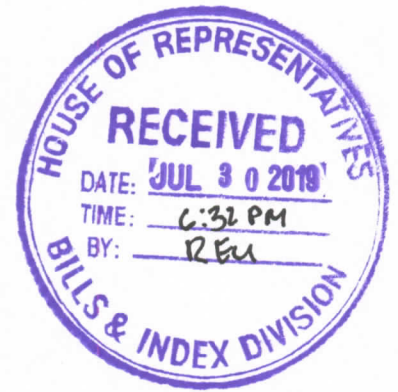


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3174



Introduced by Honorable **ABRAHAM "BAMBOL" N. TOLENTINO**

EXPLANATORY NOTE

The improper disposal and management of waste is one of the major environment problems in the country. All municipal solid waste are currently being disposed in sanitary landfills, usually unsegregated and untreated.

According to a study conducted by the National Solid Waste Management Commission Secretariat and the Environmental Management Bureau, it is estimated that the per capita waste production daily is 0.5 kg. This means that for every person living in the capital generate half a kilo of waste a day. With an estimated population of 10.5 million, the total waste generated in Metro Manila alone, could run up to 5,250 metric tons per day, 162,750 metric tons per month, and 1.95 million metric tons per year.

The same study shows that, only about 73% of the 5,250 metric tons of waste generated daily are collected by dump trucks hired by their respective local authorities. The remaining 27% of their daily waste or about 1,417.5 metric tons end up in canals, vacant spaces, street corners, market places, rivers and other places where proper waste management and disposal is clearly not observed.

Also, a study conducted by the Japan International Cooperation Agency, less than 10% of local government units fully follow the sanitary landfill method as mandated by Republic Act No. 9003 or the Ecological Solid Waste Management Act. Furthermore, around 80% to 90% of sanitary landfills have already been utilized and is projected to be at full capacity within the next five years.

Along with the problem of garbage disposal, the Philippines also faces a forthcoming crisis regarding energy supply. As of now, more rotational brownouts are being implemented by electric suppliers all over the country due to low power reserves. Additionally, this shortage is intensified during the hot and dry seasons as most of the electric supply in the country comes from hydroelectric power plants.

This bill proposes to full allow the utilization of waste to energy technologies, in harmony with the Supreme Court ruling in the case of Metropolitan Manila Development Authority vs. Jancom Environmental Corporation, et al., where it was ruled that Republic Act No. 8749, or otherwise known as the Clean Air Act of 1999, does not absolutely prohibit incineration as a mode of waste disposal, rather, only those burning processes which emit poisonous and toxic fumes are banned.

Republic Act No. 9513, or otherwise known as the Renewable Energy Act of 2008, already allows the use of waste to energy technology, but only in a limited sense. This bill proposes to allow the use of any waste to energy technology, using any process given that is environmentally sound and operationally efficient.

This bill aims to provide a system for waste to energy technologies and waste to energy conversion to further improve the solid waste management in the Philippines, ensuring and improving the welfare of the public.

In light of the foregoing, the passage of this bill is earnestly sought.

A handwritten signature in black ink, appearing to be a stylized name, located at the bottom right of the page.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
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EIGHTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. **3174**

Introduced by **Honorable ABRAHAM N. TOLENTINO**

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

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

1 Section 1. *Short Title.* – This Act shall be known as the “Waste to Energy Act
2 of 2019.”

3 Sec. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to
4 adopt a systematic and comprehensive solid waste management program which
5 ensures the protection of public health and environment, and encourage the
6 development of environmentally sustainable waste to energy facilities to address the
7 solid waste disposal and energy shortage.

8 It is also the policy of the State to allow the process of incineration in waste
9 to energy facilities provided that the burning process does not emit poisonous and
10 toxic fumes.

11 Sec. 3. *Objectives.* - The objectives of this Act are:

12 (a) To allow the operation of waste to energy facilities to aid in the reduction of
13 solid waste disposal and in the increase of energy production;

14 (b) To provide guidelines on the evaluation, establishment, and operation of
15 waste to energy facilities for the integrated management of municipal solid
16 wastes which ensure the protection of public health and environment;

- 1 (c) To increase the efficiency of collection and transport of solid wastes;
- 2 (d) To ensure the proper segregation, collection, transport, storage, treatment
- 3 and disposal of solid waste through the formulation and adoption of the best
- 4 environmental practices in ecological waste management, including
- 5 incineration in a waste to energy facility;
- 6 (e) To encourage private sector participation in solid waste management and
- 7 waste to energy conversion;
- 8 (f) To strengthen the cooperation of local government units in solid waste
- 9 management and materials recovery facilities to make an efficient collection
- 10 and transport of municipal solid wastes from source and until it reaches the
- 11 waste to energy facilities;
- 12 (g) To strengthen the integration of solid waste management into the academic
- 13 curricula in order to promote environmental awareness and action among the
- 14 citizenry and to minimize the disposal of solid wastes and expedite the
- 15 segregation process;
- 16 (h) To encourage the development and use of local technology; and
- 17 (i) To improve, ensure and protect the health of the public by reducing the
- 18 wastes that are to be thrown directly to the sanitary landfills through proper
- 19 operation of the materials recovery facilities and the operation of waste to
- 20 energy facilities.

21 Sec 3. *Definition of Terms.* - For purposes of this Act, the following terms

22 shall mean:

- 23 (a) Clustering is a strategy of pooling available resources of neighborhood cities,
- 24 municipalities or barangays for the establishment of a common solid waste
- 25 management facility or service;
- 26 (b) Emission shall refer to any air contaminant, pollutant, gas or unwanted sound
- 27 from a known source which is passed into the atmosphere;
- 28 (c) Hazardous Wastes shall refer to by-products, side-products, process residues,
- 29 spent reaction media, contaminated plant or equipment or other substances
- 30 from manufacturing operations and as customer discards of manufactured
- 31 products which present unreasonable risk and/or injury to health and safety
- 32 and to the environment;

1 (d) Host LGU shall refer to the local government unit where the waste to energy
2 facility is located;

3 (e) Materials Recovery Facility (MRF) shall include solid waste transfer station or
4 sorting station, drop off center, a composting facility and a recycling facility;

5 (f) Municipal Solid Waste shall refer to wastes produced from activities which
6 include a combination of domestic wastes from residential, commercial,
7 institutional and industrial wastes;

8 (g) Recyclable Materials shall refer to any waste material that can be converted
9 into suitable beneficial use or for other purposes;

10 (h) Sanitary Landfill shall refer to waste disposal site designed, constructed,
11 operated and maintained in a manner that exerts engineering control over
12 significant potential environmental impacts arising from the development and
13 operation of the facility;

14 (i) Segregation shall refer to solid waste management practice of separating
15 different materials found in solid waste in order to promote recycling and re-
16 use of resources and to reduce the volume of waste for collection and
17 disposal;

18 (j) Waste to Energy shall refer to the process of converting wastes with various
19 technologies, usually the conversion of non-recyclable waste materials into
20 usable heat, electricity, or fuel through a variety of processes; and

21 (k) Waste to Energy Facility shall refer to the facility where the waste to energy
22 operations are conducted.

23 Sec. 4. *Waste to Energy Technology, allowed.* – The use of waste to energy
24 technologies which converts non-recyclable solid waste materials, through any mode
25 or process, including incineration, into usable heat, electricity, or fuel shall be
26 allowed.

27 Sec. 5. *Guidelines.* – The Department of Science and Technology, in
28 coordination with the Department of Energy and the Department of Environment
29 and Natural Resources shall provide guidelines regarding the operation of waste to
30 energy technology which must include:

- 1 (1) Compliance of environmental permits, clearances and other legal
2 requirements from concerned agencies prior to construction, set-up and
3 operation of a waste to energy facility;
- 4 (2) Solid waste management plan of the host Local Government Unit
5 consistent with Republic Act No. 9003;
- 6 (3) Clustering of Local Government Units and/or forming partnerships with the
7 private sector in the establishment, construction and operation of waste to
8 energy facility;
- 9 (4) Compliance with the Euro Emission Standards;
- 10 (5) Operational guidelines for waste to energy facility, such as, but not limited
11 to:
 - 12 (a) kind of waste that may be accepted by the facility for processing;
 - 13 (b) implementation of MRFs, Residual Containment Areas, Sanitary landfills
14 and other disposal facilities;
 - 15 (c) quality and sustainability of wastes; and
 - 16 (d) documentation indicating the quantity in weight, source and type of
17 source-segregated wastes to be processed including the date and time
18 received.
- 19 (6) Guidelines for appropriate storage facilities for segregated wastes,
20 materials and by-product from the operation, providing proper measures
21 to address risks of explosion, combustion, corrosion, contamination,
22 infection, and odor emission;
- 23 (7) Manual of operation and quality assurance and control and standards for
24 quality control/assurance system;
- 25 (8) A detailed emergency response plan to ensure effective and rapid
26 containment and clean-up in the event of an emergency incident;
- 27 (9) Personal protective equipment and medical care in compliance with
28 existing laws, rules, and regulations to all personnel of the facility directly
29 handling or exposed to waste materials, in-process materials and finished
30 products;
- 31 (10) Pollution control and abatement facilities to ensure that all emissions
32 and effluents comply with environmental standards;

1 (11) Requirements for treatment, storage and disposal facilities for any
2 hazardous waste resulting from the operations of the waste to energy
3 facility;

4 (12) Allowable locations for waste to energy facilities, which must be far
5 from urban areas;

6 (13) And such other guidelines as may be necessary for the furtherance of
7 the purpose and objectives of this Act.

8 Sec. 6. *Environmental Monitoring.* – The Environmental Management Bureau
9 of the Department of Environment and Natural Resources shall regularly and
10 periodically monitor the environmental compliance of the waste to energy facility,
11 including its emissions, and shall promulgate guidelines on the periodic reports and
12 documentations required to be submitted to the Bureau.

13 The Bureau shall have the power to issue a cease and desist order or
14 temporary closure orders for non-compliant facilities.

15 Sec. 7. *Acceptable Waste Materials.* – the Department of Environment and
16 Natural Resources shall provide a list of acceptable waste that may be processed in
17 the waste to energy facility. It shall ensure that only materials that pass the
18 international environmental standards with high calorific values are allowed to be
19 processed in waste to energy facilities.

20 The following shall not be acceptable materials:

- 21 1. Recyclable wastes;
- 22 2. Health care wastes;
- 23 3. Explosives;
- 24 4. Batteries;
- 25 5. Radioactive wastes;
- 26 6. Electronic wastes;
- 27 7. Cyanide wastes;
- 28 8. Unsegregated municipal solid wastes; and
- 29 9. Other wastes that are not safe or efficient for processing in the waste
30 to energy facility, as determined by the DENR.

31 Sec. 8. *Prohibition on Importation of Wastes; exception.* – Importation of
32 waste materials that are to be used by waste to energy facilities shall not be

1 allowed, unless, the EMB certifies that the supply of acceptable wastes in the
2 Philippines are insufficient to meet the demands for the efficient production of the
3 waste to energy facilities, and unless the other requirements on importation of waste
4 under Republic Act No. 6969 and the Basel Convention are also complied with.

5 Sec. 9. *Clustering.* – Neighboring Local Government Units are mandated to
6 establish a common solid waste management and materials recovery facility, in
7 accordance with Section 33 of the Local Government Code, and shall jointly develop
8 an efficient collection and transport operation of municipal solid wastes.

9 Local Government Units are authorized to sell segregated municipal solid
10 wastes to privately-owned or operated waste to energy facilities.

11 Sec. 10. *Tax Incentives.* – Operators of waste to energy facilities shall enjoy a
12 five (5) year tax holiday from the start of its commercial operations, tax and duty
13 free importation of raw materials, capital equipment, machineries, and spare parts
14 subject to the conditions under Section 8 of this Act, and VAT zero-rating of all local
15 purchases of raw materials.

16 Sec. 11. *Implementing Rules and Regulations.* – The Department of Science
17 and Technology, in coordination with the Department of Energy and the Department
18 of Environment and Natural Resources shall collectively craft, and issue, within thirty
19 (30) days from the date of the effectivity of this Act, the Implementing Rules and
20 Regulations for the effective implementation of this Act.

21 Sec. 12. *Fines and Penalties.* – Any person who violates any of the provisions
22 of this Act, including the rules and regulations thereof, shall be imposed with a
23 penalty of imprisonment of six (6) months and one day to six (6) years or a fine of
24 at least one hundred thousand pesos (Php100,000) but not more than one million
25 pesos (Php1,000,000), or both.

26 If the offender is a juridical person, the president, manager, directors,
27 trustees, or the officials directly in charge of the operations shall suffer the penalty
28 provided. Permits and licenses issued to such juridical entities shall automatically be
29 revoked and canceled.

30 If the offender is a public official, the penalties imposed by this Act shall be in
31 addition to and without prejudice to Republic Act No. 3019 or the Anti-Graft and
32 Corrupt Practices Act.

1 Sec. 13. *Separability Clause.* - If any provision of this Act shall be held
2 unconstitutional or invalid, the other provisions not otherwise affected shall remain
3 in full force and effect.

4 Sec. 14. *Repealing Clause.* - Provisions of Republic Act No. 8749, Republic Act
5 No. 9003, Republic Act No. 6969, Republic Act No. 9513 and all other laws, decrees,
6 executive orders, proclamations and other executive issuances which are
7 inconsistent with or contrary to the provisions of this Act are hereby amended
8 accordingly.

9 Sec. 15. *Effectivity Clause.* - This Act shall take effect fifteen (15) days
10 following its complete publication in the Official Gazette or in two (2) national
11 newspapers of general circulation.

 Approved,