the responsibilities in Section 5 on Waste-to-Energy
26 and Waste-to-Energy Facility, and

27 (ii) Use of imported municipal solid waste as WTE feedstock for a WTE facility.
28

29 Sec. 16. *Penalties.* - Without prejudice to civil and criminal liability, the following
30 persons found to have violated the Sections mentioned below shall be meted with the
31 following penalties:

32 (a) Officials of LGUs who violate Section 15(a):

- 1 (i) First offense: six (6) months suspension,
2 (ii) Second offense: Dismissal from service, perpetual disqualification from
3 holding public office, and forfeiture of retirement benefits;

4 (b) Officials of government agencies who violate Section 15(b) shall suffer dismissal
5 from service, perpetual disqualification from holding public office, forfeiture of
6 retirement benefits, and imprisonment for one (1) to six (6) years with a fine
7 of not less than Five hundred thousand pesos (P500,000.00) but not more than
8 Two million pesos (P2,000,000.00);

9 (c) Any person who violates Section 14(c)(i):

10 (i) First offense: Fine of One million pesos (P1,000,000.00) and an amount
11 not less than ten percent (10%) but not more than fifteen percent (15%)
12 of the net annual income during the previous year,

13 (ii) Second offense: The same penalties as with the first offense including
14 an additional penalty of imprisonment of a minimum period of one (1)
15 year but not to exceed three (3) years,

16 (iii) Third offense: The same penalties as with the second offense and
17 permanent revocation of the license of the WTE facility;

18 (d) Any person who violates Section 14(c)(ii) shall pay a fine of One million pesos
19 (P1,000,000.00) and an amount not less than ten percent (10%) but not more
20 than fifteen percent (15%) of the net annual income during the previous year,
21 and shall suffer imprisonment of a minimum period of one (1) year but not to
22 exceed three (3) years and permanent revocation of the license of the WTE
23 facility. The same person shall repatriate the imported municipal solid waste to
24 its country of origin.

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

30

31 *Sec. 17. Incentives.* - WTE facilities, depending on their output, shall be entitled
32 to avail of the incentives under Republic Act No. 9367 otherwise known as the Biofuels

1 Act of 2006 and Republic Act No. 9513 otherwise known as the Renewable Energy Act
2 of 2008

3
4 *Sec. 18. Establishment of Dedicated Offices.* - The DOE, DENR, DOH and
5 NSWMC shall establish dedicated offices for the effective implementation of this Act.
6 The organizational structure and staffing complement shall be determined by the
7 Secretaries of DENR, DOE, and DOH, in consultation with the Department of Budget
8 and Management, and in accordance with existing civil service rules and regulations.
9 The budgetary requirements necessary for the establishment of the dedicated offices
10 shall be taken from the current appropriations of DOE, DENR, DOH and NSWMC.
11 Thereafter, the funding for the dedicated offices shall be included in the annual
12 General Appropriations Act.

13
14 *Sec. 19. Appropriations.* - The amount of Fifteen million pesos (P15,000,000.00)
15 for DOE, Three hundred million pesos (P300,000,000.00) for DENR, Forty five million
16 pesos (P45,000,000.00) for DOH, and Twenty seven million (P27,000,000.00) for
17 NSWMC for the initial implementation of this Act shall be charged against the current
18 year's appropriations of the DOE, DENR, DOH, and NSWMC respectively. Thereafter,
19 such amounts necessary for the sustainable implementation of this Act shall be
20 included in the Annual General Appropriations Act.

21
22 *Sec. 20. Congressional Oversight* - The Joint Congressional Energy Commission
23 (JCEC), created under Republic Act No. 9136 and renamed under Republic Act No.
24 11285, shall exercise oversight powers over the implementation of this Act. The
25 Chairpersons of the Committee on Environment and Natural Resources of the Senate
26 and the House of Representatives shall be automatic members of the JCEC.

27
28 *Sec. 21. Implementing Rules and Regulations.* - The DOE together with the
29 DENR in consultation with DOH, NSWMC, Department of Interior and Local
30 Government, LGUs, and public and private stakeholders, shall issue the implementing
31 rules and regulations of this Act within ninety (90) calendar days upon its effectivity.

1 *Sec. 22. Separability Clause.* -If any portion or provision of this Act is declared
2 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
3 remain in force and effect.

4
5 *Sec. 23. Repealing Clause.* - Any law, presidential decree or issuance, executive
6 order, letter of instruction, rule or regulation inconsistent with the provisions of this
7 Act is hereby repealed or amended accordingly.

8
9 *Sec. 24. Effectivity Clause.* -This Act shall take effect fifteen (15) days following
10 its complete publication in the Official Gazette or a newspaper of general circulation.

11 Approved,