



HOUSE OF REPRESENTATIVES

H. No. 9157

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AN ACT
ESTABLISHING A NATIONAL FRAMEWORK FOR THE DEVELOPMENT,
REGULATION, AND OPERATION OF FACILITIES UTILIZING WASTE-TO-ENERGY
AND OTHER WASTE TREATMENT TECHNOLOGIES

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 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 public health and the environment through a systematic
6 and comprehensive ecological solid waste reduction program that harnesses the
7 potential contribution of residual solid waste to the national energy mix while
8 complementing the government’s overall flood control management;
- 9 (b) Strengthen commitment to solid waste avoidance and volume reduction by
10 supplementing the latter with other ecologically compliant solid waste
11 management treatment technologies consistent with the waste hierarchy including
12 waste-to-energy facilities utilizing residual waste only;
- 13 (c) Broaden the scope of renewable energy resources only to the extent that they do
14 not undermine reduction, reuse, and recycling obligations and encourage the
15 development and utilization of environmentally sustainable and scientifically
16 verified new and alternative technologies in resource recovery, resource
17 conservation, processing, treatment, and disposal of solid waste, that are
18 integral to a sustainable renewable energy resource and energy security program
19 including Waste-to-Energy (WTE) facilities utilizing residual municipal solid waste
20 (MSW) subject to strict environmental standards;

- (d) Strengthen the integration of solid waste management, waste-to-energy promotion, and environmental protection campaign to prevent flooding and minimize waste accumulation in waterways, drainage systems, and flood control infrastructure in accordance with Republic Act (RA) No. 9003, otherwise known as the "*Ecological Solid Waste Management Act of 2000*"; and
- (e) Promote proactive collaboration, cooperation, and participation of local government units (LGUs) and various sectors in coordinated approaches to solid waste management and waste treatment technology towards national development and jobs creation.

SEC. 3. Objectives. – The following objectives are adopted in espousing the policy of the state for the WTE facilities as a component of waste management strategy:

- (1) To broaden the scope of renewable energy resources to complement traditional energy sources;
- (2) To enhance the adoption of technological advancements in waste management strategies in promoting a cleaner environment;
- (3) To bolster waste management strategies on both land, and inland waterways and drainages for the protection of flood control facilities from waste that clogs and impedes the free flow of water; and
- (4) To prevent health repercussions from land- and water-based pollution which can be attributed to open dump sites and clogged waterways and drainages.

SEC. 4. Scope and Application. – This Act shall apply to all LGUs, national agencies and government-owned or -controlled corporations (GOCCs), waste management facilities, public and private health facilities, and other entities involved in ecological solid waste management with respect to residual solid waste, after the implementation of the Reduce-Reuse-Recycle initiatives (3Rs).

SEC. 5. Definition of Terms. – As used in this Act:

- (a) *Agricultural waste* refers to waste generated from planting or harvesting of crops, trimming or pruning of plants, and wastes or run-off materials from farms or fields;
- (b) *Biomedical waste or hazardous healthcare waste* refers to waste from health facilities that may pose a variety of environmental and health risks. It shall be further classified, in accordance with Department of Health definitions, into sharps, infectious, pathological and anatomical, pharmaceutical, genotoxic, chemical, and radioactive wastes, as well as pressurized containers;

- 1 (c) *Chemical and industrial waste* refers to discarded solid, liquid, or gaseous chemicals
2 from laboratories, industrial establishments, or other sources, such as diagnostic and
3 experimental work, environmental work, and cleaning, housekeeping, and
4 disinfecting procedures;
- 5 (d) *City or Municipal Solid Waste Management Board* refers to the entity established by
6 each city or municipality pursuant to Section 12 of RA No. 9003, as amended;
- 7 (e) *Clustering* refers to a strategy of pooling available resources of LGUs for the
8 establishment of a common solid waste management treatment facility or service,
9 consistent with RA No. 7160, otherwise known as the "*Local Government Code of*
10 *1991*," and all other applicable laws, rules and regulations;
- 11 (f) *Collection* refers to the act of removing solid waste from the source or from a
12 communal storage point;
- 13 (g) *Disposal* refers to the discharge, deposit, dumping, spilling, leaking, or placing of any
14 solid waste into or on any land;
- 15 (h) *Disposal site* refers to a designated area where solid waste is finally discharged and
16 deposited;
- 17 (i) *Emission* refers to any air contaminant, pollutant, gas stream, or unwanted sound
18 from a known source which is passed into the atmosphere;
- 19 (j) *Hazardous waste* refers to substances that are without any safe commercial,
20 industrial, agricultural, or economic usage. It also includes those which are shipped,
21 transported, or brought from the country of origin for dumping or disposal into or in
22 transit through any part of the Philippines. It shall also refer to by-products, side-
23 products, process residues, spent reaction media, contaminated plant or equipment,
24 or other substances from manufacturing operations and as a customer discard of
25 manufactured products, as well as special wastes which include household
26 hazardous waste such as paints, thinners, household batteries, lead acid batteries,
27 spray canisters, and similar items from residential and commercial sources, or a
28 combination of solid waste which, because of its quantity, concentration, physical,
29 chemical, or infectious characteristics, may:
- 30 (i) Cause or significantly contribute to an increase in mortality or an increase in a
31 serious irreversible or incapacitating reversible illness, or
- 32 (ii) Pose a substantial present or potential hazard to human health or the
33 environment when improperly treated, stored, transported, or disposed of, or
34 otherwise managed;

- 1 (k) *Highly Urbanized Cities (HUCs)* refer to cities with a minimum population of two
2 hundred thousand (200,000) inhabitants and an annual income of at least Fifty million
3 pesos (₱50,000,000.00), in accordance with the Local Government Code and all
4 other applicable laws, rules and regulations;
- 5 (l) *Local Government Solid Waste Management Plan* refers to the ten (10)-year solid
6 waste management plan, consistent with the National Solid Waste Management
7 Framework, prepared by the LGUs pursuant to Section 16 of RA No. 9003, as
8 amended;
- 9 (m) *Municipal Solid Waste (MSW)* refers to waste produced from activities within LGUs,
10 which includes a combination of domestic, commercial, institutional, and industrial
11 wastes and street litter, pursuant to RA No. 9003, as amended. It shall not include:
- 12 (i) Wastes identified or listed as hazardous waste;
- 13 (ii) Infectious waste from hospitals, such as equipment, instruments, utensils, and
14 fomites of a disposable nature from patients who are suspected to have or have
15 been diagnosed as having communicable diseases and must therefore be
16 isolated as required by public health agencies; laboratory wastes, such as
17 pathological specimens; and surgical and pathologic materials from operating
18 rooms, outpatient areas, and emergency rooms, all of which may harbor or
19 transmit pathogenic organisms; and
- 20 (iii) Waste resulting from mining activities, including contaminated soil and debris;
- 21 (n) *National Solid Waste Management Commission (NSWMC)* refers to the body created
22 and primarily tasked with overseeing the implementation of solid waste management
23 plans and prescribing policies to achieve the objectives of RA No. 9003, as amended;
- 24 (o) *National Solid Waste Management Framework* refers to the document prepared by
25 the NSWMC based on the National Solid Waste Management Status Report pursuant
26 to Section 15 of RA No. 9003, as amended;
- 27 (p) *National Solid Waste Management Status Report* refers to the document prepared
28 by the Department of Environment and Natural Resources (DENR), which is used as
29 a basis in formulating the National Solid Waste Management Framework pursuant to
30 Section 14 of RA No. 9003, as amended;
- 31 (q) *Person* refers to any natural or juridical person engaged in activities regulated under
32 this Act;
- 33 (r) *Pioneer WTE Projects* refers to WTE facilities and projects that will satisfy all of the
34 following conditions:
- 35 (i) Utilize thermal combustion technology for the processing of WTE feedstock;

- 1 (ii) Source its WTE feedstock from LGUs, whether individual or clustered, including
2 HUCs;
- 3 (iii) Have achieved commercial operations not later than 31 March 2028, duly
4 evidence by a Certificate of Compliance or Provisional Authority to Operate by
5 the Energy Regulatory Commission;
- 6 (s) *Poisonous and toxic fumes* refer to any emissions and fumes which are beyond the
7 Philippine National Ambient Air Quality Standards and the Philippine National
8 Emission Standards for Source-Specific Air Pollutants, as set by the DENR pursuant
9 to RA No. 8749, otherwise known as the "*Philippine Clean Air Act of 1999*," and this
10 Act, and shall, as a minimum, align with internationally recognized best practices and
11 established guidelines for persistent organic pollutants, including but not limited to
12 the World Health Organization (WHO) guideline values;
- 13 (t) *Processing fee* refers to the amount authorized to be paid by LGUs, national
14 government agencies, GOCCs, waste management facilities, public and private
15 health facilities, and other entities for the services of a WTE facility, as defined herein;
- 16 (u) *Provincial Solid Waste Management Board* refers to the entity established by each
17 province pursuant to Section 11 of RA No. 9003, as amended;
- 18 (v) *Residue* refers to substances that remain after a process in a waste treatment facility,
19 such as preparation, separation, purification, evaporation, combustion, distillation, or
20 filtration;
- 21 (w) *Resource recovery* refers to the collection, extraction, or recovery of recyclable
22 materials from the waste stream for the purpose of recycling, generating energy, or
23 producing a product suitable for beneficial use;
- 24 (x) *Sanitary landfill (SLF)* refers to a waste disposal site designed, constructed,
25 operated, and maintained in a manner that exerts engineering control over significant
26 potential environment impacts arising from the development and operation of the
27 facility pursuant to RA No. 9003, as amended;
- 28 (y) *Segregation* refers to a solid waste management practice of separating different
29 materials found in solid waste in order to promote recycling and re-use of resources,
30 facilitate waste treatment processes, and reduce the volume of waste for collection
31 and disposal pursuant to RA No. 9003, as amended;
- 32 (z) *Solid waste* refers to all discarded household waste, commercial waste, non-
33 hazardous institutional and industrial waste, street sweepings, construction debris,
34 agricultural waste, and other non-hazardous or non-toxic solid waste;

- 1 (aa) *Solid waste management* refers to the discipline associated with the control of
2 generation, storage, collection, transfer, transport, processing, and disposal of solid
3 wastes, in a manner that is in accord with the best principles of public health,
4 economics, engineering, conservation, aesthetics, and other environmental
5 considerations, and that is also responsive to the public attitudes;
- 6 (bb) *Solid waste management treatment facility* refers to any resource recovery system or
7 component thereof; any system, program or facility for resource conservation; or any
8 facility for the collection, source separation, storage transportation, transfer,
9 processing, treatment, or disposal of solid waste;
- 10 (cc) *Thermal combustion* refers to a waste treatment technology that involves the
11 controlled combustion of solid waste materials allowed under this Act for the purpose
12 of recovering energy and whose emissions and effluents are compliant with the
13 guidelines prescribed under this Act and other relevant laws, rules, and regulations;
- 14 (dd) *Waste* refers to any material misplaced, unused, or rejected by persons as worthless
15 or unwanted. It includes, among others, agricultural, biomedical, chemical and
16 industrial, hazardous, municipal, and solid wastes;
- 17 (ee) *Waste generation* refers to the act or process of producing solid waste;
- 18 (ff) *WTE developer* refers to an individual or juridical entity created, registered, and/or
19 authorized to operate in the Philippines in accordance with existing laws, and
20 engaged in the development and/or utilization of WTE resources and the operation
21 of a WTE project;
- 22 (gg) *WTE facility* refers to the facility where the WTE operations are conducted;
- 23 (hh) *WTE feedstock* refers to the residual waste materials, in solid, liquid, or gaseous form,
24 that remain after the maximum practicable implementation of the 3Rs by LGUs, and
25 which meet technical specifications for WTE facilities;
- 26 (ii) *WTE strategy* refers to a plan of action with measurable targets for the utilization of
27 WTE facilities for solid waste management treatment and energy production; and
- 28 (jj) *WTE technology* refers to an energy system that converts MSW or any WTE
29 feedstock into usable heat, electricity, or fuel, through a variety of processes.

30 **SEC. 6. Regulation of WTE Technology.** – Thermal combustion and other
31 technologies for the processing of MSW or any WTE feedstock, whether for commercial use
32 or otherwise, shall be designed and operated in accordance with the standards established
33 under this Act and its implementing rules and regulations. These technologies shall be fitted
34 with equipment that will continuously monitor, record, and make publicly available the

1 reported data on their emissions and air pollutant concentrations, using a Continuous
2 Emission Monitoring System approved by the DENR. WTE developers utilizing such
3 technologies shall incorporate the appropriate resource recovery program in their facilities
4 and operations.

5 **SEC. 7. Waste-to-Energy Technology and Waste-to-Energy Facility.** – Any law to the
6 contrary notwithstanding, WTE facilities utilizing MSW or any WTE feedstock shall be
7 classified as a Renewable Energy System under RA No. 9513, otherwise known as the
8 *“Renewable Energy Act of 2008”*. A WTE facility shall:

- 9
- 10 (a) Function primarily as an energy production facility, while allowing integration of a solid
11 waste management treatment component where operationally appropriate;
 - 12 (b) Comply with the establishment and operation guidelines for WTE Facilities under Sections
13 (10)(2)(a), 14(c), and 13(d) of this Act;
 - 14 (c) Ensure the proper management and disposal of its residues, including arrangements with
15 a sanitary landfill or the development of its own disposal site prior to its operations, in
16 accordance with NSWMC, DENR, and DOH guidelines issued pursuant to this Act and
17 other relevant laws, rules, and regulations; and
 - 18 (d) Comply with relevant laws, rules, and regulations, including Presidential Decree No. 1586
19 entitled, *“Establishing an Environmental Impact Statement System, Including Other
20 Environmental Management Related Measures and for Other Purposes;”* RA No. 6969,
21 otherwise known as the *“Toxic Substances and Hazardous and Nuclear Wastes Control
22 Act of 1990;”* RA No. 7638, otherwise known as the *“Department of Energy Act of 1992,”*
23 *as amended;* RA No. 8749; RA No. 9003, as amended; RA No. 9136, otherwise known
24 as the *“Electric Power Industry Reform Act of 2001;”* RA No. 9275, otherwise known as
25 the *“Philippine Clean Water Act of 2004;”* RA No. 9367, otherwise known as the *“Biofuels
26 Act of 2006;”* RA No. 9513; RA No. 11223, otherwise known as the *“Universal Health
27 Care Act;”* and WHO Guidelines on Air Quality.

28 All technologies in a WTE facility, including thermal combustion shall be allowed: *Provided,*
29 That these technologies shall comply with the DENR prescribed emission standards, to operate
30 best available techniques and/or best existing practice be revised to Best Available Techniques and
31 Best Environmental Practices for preventing and controlling pollution from the WTE Facility,
32 and comply with all the laws mentioned hereof and other relevant laws, rules, and regulations.

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

6
7 **SEC. 8. *Use of Recovered Waste as Feedstock for WTE Facilities.*** – All LGUs and
8 government agencies mandated to undertake flood control shall incorporate effective and
9 efficient waste management strategies for the collection, diversion, treatment and disposal of
10 wastes to prevent the clogging of drainage systems and inland waterways and to enhance flow
11 of rainwater.

12 Waste materials recovered from solid waste management activities, including those collected
13 during flood-prevention operations, shall undergo proper sorting before being used as WTE
14 feedstock.

15
16 **SEC. 9. *Lead Agencies.*** – The Department of Energy (DOE), DENR, and the Department of
17 the Interior and Local Government (DILG), shall be jointly responsible for the implementation and
18 enforcement of this Act. The DOE shall serve as the primary agency for WTE energy regulation,
19 while the DENR shall serve as primary agency for solid waste management, environmental
20 compliance, and emissions regulation. The DILG shall provide general supervision and
21 coordination to ensure LGU compliance with national standards.

22 All agencies shall promote the use of state-of-the-art, environmentally sound, and safe
23 technologies for the handling, treatment, thermal or non-thermal destruction, utilization, and
24 disposal of residual wastes.

25 **SEC. 10. *The National Solid Waste Management Commission.*** – The NSWMC
26 membership shall be expanded to include the Secretaries of the Department of Public Works
27 and Highways (DPWH) and the DOE, who shall serve in ex-officio capacity.

28 In addition, a private sector representative for WTE shall be appointed by the President of the
29 Philippines as member of the NSWMC for a term of three (3) years.

30 The heads of the member agencies shall represent the government sector of the NSWMC.
31 They shall assign one (1) alternate representative with rank not lower than Undersecretary to
32 attend NSWMC meetings.

1 All private sector and civil society organizations shall nominate a new set of representatives for
2 appointment by the President after the term of three (3) years: *Provided*, That no private
3 sector and civil society organization representative shall be appointed as representative for
4 another term. Furthermore, the powers and functions of the NSWMC under RA No. 9003, as
5 amended, shall include the formulation of a solid waste treatment strategy such as, WTE in the
6 National Solid Waste Management Framework. For this purpose, the NSWMC shall:

7 (1) Prescribe policies to ensure streamlined and consistent standards, criteria, and guidelines
8 for WTE facilities;

9 (2) Regularly determine, review, and publish the following:

10 (a) Standards, criteria, and/or guidelines for:

11 (i) Determination of the feasibility of integrating a WTE strategy into the Local
12 Government Solid Waste Management Plans, taking into account the volume of
13 WTE feedstock that may be generated by an LGU or clusters thereof;

14 (ii) Characterization and determination of the rate of recoverability of wastes that can
15 be used as feedstock in WTE facilities, taking into consideration the
16 implementation of the Ecological Solid Waste Management hierarchy and the 3Rs;

17 (iii) The following basic operational details:

18 (1) Transport, storage, and pre-processing of WTE feedstock;

19 (2) Siting, design, pre-operation, operation, and maintenance of WTE facilities;

20 (3) Quality control and operational control of WTE facilities;

21 (4) Management of residue from WTE facilities;

22 (5) Pollution abatement, continuous emissions monitoring, environmental
23 monitoring, and public health and safety monitoring in relation to WTE
24 facilities;

25 (6) Decommissioning, closure, and abandonment of WTE facilities; and

26 (7) Other guidelines pursuant to relevant laws, rules, and regulations;

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

32 (3) Consolidate and make available to the public, through its website and any online platforms,
33 the following:

- (a) Current and potential uses of WTE facilities in relation to solid waste management;
 - (b) Inventory of existing WTE facilities;
 - (c) General WTE feedstock characterization;
 - (d) Status and projection of WTE feedstock generation;
 - (e) Specific locations of potential WTE feedstock and WTE facilities; and
 - (f) Other relevant information;
- (4) Provide policy guidelines to assist LGUs in the development of WTE facilities, which shall include parameters for the determination of potential sites for WTE facilities and clustering of LGUs for such WTE facilities;
 - (5) Ensure that GUs incorporate a WTE strategy, if feasible, in their respective Local Government Solid Waste Management Plans;
 - (6) Coordinate with the Provincial, City, and Municipal Solid Waste Management Boards, especially for clustered LGUs employing a common WTE facility; and
 - (7) Perform all other acts that are analogous to the foregoing, which are necessary and incidental to accomplish the policy objectives of this Act.

SEC. 11. Role of the Department of Energy. – In addition to its powers and functions under RA No. 7638, as amended, the DOE shall:

- (a) Issue permits to WTE facilities based on verified energy output, and prescribe the standards, criteria, and requirements applicable to each type of WTE facility, pursuant to RA No. 7638, RA No. 9136, RA No. 9367, RA No. 9513, and other relevant laws, rules, and regulations;

In the exercise of this authority, a mandatory collaborative technical review shall be undertaken in coordination with the Department of Science and Technology (DOST) to ensure that all declared or projected energy output claims are scientifically validated through appropriate pilot-scale testing, demonstration projects, or equivalent empirical methodologies. Such validation shall form part of the basis for permit issuance, in support of evidence-based policy development and in alignment with the State's objective of promoting science, technology, and innovation for national development;

- (b) Include a WTE strategy in the Philippine Energy Plan, taking into consideration the National Solid Waste Management Framework;
- (c) Identify priority WTE locations, including HUCs and SLFs, and assess waste supply viability in coordination with LGUs, the DENR, the DILG, and the NSWMC;

- 1 (d) Regularly submit to the NSWMC, and make available to the public, especially to potential
2 WTE investors, national and local information on the following:
- 3 (i) Current and potential uses of WTE facilities in relation to solid waste management;
4 (ii) Inventory of existing WTE facilities; and
5 (iii) Other relevant information; and
- 6 (e) Perform all other acts that are analogous to the foregoing, which are necessary and
7 incidental to accomplish the policy objectives of this Act.

8 **SEC. 12. Role of the DENR.** – In addition to its powers and functions under RA No. 9003, as
9 amended, RA No. 8749, PD No. 1586, RA No. 6969, and RA No. 9275, the DENR shall:

- 10 (a) Include a WTE strategy, if feasible, in the National Solid Waste Management Status Report;
11 (b) Include the continuous monitoring, evaluation, and development of more appropriate air
12 quality guideline values and standards for the treatment of municipal and hazardous
13 wastes, and for the processing of any waste materials for fuel in the Pollution Research
14 and Development Program pursuant to Section 15 of RA No. 8749;
- 15 (c) Provide technical and other capacity-building assistance and support to LGUs with the
16 DOE based on the policy guidelines created by the NSWMC pursuant to Section 10(5) of
17 this Act;
- 18 (d) Implement and, when necessary, revise, together with the DOH, guidelines issued
19 pursuant to RA No. 9003, as amended, on waste transport, pre-operation, waste
20 acceptance, waste storage, pre-processing of waste, quality control, operational control,
21 pollution abatement, management of residue, emissions monitoring, environmental
22 monitoring, public health and safety monitoring, decommissioning, closure, and
23 abandonment, among others, taking into account the NSWMC's standards, criteria, and
24 guidelines under Section 10(2)(a) of this Act and other relevant laws, rules, and regulations,
25 and in consultation with relevant stakeholders;
- 26 (e) Ensure compliance of WTE facilities with Section 10(2)(a) of this Act, including continuous
27 monitoring and testing of by-products;
- 28 (f) Make available to the public, through its website and any online platforms, the emissions,
29 effluents, and other by-products of WTE facilities;
- 30 (g) Investigate, *motu proprio* or upon complaint, reports of non-compliance of WTE facilities
31 with the provisions of this Act and other relevant laws, rules, and regulations;
- 32 (h) Exercise visitorial and enforcement powers to ensure strict compliance of WTE facilities
33 with this Act, RA No. 9003, as amended, RA No. 8749, and other relevant laws, rules, and
34 regulations;

- 1 (i) Recommend policies to the NSWMC to address challenges of WTE facilities from a solid
2 waste management perspective; and
3 (j) Perform all other acts that are analogous to the foregoing, which are necessary and
4 incidental to accomplish the policy objectives of this Act.

5 **SEC. 13. *Role of the Energy Regulatory Commission (ERC).*** – In addition to its existing
6 powers and functions, the ERC shall:

- 7 (a) Formulate rules and guidelines on the appropriate price-setting methodology applicable to
8 the operation of WTE projects. This shall include, among others, the establishment of a
9 reference price or tariff range for electricity generated from WTE facilities. The pricing
10 regime shall consider the capital-intensive nature of WTE development, such as a
11 Regulatory Asset Base model or a similar long-term cost recovery mechanism, recognizing
12 the environmental co-benefits and long-term operational horizon of WTE plants;
13 (b) Formulate rules and guidelines on exemptions of WTE projects from the least-cost dispatch
14 requirement to support their viability, any law to the contrary notwithstanding;
15 (c) Promulgate the necessary regulatory adjustments to accommodate WTE into the
16 Philippine Grid Code, Philippine Distribution Code, and the Open Access Transmission
17 Service Rules;
18 (d) Establish the rules and requirements for the issuance of Certificates of Compliance for
19 WTE facilities, in coordination with the DOE, DENR, and other relevant agencies, to ensure
20 regulatory alignment and the safe, compliant integration of WTE into the power system;
21 and
22 (e) Perform all other acts that are analogous to the foregoing, which are necessary and
23 incidental to accomplish the policy objectives of this Act.

24 **SEC. 14. *Role of the Department of Health.*** – In addition to its existing powers and functions,
25 the DOH shall:

- 26 (a) Ensure all WTE facilities undergo a Health Impact Assessment, pursuant to RA No. 11223,
27 to be reviewed and approved by the DOH;
28 (b) Implement and, when necessary, revise, together with the DENR, existing guidelines
29 issued pursuant to RA No. 9003, as amended, on waste transport, pre-operation, waste
30 acceptance, waste storage, pre-processing of waste, quality control, operational control,
31 pollution abatement, management of residue, emissions monitoring, environmental
32 monitoring, public health and safety monitoring, decommissioning, closure, and

1 abandonment, among others, taking into account the NSWMCs standards, criteria, and
2 guidelines under Section 10(2)(a) of this Act and other relevant laws, rules, and regulations,
3 and in consultation with relevant stakeholders;

4 (c) Undertake research on the public health impact of WTE facilities, together with other
5 government agencies, the academe, and private stakeholders; and submit the same to the
6 NSWMC for consolidation and the DENR for proper action, if applicable;

7 (d) Monitor compliance of health facilities with the guidance on the disposal of hazardous and
8 non-hazardous healthcare wastes. In case of outbreaks and health emergencies brought
9 about by such wastes, the Inter-Agency Committee on Environmental Health shall also
10 oversee the all-hazard risk communication and community engagement;

11 (e) Make available to the public, through its website and any online platforms, studies and
12 analyses of the effects of WTE facilities and disposal sites on public health; and

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

15 **SEC. 15. *Role of the Department of Public Works and Highways.*** – The DPWH shall
16 coordinate its flood control projects with the LGUs in a manner consistent with the provisions of
17 this Act. Further, in close coordination with the DILG, DENR, LGUs, and civil society
18 organizations, the DPWH shall conduct strict and regular monitoring to ensure proper solid waste
19 management among LGUs, including community-based cooperative undertakings toward de-
20 clogging of waterways, drainage systems, and flood control structures, and extend support
21 toward the establishment of WTE facilities in strategic locations pursuant to this Act and other
22 relevant laws, policies, and guidelines.

23 **SEC. 16. *Role of the Department of the Interior and Local Government.*** – The DILG shall
24 encourage the LGUs to cluster themselves and engage in cooperative undertakings consistent
25 with Section 33 of the Local Government Code for the purpose of effectively pooling their efforts,
26 services, and resources in pursuit of a commonly beneficial solid waste management strategy
27 and WTE facilities establishment in compliance with the specific duties and responsibilities under
28 this Act. The DILG shall provide assistance and coordination to the LGU with relevant agencies,
29 including capacity building interventions on proper waste management, among others.

30 **SEC. 17. *Role of LGUs.*** – In addition to their powers, functions, and responsibilities under
31 RA No. 7160 or the “*Local Government Code*” and RA No. 9003, as amended, LGUs shall:

- 1 (a) In the case of a city or municipality, be responsible, when applicable, for the hauling of WTE
2 feedstock to a WTE facility;
- 3 (b) In the case of a province, provide, when applicable, necessary logistical and operational
4 support for the processing of WTE feedstock in a WTE facility;
- 5 (c) Include a WTE strategy into their respective Local Government Solid Waste Management
6 Plans, if, upon the determination of the NSWMC pursuant to Section 10(2)(a) of this Act,
7 such strategy is feasible;
- 8 (d) Comply with the standards, criteria, and guidelines on WTE feedstock and WTE facilities
9 pursuant to Sections 7(c), 10(2)(a), and 11(b) of this Act, if applicable; and
- 10 (e) Be authorized to enter into and comply with all obligations under the following:
- 11 (i) Clustering arrangements with other LGUs for a common WTE facility, on their own or
12 upon recommendation of the Provincial Solid Waste Management Board: *Provided,*
13 That the province shall have the power to cluster component cities and municipalities
14 based on the NSWMC approved provincial and local solid waste management plans;
- 15 (ii) Long term contracts with WTE facilities, on their own or with clustered LGUs: *Provided,*
16 That to ensure the viability and sustainability of WTE developers' investments, the
17 feedstock agreement specifically entered into between the WTE developer and the
18 host LGU shall have a minimum term of twenty (20) years and shall not be shortened
19 or terminated solely by reason of any change in administration or policy at any level of
20 the LGU (barangay, municipality, city, or province); and
- 21 (iii) Public-Private Partnerships (PPPs) pursuant to RA No. 11966, otherwise known as
22 the "*Public-Private Partnership (PPP) Code of the Philippines,*" cooperative
23 undertakings under Section 33 of the Local Government Code, and other contractual
24 arrangements provided for under existing laws, rules, regulations as well as the
25 LGUs' respective charters for the establishment of WTE facilities: *Provided, That*

26 The national government, through a phased and coordinated transition framework, shall
27 provide support to all LGUs to ensure the effective implementation of this Act. The national
28 government shall support through capacity building, technical assistance, and institutional
29 coordination, the DILG with its mandate on LGU engagement and supervision, the DENR in
30 ensuring compliance with environmental standards, and the LGUs undertaking the
31 implementation consistent with their respective capacities: *Provided, That* such support from the
32 national government shall comply with existing laws, rules, and regulations.

SEC. 18. Role of the Metro Manila Development Authority (MMDA). – In addition to its powers and functions under RA No. 7924 entitled, *“An Act Creating the Metropolitan Manila Development Authority, Defining its Powers and Functions, Providing Funds Therefor and for Other Purposes,”* the MMDA shall perform the role of LGUs in Metro Manila as set forth in Section 17 of this Act, except hauling and transport of feedstock to and from WTE facilities.

SEC. 19. Role of the Provincial Solid Waste Management Board. – In addition to its powers and functions under RA No. 9003, as amended, the Provincial Solid Waste Management Board shall:

- (a) Integrate a WTE strategy in the Provincial Solid Waste Management Plan, taking into consideration the Local Government Solid Waste Management Plans of all its component cities and municipalities;
- (b) Recommend potential locations for WTE facilities in the Provincial Solid Waste Management Plan;
- (c) Pursuant to the guidelines of the NSWMC issued under Section 10(4) of this Act, identify and recommend or direct, as the case may be, the clustering of component cities and municipalities for a common WTE facility, based on the Local Government Solid Waste Management Plans of all its component cities and municipalities;
- (d) Provide the necessary logistical and operational support to component cities and municipalities who have the potential to be clustered, have decided to be clustered, or have been directed to be clustered pursuant to Section 10 of this Act, for a common WTE facility;
- (e) Coordinate the efforts and oversee the implementation of the clustering of component cities and municipalities for a common WTE facility; and
- (f) Coordinate with other Provincial, City, and Municipal Solid Waste Management Boards in identifying possible inter- and intra- province clustering for a common WTE facility.

SEC. 20. Role of the City or Municipal Solid Waste Management Board. – In addition to its powers and functions under RA No. 9003, as amended, the City or Municipal Solid Waste Management Board shall integrate a WTE strategy in its Local Government Solid Waste Management Plan, and submit a copy thereof to the Provincial Solid Waste Management Board.

SEC. 21. Role of the Public-Private Partnership Center. – The PPP Center shall provide technical assistance to all LGUs including project development, monitoring, and implementation of WTE projects under PPP arrangements, in accordance with its mandate under RA No. 11966 and other existing laws, issuances, rules, and regulations: *Provided, That* PPPs involving power projects shall comply with RA No. 9136 otherwise known as the *“Electric Power Industry Reform Act (EPIRA) of 2001”* and RA No. 9513 otherwise known as the *“Renewable Energy Act of 2008”*.

1 **SEC. 22. Designation of Personnel.** – The NSWMC and the concerned agencies shall
2 designate focal units and/or personnel within their existing organizational structures for the
3 implementation of this Act. The DENR and other concerned agencies may, when necessary,
4 request for additional plantilla positions and/or hire personnel to support implementation, subject
5 to the review, evaluation, and approval of the Department of Budget and Management and in
6 accordance with applicable civil service and other pertinent laws, rules, and guidelines.

7 **SEC. 23. Responsibility of the WTE Developer.** – The responsibility for compliance with the
8 standards promulgated for the establishment and operation of WTE facilities, and other relevant laws,
9 rules, and regulations, shall rest with the WTE developer thereof.

10 **SEC. 24. Grant of Incentives.** – The following fiscal and non-fiscal incentives shall be granted
11 to registered investors and hosts of waste treatment programs:

12 (a) **Fiscal and Non-Fiscal Incentives** – A WTE developer may elect to avail itself of the
13 incentives under RA No. 8424, or the “*National Internal Revenue (NIRC) Code of 1997*”,
14 as amended by RA No. 12066, otherwise known as the “*Corporate Recovery and Tax*
15 *Incentives for Enterprises to Maximize Opportunities for Reinvigorating the Economy Act*”
16 (*CREATE MORE*). Unless the WTE developer signifies its intention to avail itself of the
17 incentives under CREATE MORE at the time of issuance of Certificate of Registration, it
18 shall be considered as having availed itself of the incentives under RA No. 9513. Once the
19 WTE developer elects to avail itself of the incentives under CREATE MORE, such election
20 shall be considered irrevocable. Notwithstanding the WTE Developer's election of fiscal
21 incentives under CREATE MORE, the WTE Project, by virtue of its classification as an RE
22 System under Section 7 of this Act, shall remain eligible to avail itself of the non-fiscal
23 incentives provided under the RE Act.

24 Registered projects or activities may be entitled to the fiscal incentives granted under Title XIII
25 of the NIRC of 1997, as amended by the CREATE MORE Act, to the extent of their approved
26 registered project or activity under the Strategic Investment Priority Plan and subject to
27 compliance with the eligibility requirements under the CREATE MORE Act.

28 Non-fiscal incentives provided for in RA No. 9513 shall be available to WTE developers.

29 (b) **Financial Assistance Program** – Government financial institutions, such as the Landbank
30 of the Philippines, Development Bank of the Philippines, Government Service Insurance
31 System, and such other government institutions providing financial service, shall, in
32 accordance with and to the extent allowed by the enabling provisions of their respective

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

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

9 The NSWMC shall develop a mechanism for incentive and recognition system for LGUs
10 relative to its effective and efficient implementation of waste segregation at source, separate
11 collection, waste diversion strategies, waste disposal and other waste treatment strategies for
12 the enhancement of its waste treatment project. The NSWMC, under the Office of the President,
13 shall allocate funds for provision of incentives for this purpose.

- 14 (d) **Incentives for Pioneer WTE Projects** – Pioneer WTE projects may avail of the following
15 fiscal and non-fiscal incentives:

- 16 (i) Fiscal incentives under RA No. 9513, or the "*Renewable Energy Act of 2008*", in
17 accordance with the requirements of these laws.
- 18 (ii) Priority in permitting and regulatory processes, recognizing their dual role in
19 renewable energy generation and sustainable solid waste management. Pursuant to
20 Executive Order (EO) No. 30, s. 2017 and EO No. 18, s. 2023, such projects shall be
21 automatically certified as Energy Projects of National Significance and automatically
22 registered under Green Lane, respectively.
- 23 (iii) Preferential Dispatch in the Wholesale Electricity Spot Market.
- 24 (iv) The DOE, DENR and other relevant agencies, shall provide comprehensive technical
25 assistance to the developer of a Pioneer WTE project throughout the planning,
26 development, and operational phases.
- 27 (v) The DOE shall ensure that Pioneer WTE Projects under the Green Energy Auction
28 Program have sufficient MSW feedstock through appropriate memoranda of
29 agreements with HUCs, individual or clustered LGUs, or other government entities.

30 All other existing fiscal and non-fiscal incentives granted under RA No. 9513, not otherwise
31 provided in this Act, shall be fully applicable to Pioneer and succeeding WTE Projects.

32 **SEC. 25. Permits and Licenses.** – The permits and licenses shall be governed by the
33 prevailing rules and regulations of the National Government Agency concerned and of the
34 respective local government where the WTE Facility shall be established.

1 **SEC. 26. Recognition of Pioneer WTE Projects.** – WTE facilities classified as Pioneer WTE
2 Projects prior to the effectivity of this Act pursuant to the applicable rules and guidelines issued
3 by the DOE are hereby recognized as such and shall be eligible for the incentives provided under
4 Section 24(d) of this Act.

5 **SEC. 27. Prohibited Acts.** – The following acts are prohibited for WTE facilities:

- 6 (i) Unjustifiable failure to comply with the responsibilities in Section 7 of this Act on WTE
7 Technology and WTE Facility; and
8 (ii) Use of imported municipal solid waste as WTE feedstock for a WTE facility.

9 **SEC. 28. Penalties.** – Without prejudice to civil and criminal liability, the following persons
10 found to have violated Section 27(i) of this Act shall be meted with the following penalties:

- 11 (i) *First offense:* Fine of One million pesos (₱1,000,000.00) and an amount not less than
12 ten percent (10%) but not more than fifteen percent (15%) of the net annual income
13 during the previous year;
14 (ii) *Second offense:* The same penalties as with the first offense including an additional
15 penalty of imprisonment of a minimum period of one (1) year but not to exceed three
16 (3) years;
17 (iii) *Third offense:* The same penalties as with the second offense and permanent
18 revocation of the license of the WTE facility;

19 Any person who violates Section 27(ii) of this Act shall pay a fine of One million pesos
20 (₱1,000,000.00) and an amount not less than ten percent (10%) but not more than fifteen percent
21 (15%) of the net annual income during the previous year, and shall suffer imprisonment of a
22 minimum period of one (1) year but not to exceed three (3) years and permanent revocation of the
23 license of the WTE facility. The same person shall repatriate the imported municipal solid
24 waste to its country of origin.

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

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

1 **SEC. 29. *Administrative Fines.*** – In all cases of violations of this Act, including violations of
2 its Implementing Rules and Regulations which have been duly promulgated and published in
3 accordance with Section 33 of this Act, the Secretary of DENR, or its duly authorized
4 representative, is hereby authorized to impose a fine upon any person or entity found liable
5 thereof.

6 The administrative fines collected by the DENR, through the Environmental Management
7 Bureau, shall accrue to a special fund to be known as Waste-to-Energy Management Fund to
8 be administered jointly by the DENR and the DOE exclusively for incentivizing waste
9 management projects, environmental monitoring and legal enforcement, and research activities.

10
11 **SEC. 30. *Non-Impairment of Existing Agreements.*** – The application and implementation
12 of the pertinent provisions of this Act shall not impair vested rights or obligations of contracts.
13 Current and subsisting agreements shall remain valid and in force in accordance with the existing
14 terms and conditions agreed to by the parties until the expiration or termination thereof.

15
16 **SEC. 31. *Appropriations.*** – The amount necessary for the initial implementation of this Act
17 shall be charged against the current year's appropriations of the departments and agencies
18 concerned. Thereafter, the funding of which shall be included in the annual General
19 Appropriations Act.

20 The concerned LGUs may set aside, from their respective local funds, such amounts as may
21 be necessary to carry out the provisions of this Act, subject to applicable budgeting, accounting,
22 and auditing laws, rules, and regulations.

23
24 **SEC. 32. *Congressional Oversight Committee.*** – Upon the effectivity of this Act, a Joint
25 Congressional Oversight Committee shall be constituted to monitor its implementation by the
26 concerned agencies and LGUs. The Oversight Committee shall be composed of fourteen (14)
27 members, with the Chairpersons of the Committee on Energy and Committee on Ecology of the
28 House of Representatives and the Chairpersons of the Committee on Energy and Committee
29 on Environment and Natural Resources of the Senate as co-chairpersons and an additional four
30 (4) members from each House, to be designated by the Speaker of the House of
31 Representatives and the Senate President, respectively.

1 **SEC. 33. *Implementing Rules and Regulations.*** – The DOE shall, in coordination with the
2 DENR, DILG, DPWH, DOH, NSWMC, DOST, LGUs, and other relevant public and private
3 stakeholders, promulgate the implementing rules and regulations (IRR) within one hundred
4 twenty (120) days after the effectivity of this Act.

5 The IRR shall ensure strict compliance with RA No. 8749 and all other applicable
6 environmental laws, standards, and regulations, including, but not limited to, emission limits, air
7 quality standards, and environmental safeguards, consistent with the State’s policy to protect
8 and advance the right of the people to a balanced and healthful ecology.

9 **SEC. 34. *Separability Clause.*** – If, for any reason, any provision of this Act is declared
10 unconstitutional or invalid, the other provisions hereof, which are not affected thereby shall
11 continue to be in full force and effect.

12 **SEC. 35. *Repealing Clause.*** – All laws, decrees, orders, rules and regulations or parts
13 thereof, which are inconsistent with or contrary to the provisions of this Act, are hereby repealed,
14 amended or modified accordingly.

15 **SEC. 36. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the
16 *Official Gazette* or in a newspaper of general circulation.

Approved,