

# 2007 ENERGY INDEPENDENCE AND SECURITY ACT

1       “(i) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated to—

3           “(1) the Administrator to create and maintain  
4 the Registry and services authorized by this section,  
5 \$1,000,000 for each of fiscal years 2008 through  
6 2012; and

7           “(2) the Secretary—

8           “(A) to assist site or source owners and  
9 operators in determining the feasibility of  
10 projects authorized by this section, \$2,000,000  
11 for each of fiscal years 2008 through 2012; and

12           “(B) to provide funding for State energy  
13 office functions under this section, \$5,000,000.

14 **“SEC. 373. WASTE ENERGY RECOVERY INCENTIVE GRANT**  
15 **PROGRAM.**

16       “(a) ESTABLISHMENT.—The Secretary shall estab-  
17 lish in the Department of Energy a waste energy recovery  
18 incentive grant program to provide incentive grants to—

19           “(1) owners and operators of projects that suc-  
20 cessfully produce electricity or incremental useful  
21 thermal energy from waste energy recovery;

22           “(2) utilities purchasing or distributing the  
23 electricity; and

1           “(3) States that have achieved 80 percent or  
2 more of recoverable waste heat recovery opportuni-  
3 ties.

4           “(b) GRANTS TO PROJECTS AND UTILITIES.—

5           “(1) IN GENERAL.—The Secretary shall make  
6 grants under this section—

7                   “(A) to the owners or operators of waste  
8 energy recovery projects; and

9                   “(B) in the case of excess power purchased  
10 or transmitted by a electric utility, to the util-  
11 ity.

12           “(2) PROOF.—Grants may only be made under  
13 this section on receipt of proof of waste energy re-  
14 covery or excess electricity generation, or both, from  
15 the project in a form prescribed by the Secretary.

16           “(3) EXCESS ELECTRIC ENERGY.—

17                   “(A) IN GENERAL.—In the case of waste  
18 energy recovery, a grant under this section shall  
19 be made at the rate of \$10 per megawatt hour  
20 of documented electricity produced from recov-  
21 erable waste energy (or by prevention of waste  
22 energy in the case of a new facility) by the  
23 project during the first 3 calendar years of pro-  
24 duction, beginning on or after the date of en-

1 actment of the Energy Independence and Secu-  
2 rity Act of 2007.

3 “(B) UTILITIES.—If the project produces  
4 net excess power and an electric utility pur-  
5 chases or transmits the excess power, 50 per-  
6 cent of so much of the grant as is attributable  
7 to the net excess power shall be paid to the  
8 electric utility purchasing or transporting the  
9 net excess power.

10 “(4) USEFUL THERMAL ENERGY.—In the case  
11 of waste energy recovery that produces useful ther-  
12 mal energy that is used for a purpose different from  
13 that for which the project is principally designed, a  
14 grant under this section shall be made to the owner  
15 or operator of the waste energy recovery project at  
16 the rate of \$10 for each 3,412,000 Btus of the ex-  
17 cess thermal energy used for the different purpose.

18 “(c) GRANTS TO STATES.—In the case of any State  
19 that has achieved 80 percent or more of waste heat recov-  
20 ery opportunities identified by the Secretary under this  
21 part, the Administrator shall make a 1-time grant to the  
22 State in an amount of not more than \$1,000 per megawatt  
23 of waste-heat capacity recovered (or a thermal equivalent)  
24 to support State-level programs to identify and achieve ad-  
25 ditional energy efficiency.

1 “(d) ELIGIBILITY.—The Secretary shall—

2 “(1) establish rules and guidelines to establish  
3 eligibility for grants under subsection (b);

4 “(2) publicize the availability of the grant pro-  
5 gram known to owners or operators of recoverable  
6 waste energy sources and sites listed on the Reg-  
7 istry; and

8 “(3) award grants under the program on the  
9 basis of the merits of each project in recovering or  
10 preventing waste energy throughout the United  
11 States on an impartial, objective, and not unduly  
12 discriminatory basis.

13 “(e) LIMITATION.—The Secretary shall not award  
14 grants to any person for a combined heat and power  
15 project or a waste heat recovery project that qualifies for  
16 specific Federal tax incentives for combined heat and  
17 power or for waste heat recovery.

18 “(f) AUTHORIZATION OF APPROPRIATIONS.—There  
19 are authorized to be appropriated to the Secretary—

20 “(1) to make grants to projects and utilities  
21 under subsection (b)—

22 “(A) \$100,000,000 for fiscal year 2008  
23 and \$200,000,000 for each of fiscal years 2009  
24 through 2012; and

1           “(B) such additional amounts for fiscal  
2           year 2008 and each fiscal year thereafter as  
3           may be necessary for administration of the  
4           waste energy recovery incentive grant program;  
5           and

6           “(2) to make grants to States under subsection  
7           (b), \$10,000,000 for each of fiscal years 2008  
8           through 2012, to remain available until expended.

9   **“SEC. 374. ADDITIONAL INCENTIVES FOR RECOVERY, USE,**  
10                   **AND PREVENTION OF INDUSTRIAL WASTE**  
11                   **ENERGY.**

12           “(a) CONSIDERATION OF STANDARD.—

13           “(1) IN GENERAL.—Not later than 180 days  
14           after the receipt by a State regulatory authority  
15           (with respect to each electric utility for which the  
16           authority has ratemaking authority), or nonregu-  
17           lated electric utility, of a request from a project  
18           sponsor or owner or operator, the State regulatory  
19           authority or nonregulated electric utility shall—

20           “(A) provide public notice and conduct a  
21           hearing respecting the standard established by  
22           subsection (b); and

23           “(B) on the basis of the hearing, consider  
24           and make a determination whether or not it is

