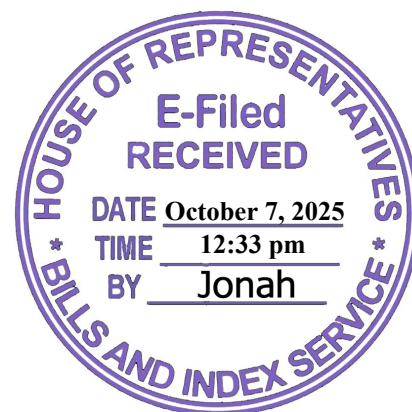


Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

HOUSE BILL NO. 5219



Introduced by: **REP. SALVADOR A. PLEYTO, SR.**

EXPLANATORY NOTE

This proposed bill institutionalizing waste-to-energy (WTE) and solid waste treatment technologies aims to address the country's dual crisis of mounting solid waste and the need for energy security. This legislation seeks to provide a clear and stable legal framework to promote the development and use of WTE facilities by local government units (LGUs) and the private sector.

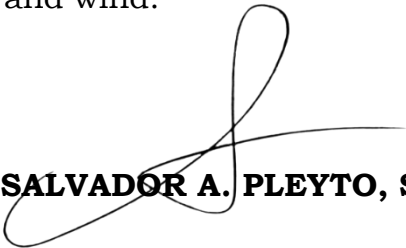
The bill, entitled the "Waste-to-Energy Act" is generally guided by the following principles:

- **Dual Solution:** To simultaneously tackle the perennial garbage crisis—exacerbated by overflowing landfills and improper waste disposal leading to environmental and health hazards—while generating a stable, local source of electricity.
- **National Policy and Regulatory Framework:** To establish a consistent national policy and clear rules for WTE facilities, which is currently a grey area in the law.
- **Classification as Renewable Energy:** The bill aims to classify WTE as a renewable energy resource to incentivize investment and utilization, similar to biomass energy.
- **Solid Waste Management Integration:** It seeks to integrate WTE facilities into the LGUs' solid waste management plans, allowing them to serve as both a waste treatment and energy production facility.

One of the most significant aspects of the bill is the repeal of Sec. 20 of Republic Act No. 8749, otherwise known as The Clean Air Act of 1999 which generally prohibits incinerators. This proposed measure permits incineration as part of WTE technologies, *provided* that the facilities adhere to stringent international emission standards and comply with all relevant environmental and health laws, including the Clean Air Act.

The intent is to ban only those burning processes that emit "poisonous and toxic fumes" beyond accepted standards, echoing a past Supreme Court ruling.

By classifying WTE as a renewable energy source, the facilities and investors may become eligible for the fiscal and non-fiscal incentives provided under the Renewable Energy Act of 2008. WTE is viewed as a baseload or reliable source of electricity, which can provide a consistent energy supply to supplement intermittent sources like solar and wind.



SALVADOR A. PLEYTO, SR.

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TWENTIETH CONGRESS
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HOUSE BILL NO. 5219

Introduced by: **REP. SALVADOR A. PLEYTO, SR.**

**AN ACT ESTABLISHING A NATIONAL POLICY AND REGULATORY
FRAMEWORK FOR FACILITIES UTILIZING WASTE-TO-ENERGY AND
OTHER ADVANCED MUNICIPAL SOLID WASTE TREATMENT
TECHNOLOGIES, AND FOR OTHER PURPOSES**

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

SECTION 1. *Short Title.* - This Act shall be known as the “Waste-to-Energy Sustainability Act of 2025.”

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to:

- (a) Ensure Public Health and Environmental Protection through a systematic and comprehensive ecological solid waste management program that complements waste reduction, reuse, and recycling.
- (b) Strengthen Solid Waste Management by supplementing the mandates of Republic Act No. 9003 (Ecological Solid Waste Management Act) with environmentally sound, economically viable, and technologically appropriate solid waste treatment technologies, including Waste-to-Energy.
- (c) Promote Energy Security by encouraging the development and utilization of Waste-to-Energy as a source of clean, dispatchable, and locally-sourced power.
- (d) Establish a Clear Regulatory Framework to attract private sector investment in MSW treatment and WTE facilities, ensuring strict compliance with all national and international environmental standards, including air, water, and land pollution control.

SEC. 3. *Definition of Terms.* As used in this Act:

- (a) Municipal Solid Waste (MSW): Refers to discards consisting of a combination of domestic, commercial, institutional, and industrial wastes and street litters.

- (b) Waste-to-Energy (WTE) Facility: A facility that utilizes MSW and/or sorted/processed MSW feedstock to produce heat, steam, mechanical power, electricity, or fuel through environmentally compliant thermochemical (e.g., controlled combustion, gasification, pyrolysis), biochemical (e.g., anaerobic digestion), or physical-chemical processes.
- (c) Advanced MSW Treatment Technologies: Includes, but is not limited to, WTE facilities, Mechanical-Biological Treatment (MBT), Refuse-Derived Fuel (RDF) processing, and other technologies that result in significant volume reduction and/or resource recovery beyond conventional recycling and composting.
- (d) Pollution Control Systems: State-of-the-art mechanisms, equipment, and procedures integrated into a WTE or Advanced MSW Treatment facility to ensure emissions and effluents comply with the strictest national and international standards.

SEC. 4. *Institutionalizing Waste-to-Energy.*

- (a) Reclassification of WTE: WTE shall be formally recognized as a component of the nation's energy mix, classified under the appropriate category by the Department of Energy (DOE) and the National Solid Waste Management Commission (NSWMC), ensuring its eligibility for available incentives.
- (b) Repeal/Amendment of Conflicting Laws: Any provision of existing law, specifically but not limited to Section 20 of Republic Act No. 8749 (Philippine Clean Air Act of 1999), that prohibits incineration shall be deemed repealed or amended to allow the use of controlled thermal treatment or incineration, but only as part of an integrated, environmentally compliant WTE facility that strictly meets the emission standards set forth in this Act.
- (c) MSW Management Hierarchy: The implementation of WTE and Advanced MSW Treatment Technologies shall adhere to the ecological solid waste management hierarchy:
 - (1) Reduce, (2) Reuse, (3) Recycle, (4) Recover (including WTE), and (5) Safe Disposal of Residuals.

WTE projects must demonstrate that they process only residual, non-recyclable, and non-compostable waste materials.

SEC. 5. *Regulatory Framework and Environmental Standards.*

- (a) Lead Agencies: The National Solid Waste Management Commission (NSWMC), the Department of Environment and Natural Resources (DENR), and the Department of Energy (DOE) shall jointly develop and enforce a unified regulatory framework.

- (b) Emission Standards: The DENR, in consultation with the Department of Health (DOH), shall establish emission standards for WTE facilities that shall be stricter than the current national limits and comparable to or exceeding the most stringent international standards (e.g., European Union's Waste Incineration Directive).
- (c) Continuous Monitoring: All WTE facilities shall be required to install and maintain Continuous Emissions Monitoring Systems (CEMS), with real-time data publicly accessible through the DENR website and local government offices.
- (d) Residual Waste Management: Ash and other process residuals from WTE and Advanced MSW Treatment facilities shall be classified, treated, and disposed of in specialized, DENR-approved, and adequately lined residual containment facilities to prevent environmental contamination.

SEC. 6. *Roles of Local Government Units (LGUs).*

- (a) Integration into Plans: All LGUs shall be mandated to integrate WTE and Advanced MSW Treatment strategies into their 10-Year Solid Waste Management Plans upon the exhaustion of their existing or planned sanitary landfill capacity.
- (b) Cooperative Agreements: LGUs are authorized to enter into inter-local cooperative agreements or contracts with the private sector for the clustering of waste streams and the establishment and operation of WTE and Advanced MSW Treatment facilities.
- (c) Feedstock Guarantee: LGUs entering into WTE contracts shall be responsible for ensuring the sustained and compliant supply of post-recycled and post-diverted residual MSW feedstock to the facility. A tipping fee/processing fee structure shall be established by the NSWMC to ensure the financial viability of WTE projects.

SEC. 7. *Incentives and Financing.*

- (a) Renewable Energy Incentives: WTE facilities utilizing biodegradable organic fractions of MSW, as defined by the DOE, shall be eligible for incentives under the Renewable Energy Act of 2008 (RA 9513), subject to compliance with environmental standards.
- (b) Fiscal Incentives: WTE and Advanced MSW Treatment projects shall be entitled to fiscal incentives, including but not limited to income tax holidays, duty-free importation of capital equipment, and real property tax exemptions, as may be determined by the appropriate agencies.
- (c) Financing: Government Financial Institutions (GFIs) are hereby mandated to develop and offer specialized financing programs and concessional loans for WTE and Advanced MSW Treatment projects initiated by LGUs or the private sector.

SEC. 8. *Penalties and Sanctions.*

- (a) Violations: Any WTE facility or operator found to be in violation of the prescribed emission or effluent standards, or any other provision of this Act, shall be subject to immediate operational suspension, forfeiture of performance bond, and imposition of fines in accordance with the relevant environmental and energy laws.
- (b) LGU Non-Compliance: LGU officials who fail to comply with the mandates of this Act, including the implementation of their solid waste management plans, shall be subject to administrative sanctions as prescribed by the appropriate laws.

SEC. 9. *Implementing Rules and Regulations (IRR).* - Within one hundred eighty (180) days from the effectivity of this Act, the DENR, DOE, NSWMC, and DOH shall jointly promulgate the necessary rules and regulations for the effective implementation of this Act.

Sec. 10. *Separability Clause.* - If any part or provision of this Act is declared invalid or unconstitutional, the other parts not affected thereby shall remain valid.

Sec. 11. *Repealing Clause.* - All laws, decrees, executive orders, issuances, or rules and regulations, or portions thereof, that are inconsistent with this Act or any provision or provisions thereof are repealed or modified accordingly.

Sec. 12. *Effectivity.* - This Act shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

Approved,