

109TH CONGRESS  
2D SESSION

# S. 2614

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 SENATE OF THE UNITED STATES

APRIL 7, 2006

Mr. THUNE (for himself and Mr. OBAMA) introduced the following bill; which was read twice and referred to the Committee on Finance

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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(c)(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 reimbursement from the  
4           Trust Fund of a portion of the costs of  
5           purchasing and installing 1 or more alter-  
6           native energy refueling systems, including  
7           any alternative energy refueling system in-  
8           tended to replace a petroleum refueling  
9           tank or system.

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

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

1 “(iv) LIMITATIONS.—

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

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

22 “(III) AMOUNT.—The amount of  
23 reimbursement provided for an alter-  
24 native energy refueling system under

1                   this paragraph shall not exceed the  
2                   lesser of—

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

6                               “(bb) \$30,000.

7                   “(C) NO EFFECT ON OTHER TRUST FUND  
8                   PROJECTS, ACTIVITIES, OR RESPONSIBIL-  
9                   ITIES.—

10                               “(i) OTHER TRUST FUND PROJECTS  
11                   AND ACTIVITIES.—In carrying out this  
12                   paragraph, the Administrator shall not use  
13                   funds from the Trust Fund that are obli-  
14                   gated for, or otherwise required to carry  
15                   out, other projects and activities under this  
16                   subsection.

17                               “(ii) RESPONSIBILITIES.—Nothing in  
18                   this paragraph affects any obligation of an  
19                   owner or operator to comply with other  
20                   provisions of this subtitle.”.

21           (b) CONFORMING AMENDMENT.—Section 9508(c) of  
22 the Internal Revenue Code of 1986 is amended by striking  
23 “as in effect on” and all that follows through the end of  
24 the subsection and inserting “as amended by the Super-

- 1 fund Amendments and Reauthorization Act of 1986 and
- 2 the Alternative Energy Refueling System Act of 2006”.

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