

109TH CONGRESS  
2D SESSION

# H. R. 5346

To amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2006

Mr. MORAN of Kansas (for himself, Mr. UDALL of Colorado, and Mr. FORTENBERRY) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Solid Waste Disposal Act to establish a program to provide reimbursement for the installation of alternative energy refueling systems.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Alternative Energy Re-  
5 fueling System Act of 2006”.

6 **SEC. 2. ALTERNATIVE ENERGY REFUELING SYSTEMS.**

7 (a) IN GENERAL.—Section 9003(h) of the Solid  
8 Waste Disposal Act (42 U.S.C. 6991b(h)) is amended by  
9 adding at the end the following:

1           “(13) ALTERNATIVE ENERGY REFUELING SYS-  
2           TEMS.—

3           “(A) DEFINITIONS.—In this paragraph:

4                   “(i) ALTERNATIVE ENERGY REFUEL-  
5                   ING SYSTEM.—The term ‘alternative en-  
6                   ergy refueling system’ means a system  
7                   composed of 1 or more underground stor-  
8                   age tanks, pumps, and pump fittings or  
9                   other related infrastructure that is used to  
10                  refuel motor vehicles with—

11                           “(I) compressed natural gas;

12                           “(II) E-85 ethanol;

13                           “(III) a fuel described in section  
14                           30C(e)(1) of the Internal Revenue  
15                           Code of 1986; or

16                           “(IV) any other alternative fuel,  
17                           as determined by the Administrator.

18                   “(ii) ELIGIBLE ENTITY.—The term  
19                   ‘eligible entity’ means a refueling vendor or  
20                   other person that is an owner or operator  
21                   of a service station or other facility at  
22                   which an alternative energy refueling sys-  
23                   tem is located or proposed to be located.

24           “(B) REIMBURSEMENT PROGRAM.—

1                   “(i) ESTABLISHMENT.—The Adminis-  
2                   trator shall establish a program to provide  
3                   to eligible entities, for each of the fiscal  
4                   years 2007 through 2011, reimbursement  
5                   from the Trust Fund of a portion of the  
6                   costs of purchasing and installing 1 or  
7                   more alternative energy refueling systems,  
8                   including any alternative energy refueling  
9                   system intended to replace a petroleum re-  
10                  fueling tank or system.

11                  “(ii) APPLICATION.—An eligible entity  
12                  that seeks to receive reimbursement de-  
13                  scribed in clause (i) shall submit to the  
14                  Administrator an application by such time,  
15                  in such form, and containing such informa-  
16                  tion as the Administrator shall prescribe.

17                  “(iii) TIMING OF REIMBURSEMENT.—  
18                  Not later than 30 days after the date on  
19                  which the Administrator, in consultation  
20                  with the appropriate State agency, verifies  
21                  that an alternative energy refueling system  
22                  for which reimbursement is requested by  
23                  an eligible entity under this paragraph has  
24                  been installed and is operational, the Ad-

1            administrator shall provide the reimburse-  
2            ment to the eligible entity.

3            “(iv) LIMITATIONS.—

4                    “(I) PROHIBITION ON RECEIPT  
5                    OF DUAL BENEFITS.—An eligible enti-  
6                    ty that receives a tax credit under sec-  
7                    tion 30C of the Internal Revenue  
8                    Code of 1986 for placing in service a  
9                    qualified alternative fuel vehicle re-  
10                   fueling property (as defined in that  
11                   section) may not receive any reim-  
12                   bursement under this paragraph for  
13                   an alternative energy refueling system  
14                   on the property if the cost of the al-  
15                   ternative energy refueling system was  
16                   taken into consideration in calculating  
17                   the tax credit.

18                   “(II) NUMBER OF SYSTEMS.—An  
19                   eligible entity may not receive reim-  
20                   bursement under this paragraph for  
21                   more than 2 alternative energy refuel-  
22                   ing systems for each facility owned or  
23                   operated by the eligible entity.

24                   “(III) AMOUNT.—The amount of  
25                   reimbursement provided for an alter-

1 native energy refueling system under  
2 this paragraph shall not exceed the  
3 lesser of—

4 “(aa) the amount that is 30  
5 percent of the cost of the alter-  
6 native energy refueling system; or

7 “(bb) \$30,000.

8 “(IV) AGGREGATE AMOUNT  
9 FROM TRUST FUND.—The Adminis-  
10 trator shall use to provide reimburse-  
11 ments under this paragraph an aggre-  
12 gate amount from the Trust Fund for  
13 a fiscal year that does not exceed the  
14 lesser of—

15 “(aa) \$70,000,000; or

16 “(bb) the amount of interest  
17 generated on amounts in the  
18 Trust Fund for the fiscal year.

19 “(V) FURTHER APPROPRIA-  
20 TION.—Reimbursement authorized  
21 under this paragraph shall be pro-  
22 vided by the Administrator without  
23 further appropriation.

1                   “(C) NO EFFECT ON OTHER TRUST FUND  
2                   PROJECTS, ACTIVITIES, OR RESPONSIBIL-  
3                   ITIES.—

4                   “(i) OTHER TRUST FUND PROJECTS  
5                   AND ACTIVITIES.—In carrying out this  
6                   paragraph, the Administrator shall not use  
7                   funds from the Trust Fund that are obli-  
8                   gated for, or otherwise required to carry  
9                   out, other projects and activities under this  
10                  subsection.

11                  “(ii) RESPONSIBILITIES.—Nothing in  
12                  this paragraph affects any obligation of an  
13                  owner or operator to comply with other  
14                  provisions of this subtitle.”.

15                  (b) CONFORMING AMENDMENT.—Section 9508(c) of  
16                  the Internal Revenue Code of 1986 is amended by striking  
17                  “as in effect on” and all that follows through the end of  
18                  the subsection and inserting “as amended by the Super-  
19                  fund Amendments and Reauthorization Act of 1986 and  
20                  the Alternative Energy Refueling System Act of 2006”.

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