

**(h) Other authority****(1) State authority**

Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, limitation or standard relating to solid waste incineration units that is more stringent than a regulation, requirement, limitation or standard in effect under this section or under any other provision of this chapter.

**(2) Other authority under this chapter**

Nothing in this section shall diminish the authority of the Administrator or a State to establish any other requirements applicable to solid waste incineration units under any other authority of law, including the authority to establish for any air pollutant a national ambient air quality standard, except that no solid waste incineration unit subject to performance standards under this section and section 7411 of this title shall be subject to standards under section 7412(d) of this title.

**(3) Residual risk**

The Administrator shall promulgate standards under section 7412(f) of this title for a category of solid waste incineration units, if promulgation of such standards is required under section 7412(f) of this title. For purposes of this<sup>3</sup> preceding sentence only—

(A) the performance standards under subsection (a) and section 7411 of this title applicable to a category of solid waste incineration units shall be deemed standards under section 7412(d)(2) of this title, and

(B) the Administrator shall consider and regulate, if required, the pollutants listed under subsection (a)(4) and no others.

**(4) Acid rain**

A solid waste incineration unit shall not be a utility unit as defined in subchapter IV-A: *Provided*, That, more than 80 per centum of its annual average fuel consumption measured on a Btu basis, during a period or periods to be determined by the Administrator, is from a fuel (including any waste burned as a fuel) other than a fossil fuel.

**(5) Requirements of parts C and D**

No requirement of an applicable implementation plan under section 7475 of this title (relating to construction of facilities in regions identified pursuant to section 7407(d)(1)(A)(ii) or (iii) of this title) or under section 7502(c)(5) of this title (relating to permits for construction and operation in nonattainment areas) may be used to weaken the standards in effect under this section.

(July 14, 1955, ch. 360, title I, § 129, as added Pub. L. 101-549, title III, § 305(a), Nov. 15, 1990, 104 Stat. 2577.)

**Editorial Notes**

## REFERENCES IN TEXT

Section 306 of the Clean Air Act Amendments of 1990, referred to in subsec. (g), probably means section 306 of

Pub. L. 101-549, which is set out as a note under section 6921 of this title.

The Solid Waste Disposal Act, referred to in subsec. (g)(6), is title II of Pub. L. 89-272, Oct. 20, 1965, 79 Stat. 997, as amended generally by Pub. L. 94-580, § 2, Oct. 21, 1976, 90 Stat. 2795, which is classified generally to chapter 82 (§ 6901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of this title and Tables.

**Statutory Notes and Related Subsidiaries**

## REVIEW OF ACID GAS SCRUBBING REQUIREMENTS

Pub. L. 101-549, title III, § 305(c), Nov. 15, 1990, 104 Stat. 2583, provided that: "Prior to the promulgation of any performance standard for solid waste incineration units combusting municipal waste under section 111 or section 129 of the Clean Air Act [42 U.S.C. 7411, 7429], the Administrator shall review the availability of acid gas scrubbers as a pollution control technology for small new units and for existing units (as defined in 54 Federal Register 52190 (December 20, 1989)[]), taking into account the provisions of subsection (a)(2) of section 129 of the Clean Air Act."

**§ 7430. Emission factors**

Within 6 months after November 15, 1990, and at least every 3 years thereafter, the Administrator shall review and, if necessary, revise, the methods ("emission factors") used for purposes of this chapter to estimate the quantity of emissions of carbon monoxide, volatile organic compounds, and oxides of nitrogen from sources of such air pollutants (including area sources and mobile sources). In addition, the Administrator shall establish emission factors for sources for which no such methods have previously been established by the Administrator. The Administrator shall permit any person to demonstrate improved emissions estimating techniques, and following approval of such techniques, the Administrator shall authorize the use of such techniques. Any such technique may be approved only after appropriate public participation. Until the Administrator has completed the revision required by this section, nothing in this section shall be construed to affect the validity of emission factors established by the Administrator before November 15, 1990.

(July 14, 1955, ch. 360, title I, § 130, as added Pub. L. 101-549, title VIII, § 804, Nov. 15, 1990, 104 Stat. 2689.)

**§ 7431. Land use authority**

Nothing in this chapter constitutes an infringement on the existing authority of counties and cities to plan or control land use, and nothing in this chapter provides or transfers authority over such land use.

(July 14, 1955, ch. 360, title I, § 131, as added Pub. L. 101-549, title VIII, § 805, Nov. 15, 1990, 104 Stat. 2689.)

**§ 7432. Clean heavy-duty vehicles****(a) Appropriations****(1) In general**

In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$600,000,000, to remain available until September 30, 2031, to carry out this section.

<sup>3</sup>So in original. Probably should be "the".

**(2) Nonattainment areas**

In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$400,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an air quality area designated pursuant to section 7407 of this title as nonattainment for any air pollutant.

**(3) Reservation**

Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

**(b) Program**

Beginning not later than 180 days after August 16, 2022, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for providing rebates, for up to 100 percent of costs for—

- (1) the incremental costs of replacing an eligible vehicle that is not a zero-emission vehicle with a zero-emission vehicle, as determined by the Administrator based on the market value of the vehicles;
- (2) purchasing, installing, operating, and maintaining infrastructure needed to charge, fuel, or maintain zero-emission vehicles;
- (3) workforce development and training to support the maintenance, charging, fueling, and operation of zero-emission vehicles; and
- (4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

**(c) Applications**

To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall prescribe.

**(d) Definitions**

For purposes of this section:

**(1) Eligible contractor**

The term “eligible contractor” means a contractor that has the capacity—

- (A) to sell, lease, license, or contract for service zero-emission vehicles, or charging or other equipment needed to charge, fuel, or maintain zero-emission vehicles, to individuals or entities that own, lease, license, or contract for service an eligible vehicle; or
- (B) to arrange financing for such a sale, lease, license, or contract for service.

**(2) Eligible recipient**

The term “eligible recipient” means—

- (A) a State;
- (B) a municipality;
- (C) an Indian tribe; or
- (D) a nonprofit school transportation association.

**(3) Eligible vehicle**

The term “eligible vehicle” means a Class 6 or Class 7 heavy-duty vehicle as defined in sec-

tion 1037.801 of title 40, Code of Federal Regulations (as in effect on August 16, 2022).

**(4) Greenhouse gas**

The term “greenhouse gas” means the air pollutants carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, and sulfur hexafluoride.

**(5) Zero-emission vehicle**

The term “zero-emission vehicle” means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

- (A) any air pollutant that is listed pursuant to section 7408(a) of this title (or any precursor to such an air pollutant); and
- (B) any greenhouse gas.

(July 14, 1955, ch. 360, title I, §132, as added Pub. L. 117-169, title VI, §60101, Aug. 16, 2022, 136 Stat. 2063.)

**§ 7433. Grants to reduce air pollution at ports****(a) Appropriations****(1) General assistance**

In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,250,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis—

- (A) to purchase or install zero-emission port equipment or technology for use at, or to directly serve, one or more ports;
- (B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emission port equipment or technology; and
- (C) to develop qualified climate action plans.

**(2) Nonattainment areas**

In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$750,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients to carry out activities described in paragraph (1) with respect to ports located in air quality areas designated pursuant to section 7407 of this title as nonattainment for an air pollutant.

**(b) Limitation**

Funds awarded under this section shall not be used by any recipient or subrecipient to purchase or install zero-emission port equipment or technology that will not be located at, or directly serve, the one or more ports involved.

**(c) Administration of funds**

Of the funds made available by this section, the Administrator shall reserve 2 percent for administrative costs necessary to carry out this section.

**(d) Definitions**

In this section:

**(1) Eligible recipient**

The term “eligible recipient” means—