

## EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

**§ 6343. Waste energy recovery incentive grant program**

**(a) Establishment**

The Secretary shall establish in the Department of Energy a waste energy recovery incentive grant program to provide incentive grants to—

- (1) owners and operators of projects that successfully produce electricity or incremental useful thermal energy from waste energy recovery;
- (2) utilities purchasing or distributing the electricity; and
- (3) States that have achieved 80 percent or more of recoverable waste heat recovery opportunities.

**(b) Grants to projects and utilities**

**(1) In general**

The Secretary shall make grants under this section—

- (A) to the owners or operators of waste energy recovery projects; and
- (B) in the case of excess power purchased or transmitted by a electric utility, to the utility.

**(2) Proof**

Grants may only be made under this section on receipt of proof of waste energy recovery or excess electricity generation, or both, from the project in a form prescribed by the Secretary.

**(3) Excess electric energy**

**(A) In general**

In the case of waste energy recovery, a grant under this section shall be made at the rate of \$10 per megawatt hour of documented electricity produced from recoverable waste energy (or by prevention of waste energy in the case of a new facility) by the project during the first 3 calendar years of production, beginning on or after December 19, 2007.

**(B) Utilities**

If the project produces net excess power and an electric utility purchases or transmits the excess power, 50 percent of so much of the grant as is attributable to the net excess power shall be paid to the electric utility purchasing or transporting the net excess power.

**(4) Useful thermal energy**

In the case of waste energy recovery that produces useful thermal energy that is used for a purpose different from that for which the project is principally designed, a grant under this section shall be made to the owner or operator of the waste energy recovery project at the rate of \$10 for each 3,412,000 Btus of the excess thermal energy used for the different purpose.

**(c) Grants to States**

In the case of any State that has achieved 80 percent or more of waste heat recovery opportu-

nities identified by the Secretary under this part, the Administrator shall make a 1-time grant to the State in an amount of not more than \$1,000 per megawatt of waste-heat capacity recovered (or a thermal equivalent) to support State-level programs to identify and achieve additional energy efficiency.

**(d) Eligibility**

The Secretary shall—

- (1) establish rules and guidelines to establish eligibility for grants under subsection (b);
- (2) publicize the availability of the grant program known to owners or operators of recoverable waste energy sources and sites listed on the Registry; and
- (3) award grants under the program on the basis of the merits of each project in recovering or preventing waste energy throughout the United States on an impartial, objective, and not unduly discriminatory basis.

**(e) Limitation**

The Secretary shall not award grants to any person for a combined heat and power project or a waste heat recovery project that qualifies for specific Federal tax incentives for combined heat and power or for waste heat recovery.

**(f) Authorization of appropriations**

There are authorized to be appropriated to the Secretary—

- (1) to make grants to projects and utilities under subsection (b)—
  - (A) \$100,000,000 for fiscal year 2008 and \$200,000,000 for each of fiscal years 2009 through 2012; and
  - (B) such additional amounts for fiscal year 2008 and each fiscal year thereafter as may be necessary for administration of the waste energy recovery incentive grant program; and
- (2) to make grants to States under subsection (b), \$10,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

(Pub. L. 94-163, title III, §373, as added Pub. L. 110-140, title IV, §451(a), Dec. 19, 2007, 121 Stat. 1627.)

## PRIOR PROVISIONS

A prior section 6343, Pub. L. 94-163, title III, §373, Dec. 22, 1975, 89 Stat. 936; Pub. L. 95-619, title VI, §§601(a), 691(b)(2), Nov. 9, 1978, 92 Stat. 3282, 3288, related to identification of major energy-consuming industries and corporations in the United States, prior to repeal by Pub. L. 99-509, title III, §3101(b), Oct. 21, 1986, 100 Stat. 1888.

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**§ 6344. Additional incentives for recovery, use, and prevention of industrial waste energy**

**(a) Consideration of standard**

**(1) In general**

Not later than 180 days after the receipt by a State regulatory authority (with respect to each electric utility for which the authority