



Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. 4149



Introduced by Representative KRISTINE SINGSON-MEEHAN

EXPLANATORY NOTE

The Philippines is drowning in garbage. Every year, we generate millions of tons of solid waste, polluting our communities and endangering our people's health. Notably, this also results in blocked drainages, contributing to our ever-worsening situation of our flood management.

Solid waste management remains a major challenge in the Philippines especially in urban areas like Metro Manila. Metro Manila generates over 10,000 tons of waste every day, and this is expected to double by 2030. Improper waste disposal, inefficient waste collection, and lack of disposal facilities are among the dominant concerns in our country's solid waste management¹

This bill establishes a national framework for **waste-to-energy (WTE) and other modern solid waste treatment facilities** which present and sustainable solution to our solid waste management problems. By converting non-recyclable solid waste into usable energy, WTE facilities reduce the volume of waste that must be disposed of, minimize the environmental and health risks associated with unmanaged waste, and contribute to the renewable energy capacity of the nation.

The measure ensures that WTE complements—not replaces—recycling and reduction efforts, and that all facilities meet strict health and environmental safeguards. It also promotes investment, job creation, and green industries that benefit our people.

With this bill, we turn a national problem into an opportunity: from trash to energy, from pollution to progress.

In view of the foregoing, the immediate passage of this measure is earnestly sought.

DEPUTY SPEAKER KRISTINE SINGSON-MEEHAN
2nd DISTRICT ILOCOS SUR

¹ Drowning in Waste – Case Manila, The Philippines. <https://www.woimacorporation.com/drowning-in-waste-case-manila-the-philippines>.



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**AN ACT PROVIDING FOR THE NATIONAL FRAMEWORK FOR FACILITIES
UTILIZING WASTE-TO-ENERGY AND OTHER MUNICIPAL SOLID WASTE
TREATMENT TECHNOLOGIES**

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

2
3 **Sec. 2. Declaration of Policy.** - It Is hereby declared the policy of the State to:

4
5 (a) Ensure protection of the public's health and the environment through a
6 systematic and comprehensive ecological solid waste reduction program that
7 harnesses its potential contribution to the national energy mix and, at the same
8 time, strategically complements the government's overall flood control
9 management;

10
11 (b) Strengthen its commitment to solid waste avoidance and volume reduction by
12 supplementing the latter with other solid waste management treatment
13 technologies to include waste-to-energy;

14
15 (c) Encourage the development and utilization of environmentally sustainable and
16 scientifically verified new and alternative technologies In resource recovery,
17 resource conservation, processing, treatment, and disposal of solid waste,
18 particularly waste-to-energy facilities that are integral to a sustainable
19 renewable energy resource and energy security program;

20
21 (d) Strengthen the integration of solid waste management, waste-to-energy
22 promotion, and environmental protection campaign to prevent flooding
23 invariably exacerbated by garbage-clogged waterways and flood pumping
24 stations or drainage system; and

25
26 (e) Promote proactive collaboration, cooperation, and participation of local
27 government units and various sectors in coordinated approaches to solid waste

1 management and waste treatment technology towards national development
2 and jobs creation.
3

4 **Sec. 3. Objectives.** - The following objectives are adopted in espousing the policy of
5 the state for the Waste to Energy Facilities as an implement of waste management
6 strategy:

- 7 1. To broaden renewable energy resource in complementing with traditional
8 energy sources;
- 9 2. To welcome the technological advancements in waste management strategies
10 in promoting cleaner environment;
- 11 3. To bolster waste management strategies on both land, and inland waterways
12 and drainages for the protection of flood control facilities from waste that clog
13 and impede the free flow
- 14 4. To prevent health repercussions from land and water-based pollution which can
15 be attributed to open dump sites and clogged waterways and drainages.

16
17 **Sec. 4. Scope and Application.** - This Act shall apply to all local government units
18 (LGUs), national agencies and government corporations, waste management
19 facilities, and public and private health facilities, which are utilizing waste-to-energy
20 (WTE) facilities as an implement in its ecological solid waste management strategies
21 for land, inland waters, and/or waterways and drainages.

22
23 **Sec. 5. Definition of Terms.** – For purposes of this Act, the following terms shall be
24 defined as stated below:
25

- 26 (a) Agricultural waste refers to waste generated from planting or harvesting of
27 crops, trimming or pruning of plants, and wastes or run-off materials from farms
28 or fields;
29
- 30 (b) Biomedical waste or hazardous healthcare waste refers to waste from
31 healthcare facilities that may pose a variety of environmental and health risks.
32 It can be further classified into sharps waste, infectious waste, pathological and
33 anatomical waste, pharmaceutical waste, genotoxic waste, chemical waste,
34 radioactive waste, and pressurized containers as defined by the Department of
35 Health (DOH);
36
- 37 (c) City or Municipal Solid Waste Management Board refers to the entity
38 established by each city or municipality pursuant to Section 12 of Republic Act
39 No. 9003, otherwise known as the Ecological Solid Waste Management Act of
40 2000, as amended;
41
- 42 (d) Chemical and industrial waste refers to discarded solid, liquid, or gaseous
43 chemicals from laboratories, industrial establishments, or other sources such

- 1 as diagnostic and experimental work, environmental work, cleaning,
2 housekeeping, and disinfecting procedures
3
- 4 (e) Clustering is a strategy of pooling available resources of local government units
5 (LGUs) for the establishment of a common solid waste management treatment
6 facility or service consistent with RA 7160 and all other applicable laws, rules
7 and regulations;
8
- 9 (f) Collection refers to the act of removing solid waste from the source or from a
10 communal storage point;
11
- 12 (g) Disposal shall refer to the discharge, deposit, dumping, spilling, leaking or
13 placing of any solid waste into or in any land;
14
- 15 (h) Disposal site shall refer to a site where solid waste is finally discharged and
16 deposited;
17
- 18 (i) Emission means any air contaminant, pollutant, gas stream, or unwanted sound
19 from a known source which is passed into the atmosphere;
20
- 21 (j) Hazardous waste refers to substances that are without any safe commercial,
22 industrial, agricultural, or economic usage. It also includes those which are
23 shipped, transported, or brought from the country of origin for dumping or
24 disposal into or in transit through any part of the Philippines. It shall also refer
25 to by-products, side-products, process residues, spent reaction media,
26 contaminated plant or equipment, or other substances from manufacturing
27 operations and as a customer discard of manufactured products, or a
28 combination of solid waste which, because of its quantity, concentration,
29 physical, chemical, or Infectious characteristics, may:
30
- 31 (k) Cause or significantly contribute to an increase in mortality or an increase in a
32 serious irreversible or incapacitating reversible illness, or
33
- 34 (l) Pose a substantial present or potential hazard to human health or the
35 environment when improperly treated, stored, transported, or disposed of, or
36 otherwise managed;
37
- 38 (m) Incineration in a WTE facility refers to a waste treatment and resource recovery
39 technology that involves the controlled combustion of solid waste materials for
40 the purpose of recovering energy from it, and whose emissions and effluents
41 are compliant with the guidelines pursuant to this Act and other relevant laws,
42 rules, and regulations;
43
- 44 (n) Local Government Solid Waste Management Plan refers to the ten (10) year
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
- 4 (o) Municipal solid waste refers to waste produced from activities within LGUs
5 which include a combination of domestic, commercial, institutional, and
6 industrial wastes and street litters pursuant to Republic Act No. 9003, as
7 amended;
8
- 9 (p) National Solid Waste Management Commission (NSWMC) refers to the body
10 created and primarily tasked with overseeing the implementation of solid waste
11 management plans and prescribing policies to achieve the objectives of
12 Republic Act No. 9003, as amended;
13
- 14 (q) National Solid Waste Management Framework refers to a document prepared
15 by the NSWMC based on the National Solid Waste Management Status Report
16 pursuant to Section 15 of Republic Act No. 9003, as amended;
17
- 18 (r) National Solid Waste Management Status Report refers to a document
19 prepared by the Department of Environment and Natural Resources (DENR),
20 which is used as a basis in formulating the National Solid Waste Management
21 Framework pursuant to Section 14 of Republic Act No. 9003, as amended;
22
- 23 (s) Poisonous and toxic fumes refers to any emissions and fumes which are
24 beyond internationally - accepted standards, including but not limited to the
25 World Health Organization (WHO) guideline values;
26
- 27 (t) Processing fee refers to the amount paid to avail of the services of a waste- to-
28 energy facility as defined herein;
29
- 30 (u) Provincial Solid Waste Management Board refers to the entity established by
31 each province pursuant to Section 11 of Republic Act No. 9003, as amended;
32
- 33 (v) Public-Private Partnerships (PPP) refer to a contractual arrangement between
34 an Implementing Agency and a Private Partner to finance, design, construct,
35 operate, and maintain, or any combination or variation thereof, Waste-to-
36 Energy projects and services, where each party shares in the associated risks,
37 and where the Private Partner can recover their investment through availability-
38 based or revenue-based payments or other investment recovery schemes, as
39 defined in R.A.11966 and its IRR.
40
- 41 (w) Residue refers to substances that remain after a process in a waste treatment
42 facility such as but not limited to waste-to-energy facilities relative to
43 preparation, separation, purification, evaporation, combustion, distillation, or
44 filtration;
45

- 1 (x) Resource recovery refers to the collection, extraction, or recovery of recyclable
2 materials from the waste stream for the purpose of recycling, generating
3 energy, or producing a product suitable for beneficial use;
4
- 5 (y) Sanitary landfill refers to a waste disposal site designed, constructed, operated,
6 and maintained in a manner that exerts engineering control over significant
7 potential environment impacts arising from the development and operation of
8 the facility pursuant to Republic Act No. 9003, as amended;
9
- 10 (z) Segregation refers to a solid waste management practice of separating different
11 materials found in solid waste in order to promote recycling and re- use of
12 resources, facilitate waste treatment processes, and to reduce the volume of
13 waste for collection and disposal pursuant to Republic Act No. 9003, as
14 amended;
15
- 16 (aa)Solid waste refers to all discarded household waste, commercial waste, non-
17 hazardous institutional and Industrial waste, street sweepings, construction
18 debris, agricultural waste, and other non-hazardous or non-toxic solid waste. It
19 shall not include:
20
- 21 (bb)Waste identified or listed as hazardous waste of a solid, liquid, contained
22 gaseous, or semisolid form, which may cause or contribute to an increase in
23 mortality or in serious or incapacitating reversible illness, or acute or chronic
24 effect on the health of persons and other organisms,
25
- 26 (cc)Infectious waste from hospitals such as equipment, instruments, utensils, and
27 fomites of a disposable nature from patients who are suspected to have or have
28 been diagnosed as having communicable diseases and must therefore be
29 isolated as required by public health agencies, laboratory wastes as
30 pathological specimens, and disposable fomites that may harbor or transmit
31 pathogenic organisms, and surgical operating room pathologic materials from
32 outpatient areas and emergency rooms, and
33
- 34 (dd)Waste resulting from mining activities, including contaminated soil and debris;
35
- 36 (ee)Solid waste management treatment facility refers to any resource recovery
37 system or component thereof; any system, program or facility for resource
38 conservation; or any facility for the collection, source separation, storage
39 transportation, transfer, processing, treatment, or disposal of solid waste;
40
- 41 (ff) Solid waste management refers to the discipline associated with the control of
42 generation, storage, collection, transfer and transport, processing, and disposal
43 of solid wastes in a manner that is in accord with the best principal of public
44 health, economics, engineering, conservation, aesthetics, and other

1 environmental considerations, and that is also responsive to the public
2 attitudes;

3
4 (gg)Waste refers to any material misplaced, unused or rejected by persons as
5 worthless or unwanted. It includes, among others, agricultural, biomedical,
6 chemical and industrial, hazardous, municipal, and solid wastes;

7
8 (hh)Waste-to-Energy (WTE) refers to an energy system with a process of
9 converting WTE feedstock with various technologies, usually the conversion of
10 non-recyclable waste materials into usable heat, electricity, or fuel through a
11 variety of processes;

12
13 (ii) WTE facility refers to the facility where the WTE operations are conducted;

14
15 (jj) WTE feedstock refers to the solid waste materials with calorific-value that can
16 be taken in for WTE processing in a WTE facility;

17
18 (kk)Waste generation refers to the act or process of producing solid waste;
19 and

20
21 (ll) WTE strategy refers to a plan of action with measurable targets for the
22 utilization of WTE facilities for solid waste management treatment and energy
23 production.

24
25 **Sec. 6. Regulation of Waste Treatment Technology.** — Thermal and other treatment
26 technologies for municipal waste, or for the processing of any waste material for fuel,
27 whether for commercial use or not, shall be designed and operated to meet the
28 standards established pursuant to this Act and its implementing rules and regulations.
29 These technologies shall be fitted with equipment that will continuously monitor,
30 record, and make publicly available the reported data on their emissions or air pollutant
31 concentrations. Entities utilizing such technologies shall incorporate in their facilities
32 and operations the appropriate material recovery program.

33
34 **Sec. 7. Waste-to-Energy Technology and Waste-to-Energy Facility.** – WTE shall
35 be classified as another kind of renewable energy resource. Proposed facilities that
36 generate energy or waste-to-energy facilities shall be given priority over other
37 treatment technologies. A WTE facility shall:

38
39 (a) Be both a solid waste management treatment facility and an energy production
40 facility;

41
42 (b) Comply with establishment and operation guidelines for WTE facilities pursuant
43 to Sections 10(2)(a), 13(c), and 12(d) of this Act;

(c) Ensure the proper management of its residue which should conform to relevant laws, rules, and regulations and should include making arrangements with a sanitary landfill, or developing its own, prior to its operations, as a disposal site for any residue generated from its operations in accordance with NSWMC, DENR, and DOH guidelines issued pursuant to this Act; and

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

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

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

Section 8. Waste Treatment as one of the Measures to Prevent Flooding. - All local government units and government agencies with the mandate for flood control shall include the effective and efficient waste management strategies for the collection, diversion, treatment and disposal of wastes, to prevent the clogging of drainage systems, inland waterways, and enhance flow of rainwater.

Waste materials retrieved from flood control management initiatives shall undergo final sorting in a solid waste management facility prior to introduction to the WTE feedstock.

Sec. 9. Lead Agencies. - The Department of Environment and Natural Resources (DENR) together with the Department of the Interior and Local Government (DILG)

1 shall be primarily responsible for the implementation and enforcement of this Act,
2 particularly as regards to ecological solid waste management strategies including the
3 application of appropriate technologies, while the Department of Energy (DOE) is
4 primarily responsible over relevant regulations pertaining to waste-to-energy facilities.
5 Both agencies shall promote the use of state-of-the-art, environmentally sound and
6 safe technologies for the handling, treatment, thermal or non- thermal destruction,
7 utilization, and disposal of residual wastes. Pursuant to Sec. 15 of R.A No. 8749,
8 otherwise known as the "Clean Air Act of 1999", the Pollution Research and
9 Development Program shall likewise include the continuous monitoring, evaluation,
10 and development of more appropriate air quality guideline values and standards for
11 the treatment of municipal and hazardous wastes, or for the processing of any waste
12 material for fuel.

13
14 **Sec. 10. The National Solid Waste Management Commission.** – The NSWMC
15 membership shall be expanded to include the Secretaries of the Department of Public
16 Works and Highways, and the Department of Energy who shall serve in their ex officio
17 capacity.

18
19 In addition, a private sector representative for waste-to-energy shall be appointed as
20 member of the Commission by the President for a term of three years.

21
22 The government sector of the NSWMC shall be represented by the heads of the
23 member agencies. They shall assign one (1) alternate representative in the NSWMC
24 meetings not lower than Undersecretary.

25
26 All the private sector and civil society organizations shall nominate a new set of
27 representatives after the term of three years for appointment by the President,
28 Provided that no private sector and civil society organization representative shall be
29 appointed as representative for another consecutive term.

30
31 Furthermore, the powers and functions of the Commission under Republic Act No.
32 9003, as amended, shall include a solid waste treatment strategy such as but not
33 limited to waste to energy in the National Solid Waste Management Framework;

- 34
35 1. Prescribe policies in ensuring streamlined standards, criteria, and guidelines for
36 WTE facilities to avoid inconsistent and conflicting issuances;
37
38 2. Regularly determine, review, and publish the following:
39
40 a) Standards, criteria, and guidelines for
41
42 i. Determination of the feasibility of integrating a WTE strategy in the Local
43 Government Solid Waste Management Plan, taking into account the volume
44 of WTE feedstock that may be generated from municipal waste in an LGU or
45 clusters thereof;

- 1
2 ii. Characterization of wastes that can be used as feedstock in WTE facilities
3 taking into consideration the implementation of the Ecological Solid Waste
4 Management hierarchy and the three Rs (reduction, reuse and recycling).
5
6 iii. Guidelines for the following basic operational details:
7 a. Transport, storage, and pre-processing of WTE feedstock,
8 b. Pre-operation, siting, design, operation, and maintenance of WTE
9 facilities,
10 c. Quality control and operational control of WTE facilities,
11 d. Management of residue from WTE facilities, if any;
12 e. Pollution abatement, emissions monitoring, environmental monitoring,
13 and public health and safety monitoring in relation to WTE facilities,
14 f. Decommissioning, closure, and abandonment of WTE facilities, and
15 g. Other guidelines pursuant to relevant laws, rules, and regulations,
16
17 b) Minimum standards, criteria, and guidelines, in determining a fair equitable, and
18 reasonable processing fee for WTE facilities taking into consideration, among
19 others, the cost of construction, operation, and maintenance of the facility as
20 well as the potential revenue from the sale of energy output, in consultation with
21 relevant government agencies, experts, and stakeholders;
22
23 3. Consolidate and make available to the public, through its website and any online
24 means, the following:
25 a. Current and potential uses of WTE facilities in relation to solid waste
26 management;
27 b. Inventory of existing WTE facilities;
28 c. General feedstock characterization;
29 d. Status and projection of feedstock generation;
30 e. Specific locations of potential feedstock and WTE facilities; and
31 f. Other relevant information
32
33 4. Provide policy guidelines to assist LGUs in the development of WTE facilities to
34 include
35 the determination of the potential of WTE facilities in their respective localities;
36
37 5. Ensure LGUs incorporate a WTE strategy, if feasible, in their respective Local
38 Government Solid Waste Management Plans;
39
40 6. Identify and recommend potential clustering of LGUs for a common WTE facility
41 in
42 accordance with the standards to be set forth in the Implementing Rules and
43 Regulations;
44

1 7. Coordinate with the Provincial, City, and Municipal Solid Waste Management
2 Boards

3 especially for clustered LGUs employing a common WTE facility; and
4

5 8. Perform all other acts that are analogous to the foregoing, which are necessary
6 and

7 incidental to accomplish the policy objectives of this Act.
8

9 **Sec. 11. Role of the Department of Environment and Natural Resources.** – In
10 addition to its powers and functions under Republic Act No. 9003, as amended,
11 Republic Act No. 8749, PD 1586, RA 6969, and RA 9275, the DENR shall:

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

14 (b) Provide technical and other capacity building assistance and support to LGUs
15 with DOE based on the policy guidelines created by the NSWMC pursuant to
16 Section 10(5) of this Act;

17 (c) Implement and revise, when necessary, together with the DOH, existing
18 guidelines issued pursuant to Republic Act No. 9003, as amended, on waste
19 transport, pre-operation, waste acceptance, waste storage, pre-processing of
20 waste, quality control, operational control, pollution abatement, management of
21 residue, emissions monitoring, environmental monitoring, public health and
22 safety monitoring, decommissioning, closure, and abandonment, among
23 others, taking into account the NSWMC's standards, criteria, and guidelines
24 under Section 10(2)(a) of this Act and other relevant laws, rules, and
25 regulations, and in consultation with relevant stakeholders;

26 (d) Ensure compliance of WTE facilities with Section 10(2)(a) of this Act to include
27 continuous monitoring and testing of by-products;

28 (e) Make available to the public, through its website and any online means, the
29 emissions, effluents and other by-products of WTE facilities;

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

33 (g) Exercise visitorial and enforcement powers to ensure strict compliance of WTE
34 facilities with this Act, Republic Act No. 9003, as amended. Republic Act No.
35 8749, and other relevant laws, rules, and regulations;

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

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

40
41 **Sec. 12. Role of the Department of Energy.** – In addition to its powers and functions
42 under Republic Act No. 7638, the Department of Energy (DOE) shall:
43

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

Sec. 13. Role of the Department of Health. – In addition to its existing powers and functions, the DOH shall:

- (a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant to Republic Act No. 11223, as part of the Environmental Impact Assessment System, to be jointly reviewed and approved by the DOH;
- (b) Implement and revise, when necessary, together with DENR, existing guidelines issued pursuant to Republic Act No. 9003, as amended, on waste transport, pre - operation, waste acceptance, waste storage, pre-processing of waste, quality control, operational control, pollution abatement, management of residue, emissions monitoring, environmental monitoring, public health and safety monitoring, decommissioning, closure, and abandonment, among others, taking into account the NSWMCs standards, criteria, and guidelines under Section 10(2)(a) of this Act and other relevant laws, rules, and regulations, and in consultation with relevant stakeholders;
- (c) Undertake research on the public health impact of WTE facilities together with government agencies, the academe, and private stakeholders; and submit the same to the NSWMC for consolidation, and DENR for proper action, if applicable
- (d) Include monitoring on the compliance of health facilities in their disposal of hazardous and non-hazardous wastes. In case of outbreaks and health emergencies brought about by the hazardous and non-hazardous waste, the all-hazard risk communication and community engagement (RCCE), and the Inter-Agency Committee on Environmental Health shall also oversee;
- (e) Make available to the public, through its website and any online means, studies and analyses of the effects of WTE facilities and disposal sites on public health; and
- (f) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

Sec. 14. Role of Local Government Units. – In addition to their powers, functions, and responsibilities under Republic Act No. 7160 otherwise known as the Local Government Code of 1991, and Republic Act No. 9003, as amended, LGUs shall:

- (a) In the case of a city or municipality and if applicable, be responsible for the hauling of WTE feedstock to a WTE facility;
- (b) In the case of a province and if applicable, provide necessary logistical and operational support for the processing of WTE feedstock in a WTE facility;
- (c) Include a WTE strategy, if feasible, in their respective Local Government Solid Waste Management Plans;
- (d) Comply with the standards, criteria, and guidelines on WTE feedstock and WTE facilities pursuant to Sections 7(c), 10(2)(a), and 11(b) of this Act, if applicable; and
- (e) Be authorized to enter into and shall comply with all obligations under the following:
 - (i) Clustering arrangements with other LGUs for a common WTE facility, on their own or upon recommendation of the Provincial Solid Waste Management Board;
 - (ii) Provided, That the province shall have the power to cluster component cities and municipalities based on the NSWMC approved provincial and local solid waste management plans,
 - (iii) Long term contracts with WTE facilities, on their own or with clustered LGUs, and
 - (iv) Public private partnerships pursuant to Republic Act No. 11966, known as the PPP Code of the Philippines, cooperative undertakings under Section 33 of Republic Act No. 7160, and other contractual arrangements provided for under existing laws, rules, regulations as well as the LGUs' respective charters for the establishment of WTE facilities:

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

Sec. 15. Role of the Department of Public Works and Highways (DPWH) - The DPWH shall coordinate its flood control projects with the LGUs in a manner consistent with the provisions of this Act. Further, in close coordination with the DILG, DENR, ULAP and its member leagues as well as with local chief executives and civil society organizations, the DPWH shall conduct strict and regular monitoring to ensure proper

1 solid waste management among LGUs, including but not limited to community-based
2 cooperative undertakings toward de-clogging of waterways, drainage facilities and
3 flood control structures, and extend support toward the establishment of WTE facilities
4 in strategic locations pursuant to this Act and other relevant laws/policies/guidelines.
5

6 **Sec. 16. Role of the Department of the Interior and Local Government (DILG).** -

7 DILG shall encourage the LGUs to group themselves and engage in cooperative
8 undertakings consistent with Section 33 of the Local Government Code for the
9 purpose of effectively clustering their efforts, services and resources in pursuit of a
10 commonly beneficial solid waste management strategy and WTE facilities
11 establishment in compliance with the specific duties and responsibilities under this Act.
12 The DILG will provide technical assistance to the LGU including capacity building
13 interventions on proper waste management, among others.
14

15 **Sec. 17. Role of the Provincial Solid Waste Management Board.** – In addition to
16 its powers and functions under Republic Act No. 9003, as amended, the Provincial
17 Solid Waste Management Board shall:
18

- 19 (a) Integrate a WTE strategy in the Provincial Solid Waste Management Plan
20 taking into consideration the Local Government Solid Waste Management
21 Plans of all its component cities and municipalities;
- 22 (b) Recommend potential locations for WTE facilities in the Provincial Solid
23 Waste Management Plan;
- 24 (c) Identify and recommend, or direct pursuant to Section 10 of this Act,
25 clustering of component cities and municipalities for a common WTE facility,
26 based on the Local Government Solid Waste Management Plans of all its
27 component cities and municipalities;
- 28 (d) Provide the necessary logistical and operational support to component cities
29 and municipalities who have the potential to be clustered, have decided to
30 be clustered, or have been directed to be clustered pursuant to Section 10
31 of this Act, for a common WTE facility;
- 32 (e) Coordinate the efforts and oversee the implementation of the clustering of
33 component cities and municipalities for a common WTE facility; and
- 34 (f) Coordinate with other Provincial, City, and Municipal Solid Waste
35 Management Boards in identifying possible Inter- and intra- province
36 clustering for a common WTE facility.
37

38 **Sec. 18. Role of the City or Municipal Solid Waste Management Board.** – In
39 addition to its powers and functions under Republic Act No. 9003, as amended, the
40 City or Municipal Solid Waste Management Board shall integrate a WTE strategy in its
41 Local Government Solid Waste Management Plan, and shall submit a copy thereof to
42 the Provincial Solid Waste Management Board.
43

44 **Sec. 19. Role of the Public-Private Partnership Center.** – The PPP Center shall
45 provide technical assistance to all LGUs including project development, monitoring,

1 implementation of WTE projects under PPP arrangements, in accordance with its
2 mandate under RA 11966 and other existing laws, issuances, rules, and regulations.

3
4 **Sec. 20. Establishment of Dedicated Offices.** – The NSWMC under the Office of
5 the President, the DOE, DENR, and DOH shall establish dedicated offices for the
6 effective implementation of this Act. The Secretaries of DENR, DOE, and DOH shall
7 propose their respective additional organizational structure and staffing complement
8 which shall be subject to the review, evaluation, and approval of the Department of
9 Budget and Management, and in accordance with existing civil service laws, rules,
10 and regulations.

11
12 **Sec. 21. Responsibility of Owner and Operator.** - Responsibility for compliance with
13 the standards promulgated for the establishment and operation of waste treatment
14 facilities shall rest with the owner and/or operator thereof. If, by virtue of a contract,
15 the operator is primarily and solely responsible for compliance with the standards, the
16 same shall not relieve the owner of the requirement to exercise due diligence to ensure
17 the operator's compliance. In the event that the ownership of the facility is transferred
18 to another person, the previous owner shall notify the new owner of the standards and
19 the conditions set for the operation of said facility, and the laws and regulations that
20 the new owner or operator has to comply with. These standards for operation of waste
21 treatment or processing facility may be made more stringent by not more than five
22 percent (5%): Provided, That the more stringent standards shall be effected ten (10)
23 years following the commencement of the operation of the facility that is established
24 after the effectivity of this Act.

25
26 **Sec. 22. Grant of Incentives.** - The following fiscal and non-fiscal incentives shall be
27 granted to registered investors and hosts of waste treatment programs:

28
29 (a) Fiscal and Non-Fiscal Incentives. - Subject to the conduct of an evaluation
30 to determine the industry's suitability and potential in promoting long-term
31 growth, sustainable development, and national interest, in accordance
32 with RA12066 otherwise known as the CREATE MORE Act.

33
34 Registered projects or activities may be entitled to the fiscal incentives
35 granted under Title XIII of the NIRC of 1997, as amended by the CREATE
36 Act, to the extent of their approved registered project or activity under the
37 SIPP and subject to compliance with the eligibility requirements under the
38 CREATE Act.

39
40 (b) Financial Assistance Program - Government financial institutions such as
41 the Landbank of the Philippines, Development Bank of the Philippines,
42 Government Service Insurance System, and such other government
43 institutions providing financial service shall, in accordance with and to the
44 extent allowed by the enabling provisions of their respective charters or

1 applicable laws, accord high priority in the extension of financial services
2 to individuals, enterprises, or private entities engaged in putting up
3 treatment facilities: Provided further, That these institutions shall allocate
4 a specific percentage of their loan portfolio to waste treatment projects.
5

- 6 (c) Extension of Grants and Incentives to LGUs - Provinces, cities, and
7 municipalities, relative to treatment facilities' plans adopting innovative
8 waste treatment strategies, may be entitled to receive grants for the
9 purpose of developing their technical capacities toward actively
10 participating in the waste treatment projects.
11

12 The NSWMC shall develop a mechanism for incentive and recognition system
13 for the Local Government Units relative to its effective and efficient implementation of
14 waste segregation at source, separate collection, waste diversion strategies, waste
15 disposal and other waste treatment strategies for the enhancement of its waste
16 treatment project. The NSWMC, under the Office of the President, shall allocate funds
17 for provision of incentives for this purpose.
18

19 **Sec. 23. Permits and Licenses.** – The permits and licenses shall be governed by
20 prevailing rules and regulations of the respective local government where the WTE
21 Facility shall be established, as well the prevailing environmental laws, rules and
22 regulations.
23

24 **Sec. 24. Prohibited Acts.** - The following acts are prohibited:
25

26 For WTE facilities:

- 27 (i) Unjustifiable failure to comply with the responsibilities in Section 7 on Waste-
28 to-Energy and Waste-to-Energy Facility, and
29 (ii) Use of imported municipal solid waste as WTE feedstock for a WTE facility.
30

31 **Sec. 25. Penalties.** – Without prejudice to civil and criminal liability, the following
32 persons found to have violated Section 24(i) ~~below~~ shall be meted with the following
33 penalties:

- 34 (i) First offense: Fine of One million pesos (P1,000,000.00) and an amount
35 not less than ten percent (10%) but not more than fifteen percent (15%)
36 of the net annual income during the previous year,
37 (ii) Second offense: The same penalties as with the first offense including
38 an additional penalty of imprisonment of a minimum period of one (1)
39 year but not to exceed three (3) years,
40 (iii) Third offense: The same penalties as with the second offense and
41 permanent revocation of the license of the WTE facility;
42

43 Any person who violates Section 24(ii) shall pay a fine of One million pesos
44 (P1,000,000.00) and an amount not less than ten percent (10%) but not more than
45 fifteen percent (15%) of the net annual income during the previous year, and shall
46 suffer imprisonment of a minimum period of one (1) year but not to exceed three (3)

1 years and permanent revocation of the license of the WTE facility. The same person
2 shall repatriate the imported municipal solid waste to its country of origin.

3
4 For Section 24, if the violation is committed by a corporation, partnership, or
5 other juridical entity duly recognized in accordance with the law, the chief executive
6 officer, president, general manager, managing partner, or such other officer-In-charge
7 shall be liable for the commission of the offense penalized under this Act.

8
9 The fines herein prescribed shall be increased by at least ten percent (10%)
10 every three (3) years to compensate for inflation and to maintain the deterrent function
11 of such fines.

12
13 **Section 26. Administrative Fines.** — Administrative Fines. — In all cases of
14 violations of this Act, including violations of implementing rules and regulations which
15 have been duly promulgated and published in accordance with Section 24 of this Act,
16 the Secretary of Environment and Natural Resources, or its duly authorized
17 representative, is hereby authorized to impose a fine upon any person or entity found
18 liable thereof. The administrative fines imposed and collected by the Department of
19 Environment and Natural Resources, through the Environmental Management
20 Bureau, shall accrue to a special fund to be administered exclusively for incentivizing
21 waste management projects, environmental monitoring and legal enforcement, and
22 research activities.

23 In addition, fund shall be used to support the following:

- 24 1. Products, facilities, technologies and processes to enhance proper solid waste
25 management;
26 2. Awards and incentives;
27 3. Research programs;
28 4. Information, education, communication and monitoring activities;
29 5. Technical assistance; and
30 6. Capability building activities.

31
32 **Sec. 27. Appropriations.** – The initial amount necessary to implement the provisions
33 of this Act shall be charged against the current year's appropriation of the department/
34 agencies concerned. Thereafter, such amounts necessary to effectively carry out the
35 provisions of this Act shall be included in the annual General Appropriations Act.

36
37 The LGUs concerned shall charge the amount necessary to carry out the
38 provisions of this Act against their respective local funds.

39
40 **Sec. 28. Congressional Oversight Committee.** - Upon the effectivity of this Act, a
41 Joint Congressional Oversight Committee shall be constituted to monitor its
42 implementation by the concerned agencies and LGUs. The Oversight Committee shall
43 be composed of fourteen (14) members, with the Chairpersons of the Committee on
44 Ecology and Committee on Energy of the House of Representatives and the

1 Chairpersons of the Committee on Environment and Natural Resources and
2 Committee on Energy of the Senate as co chairpersons and an additional four
3 members from each House, to be designated by the Speaker of the House of
4 Representatives and the Senate President, respectively.

5
6 **Sec. 29. Implementing Rules and Regulations.** – The DENR together with the DOE
7 in consultation with DOH, NSWMC, DILG, DPWH, LGUs, and public and private
8 stakeholders, shall issue the Implementing rules and regulations of this Act within
9 ninety (90) calendar days upon its effectivity.

10
11 **Sec. 30. Separability Cause.** – If any portion or provision of this Act is declared
12 unconstitutional, the remainder of this Act or any provisions not affected thereby shall
13 remain in force and effect.

14
15 **Sec. 31. Repealing Cause.** – Any law, presidential decree or issuance, executive
16 order, letter of instruction, rule or regulation inconsistent with the provisions of this Act
17 is hereby repealed or amended accordingly.

18
19 **Sec. 32. Effectivity Cause.** – This Act shall take effect fifteen (15) days following its
20 complete publication in the Official Gazette or a newspaper of general circulation.

21 Approved,