

111TH CONGRESS
1ST SESSION

S. 1172

To direct the Secretary of Energy to establish a grant program to facilitate the production of clean, renewable energy from municipal solid waste, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2009

Mr. BROWN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To direct the Secretary of Energy to establish a grant program to facilitate the production of clean, renewable energy from municipal solid waste, and for other purposes.

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 “Rubbish to Renewables
5 Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) municipal solid waste, a plentiful resource,
2 can be a substantial source of clean, renewable en-
3 ergy;

4 (2) by collecting methane produced by landfills
5 and converting the methane into productive energy,
6 landfills can contribute significantly to the reduction
7 of greenhouse gas emissions;

8 (3) clean energy policy of the United States
9 should fully recognize and support the ability of
10 landfills to provide clean energy and contribute to
11 the reduction of greenhouse gas emissions;

12 (4) further investment is needed to promote
13 new technologies and develop new processes for the
14 conversion of municipal solid waste into clean, re-
15 newable energy; and

16 (5) investment in municipal solid waste clean
17 energy projects can create jobs, reduce greenhouse
18 gas emissions, and lessen the dependence of the
19 United States on foreign oil.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) ELIGIBLE PROJECT.—

23 (A) IN GENERAL.—The term “eligible
24 project” means a project carried out to produce
25 clean, renewable energy from municipal solid

waste (including from methane generated from a municipal solid waste landfill) that reduces greenhouse gas emissions substantially more than the flaring of landfill gas, as determined by the Secretary.

(B) INCLUSIONS.—The term “eligible project” includes projects described in subparagraph (A) that use technologies such as anaerobic digestion, plasma arc, or thermal gasification (including pyrolysis).

(C) EXCLUSIONS.—The term “eligible project” does not include a project described in subparagraph (A) that uses an oxidizing technology, such as combustion or incineration.

(2) GREENHOUSE GAS.—The term “greenhouse gas” means any of—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) sulfur hexafluoride;

(E) a perfluorocarbon; or

(F) a hydrofluorocarbon.

(3) MUNICIPAL SOLID WASTE.—

(A) IN GENERAL.—The term “municipal solid waste” means—

1 (i) material discarded for disposal
 2 by—

3 (I) households (including single
 4 and multifamily residences); and

5 (II) public lodgings, such as ho-
 6 tels and motels; and

7 (ii) material discarded for disposal
 8 that was generated by commercial, institu-
 9 tional, and industrial sources, to the extent
 10 that the material—

11 (I)(aa) is essentially the same as
 12 material described in clause (i); or

13 (bb) is collected or disposed of
 14 with material described in clause (i)
 15 as part of a normal municipal solid
 16 waste collection service; and

17 (II) is not subject to regulation
 18 as a hazardous waste under subtitle C
 19 of the Solid Waste Disposal Act (42
 20 U.S.C. 6921 et seq.).

21 (B) INCLUSIONS.—The term “municipal
 22 solid waste” includes—

23 (i) appliances;

24 (ii) clothing;

25 (iii) consumer product packaging;

1 (iv) cosmetics;

2 (v) debris resulting from construction,
3 remodeling, repair, or demolition of a
4 structure;

5 (vi) disposable diapers;

6 (vii) food containers made of glass or
7 metal;

8 (viii) food waste;

9 (ix) household hazardous waste;

10 (x) office supplies;

11 (xi) paper; and

12 (xii) yard waste.

13 (C) EXCLUSIONS.—The term “municipal
14 solid waste” does not include—

15 (i) solid waste identified or listed as a
16 hazardous waste under section 3001 of the
17 Solid Waste Disposal Act (42 U.S.C.
18 6921), except for household hazardous
19 waste;

20 (ii) solid waste, including contami-
21 nated soil and debris, resulting from—

22 (I) a response action taken under
23 section 104 or 106 of the Comprehen-
24 sive Environmental Response, Com-

1 pensation, and Liability Act (42
2 U.S.C. 9604, 9606);

3 (II) a response action taken
4 under a State law with authorities
5 comparable to the authorities con-
6 tained in either of those sections; or

7 (III) a corrective action taken
8 under the Solid Waste Disposal Act
9 (42 U.S.C. 6901 et seq.);

10 (iii) recyclable material—

11 (I) that has been separated, at
12 the source of the material, from waste
13 destined for disposal; or

14 (II) that has been managed sepa-
15 rately from waste destined for dis-
16 posal, including scrap rubber to be
17 used as a fuel source;

18 (iv) a material or product returned
19 from a dispenser or distributor to the man-
20 ufacturer or an agent of the manufacturer
21 for credit, evaluation, and possible poten-
22 tial reuse;

23 (v) solid waste that is—

24 (I) generated by an industrial fa-
25 cility; and

1 (II) transported for the purpose
2 of treatment, storage, or disposal to a
3 facility (which facility is in compliance
4 with applicable State and local land
5 use and zoning laws and regulations)
6 or facility unit—

7 (aa) that is owned or oper-
8 ated by the generator of the
9 waste;

10 (bb) that is located on prop-
11 erty owned by the generator of
12 the waste or a company with
13 which the generator is affiliated;
14 or

15 (cc) the capacity of which is
16 contractually dedicated exclu-
17 sively to a specific generator;

18 (vi) medical waste that is segregated
19 from or not mixed with solid waste; or

20 (vii) combustion ash generated by a
21 resource recovery facility or municipal in-
22 cinerator.

23 (4) SECRETARY.—The term “Secretary” means
24 the Secretary of Energy.

1 (5) SOLID WASTE.—The term “solid waste” has
2 the meaning given the term in section 1004 of the
3 Solid Waste Disposal Act (42 U.S.C. 6903).

4 **SEC. 4. GRANTS FOR DEVELOPMENT AND IMPLEMENTA-**
5 **TION.**

6 (a) ESTABLISHMENT.—The Secretary shall establish
7 a program under which the Secretary shall provide grants
8 to eligible entities (as identified by the Secretary) for use
9 in funding eligible projects—

10 (1) to position the United States as a world
11 leader in technologies that generate renewable en-
12 ergy from municipal solid waste;

13 (2) to assist entities in the United States in de-
14 veloping and implementing those technologies;

15 (3) to generate clean energy jobs;

16 (4) to reduce greenhouse gas emissions; and

17 (5) to conserve scarce landfill space.

18 (b) APPLICATION.—An entity that seeks to receive a
19 grant under this section shall submit to the Secretary an
20 application at such time and containing such information
21 as the Secretary shall require.

22 (c) MAXIMUM AMOUNT OF GRANT.—A grant pro-
23 vided by the Secretary to an eligible entity under this sec-
24 tion shall not exceed \$10,000,000.

(d) PRIORITY.—In providing grants under this section, the Secretary shall prioritize grant applications based on, with respect to project proposed to be carried out in the application—

(1) the quantity of renewable energy the project would generate;

(2) the quantity of greenhouse gas emission reductions over and above current best available technology;

(3) whether the technology required for the proposed project is not yet widely implemented in the United States;

(4) whether the technology has a high potential for replication;

(5) the quantity of landfill space the project would preserve; and

(6) the number of jobs that would be created.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$250,000,000 for each of fiscal years 2010 through 2013.

SEC. 5. REDUCING GREENHOUSE GAS EMISSIONS THROUGH LANDFILLS.

(a) ADDITIONALITY.—Under any legislation enacted after the date of enactment of this Act to regulate the emission of greenhouse gases that includes a cap-and-

1 trade system, a landfill gas control measure that reduces
2 the emission of a greenhouse gas at a level greater than
3 required under Federal, State, or local laws (including reg-
4 ulations) used for that reduction shall be considered to
5 meet additionality criteria under that legislation.

6 (b) DOMESTIC OFFSETS.—If a landfill gas control
7 measure described in subsection (a) meets criteria under
8 legislation described in that subsection to qualify as a do-
9 mestic offset, the domestic offset shall be at a level that
10 is equal to the quantity of greenhouse gases emitted that
11 is less than the baseline quantity of the greenhouse gases
12 emitted.

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