

## CODIFICATION

Section was enacted as part of the Surface Transportation Reauthorization Act of 2021, and also as part of the Infrastructure Investment and Jobs Act, and not as part of the Energy Policy Act of 2005 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE

Section effective Oct. 1, 2021, see section 10003 of Pub. L. 117-58, set out as an Effective Date of 2021 Amendment note under section 101 of Title 23, Highways.

## PART D—REFINERY REVITALIZATION

**§ 15951. Findings and definitions****(a) Findings**

Congress finds that—

(1) it serves the national interest to increase petroleum refining capacity for gasoline, heating oil, diesel fuel, jet fuel, kerosene, and petrochemical feedstocks wherever located within the United States, to bring more supply to the markets for the use of the American people;

(2) United States demand for refined petroleum products currently exceeds the country's petroleum refining capacity to produce such products;

(3) this excess demand has been met with increased imports;

(4) due to lack of capacity, refined petroleum product imports are expected to grow from 7.9 percent to 10.7 percent of total refined product by 2025;

(5) refiners are still subject to significant environmental and other regulations and face several new requirements under the Clean Air Act (42 U.S.C. 7401 et seq.) over the next decade; and

(6) better coordination of Federal and State regulatory reviews may help facilitate siting and construction of new refineries to meet the demand in the United States for refined products.

**(b) Definitions**

In this part:

**(1) Administrator**

The term “Administrator” means the Administrator of the Environmental Protection Agency.

**(2) State**

The term “State” means—

(A) a State;

(B) the Commonwealth of Puerto Rico; and

(C) any other territory or possession of the United States.

(Pub. L. 109-58, title III, §391, Aug. 8, 2005, 119 Stat. 748.)

**Editorial Notes**

## REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (a)(5), is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of this title and Tables.

**§ 15952. Federal-State regulatory coordination and assistance****(a) In general**

At the request of the Governor of a State, the Administrator may enter into a refinery permitting cooperative agreement with the State, under which each party to the agreement identifies steps, including timelines, that it will take to streamline the consideration of Federal and State environmental permits for a new refinery.

**(b) Authority under agreement**

The Administrator shall be authorized to—

(1) accept from a refiner a consolidated application for all permits required from the Environmental Protection Agency, to the extent consistent with other applicable law;

(2) enter into memoranda of agreement with other Federal agencies to coordinate consideration of refinery applications and permits among Federal agencies; and

(3) enter into memoranda of agreement with a State, under which Federal and State review of refinery permit applications will be coordinated and concurrently considered, to the extent practicable.

**(c) State assistance**

The Administrator is authorized to provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to consideration of refinery permits.

**(d) Other assistance**

The Administrator is authorized to provide technical, legal, or other assistance to State governments to facilitate their review of applications to build new refineries.

(Pub. L. 109-58, title III, §392, Aug. 8, 2005, 119 Stat. 749.)

## SUBCHAPTER IV—COAL

## PART A—CLEAN COAL POWER INITIATIVE

**§ 15961. Authorization of appropriations****(a) Clean coal power initiative**

There are authorized to be appropriated to the Secretary to carry out the activities authorized by this part \$200,000,000 for each of fiscal years 2006 through 2014, to remain available until expended.

**(b) Report**

The Secretary shall submit to Congress the report required by this subsection not later than March 31, 2007. The report shall include, with respect to subsection (a), a plan containing—

(1) a detailed assessment of whether the aggregate funding levels provided under subsection (a) are the appropriate funding levels for that program;

(2) a detailed description of how proposals will be solicited and evaluated, including a list of all activities expected to be undertaken;

(3) a detailed list of technical milestones for each coal and related technology that will be pursued; and

(4) a detailed description of how the program will avoid problems enumerated in Govern-

ment Accountability Office reports on the Clean Coal Technology Program, including problems that have resulted in unspent funds and projects that failed either financially or scientifically.

(Pub. L. 109–58, title IV, §401, Aug. 8, 2005, 119 Stat. 749.)

## § 15962. Project criteria

### (a) In general

To be eligible to receive assistance under this part, a project shall advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are in commercial service or have been demonstrated on a scale that the Secretary determines is sufficient to demonstrate that commercial service is viable as of August 8, 2005.

### (b) Technical criteria for clean coal power initiative

#### (1) Gasification projects

##### (A) In general

In allocating the funds made available under section 15961(a) of this title, the Secretary shall ensure that at least 70 percent of the funds are used only to fund projects on coal-based gasification technologies, including—

- (i) gasification combined cycle;
- (ii) gasification fuel cells and turbine combined cycle;
- (iii) gasification coproduction;
- (iv) hybrid gasification and combustion; and
- (v) other advanced coal based technologies capable of producing a concentrated stream of carbon dioxide.

#### (B) Technical milestones

##### (i) Periodic determination

###### (I) In general

The Secretary shall periodically set technical milestones specifying the emission and thermal efficiency levels that coal gasification projects under this part shall be designed, and reasonably expected, to achieve.

###### (II) Prescriptive milestones

The technical milestones shall become more prescriptive during the period of the clean coal power initiative.

##### (ii) 2020 goals

The Secretary shall establish the periodic milestones so as to achieve by the year 2020 coal gasification projects able—

- (I)(aa) to remove at least 99 percent of sulfur dioxide; or
- (bb) to emit not more than 0.04 pound SO<sub>2</sub> per million Btu, based on a 30-day average;
- (II) to emit not more than .05 lbs of NO<sub>x</sub> per million Btu;
- (III) to achieve at least 95 percent reductions in mercury emissions; and
- (IV) to achieve a thermal efficiency of at least—
  - (aa) 50 percent for coal of more than 9,000 Btu;

(bb) 48 percent for coal of 7,000 to 9,000 Btu; and

(cc) 46 percent for coal of less than 7,000 Btu.

### (2) Other projects

#### (A) Allocation of funds

The Secretary shall ensure that up to 30 percent of the funds made available under section 15961(a) of this title are used to fund projects other than those described in paragraph (1).

#### (B) Technical milestones

##### (i) Periodic determination

###### (I) In general

The Secretary shall periodically establish technical milestones specifying the emission and thermal efficiency levels that projects funded under this paragraph shall be designed, and reasonably expected, to achieve.

###### (II) Prescriptive milestones

The technical milestones shall become more prescriptive during the period of the clean coal power initiative.

##### (ii) 2020 goals

The Secretary shall set the periodic milestones so as to achieve by the year 2020 projects able—

- (I) to remove at least 97 percent of sulfur dioxide;
- (II) to emit no more than .08 lbs of NO<sub>x</sub> per million Btu;
- (III) to achieve at least 90 percent reductions in mercury emissions; and
- (IV) to achieve a thermal efficiency of at least—
  - (aa) 43 percent for coal of more than 9,000 Btu;
  - (bb) 41 percent for coal of 7,000 to 9,000 Btu; and
  - (cc) 39 percent for coal of less than 7,000 Btu.

### (3) Consultation

Before setting the technical milestones under paragraphs (1)(B) and (2)(B), the Secretary shall consult with—

- (A) the Administrator of the Environmental Protection Agency; and
- (B) interested entities, including—
  - (i) coal producers;
  - (ii) industries using coal;
  - (iii) organizations that promote coal or advanced coal technologies;
  - (iv) environmental organizations;
  - (v) organizations representing workers; and
  - (vi) organizations representing consumers.

### (4) Existing units

In the case of projects at units in existence on August 8, 2005, in lieu of the thermal efficiency requirements described in paragraphs (1)(B)(ii)(IV) and (2)(B)(ii)(IV), the milestones shall be designed to achieve an overall thermal design efficiency improvement, compared to the efficiency of the unit as operated, of not less than—