

116TH CONGRESS
1ST SESSION

H. R. 5115

To establish the Recycling Infrastructure Program within the Environmental Protection Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2019

Mr. CÁRDENAS (for himself and Mr. BUCSHON) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To establish the Recycling Infrastructure Program within the Environmental Protection Agency, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Realizing the Economic Opportunities and Value of Ex-
6 panding Recycling Act” or the “RECOVER Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Recycling Infrastructure Program.

Sec. 4. Reports.
Sec. 5. Funding.

1 **SEC. 2. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Environ-
5 mental Protection Agency.

6 (2) CURBSIDE RECYCLABLES.—The term
7 “curbside recyclables” means those recyclable mate-
8 rials that a municipality or recycling service provider
9 collects separately from municipal solid waste.

10 (3) CURBSIDE RECYCLING.—The term
11 “curbside recycling” means the process by which
12 residential recyclable materials are picked up
13 curbside.

14 (4) DROP-OFF FACILITY.—The term “drop-off
15 facility” means a site to drop off recyclable mate-
16 rials.

17 (5) MATERIAL RECOVERY FACILITY.—The term
18 “material recovery facility” means a facility
19 equipped for the sorting of recyclable materials.

20 (6) RECYCLABLE MATERIAL.—

21 (A) IN GENERAL.—The term “recyclable
22 material” means a material that can be col-
23 lected, separated, processed, or otherwise de-
24 rived from a waste stream for recycling.

1 (B) INCLUSIONS.—The term “recyclable
2 material” includes—

3 (i) ferrous metal;

4 (ii) nonferrous metal, such as alu-
5 minum;

6 (iii) plastic;

7 (iv) glass;

8 (v) paper;

9 (vi) fiber;

10 (vii) paperboard;

11 (viii) household electronics;

12 (ix) tires;

13 (x) rubber;

14 (xi) consumer packaging; and

15 (xii) consumer durables, such as auto-
16 mobiles and refrigerators.

17 (7) RECYCLING.—The term “recycling” means
18 the process of collecting, sorting, and processing re-
19 cyclable materials for reuse, use as a feedstock, or
20 use in manufacturing or assembling a product, but
21 does not include use of recyclable materials for elec-
22 tricity or steam generation.

23 (8) RECYCLING INFRASTRUCTURE PROGRAM.—

24 The term “Recycling Infrastructure Program”

1 means the program that may be established pursu-
2 ant to section 3(a).

3 (9) RECYCLING OPERATION.—The term “recy-
4 cling operation” means an operation that processes
5 recyclable materials from residential, industrial, or
6 commercial operations through various manufac-
7 turing stages, including separating, shredding,
8 grinding, crushing, media separation, shearing, or
9 baling.

10 (10) STATE.—The term “State” means a State,
11 the District of Columbia, the Commonwealth of
12 Puerto Rico, or any other territory or possession of
13 the United States.

14 **SEC. 3. RECYCLING INFRASTRUCTURE PROGRAM.**

15 (a) ESTABLISHMENT.—The Administrator may es-
16 tablish a program, to be known as the Recycling Infra-
17 structure Program, to award financial assistance to
18 States, local governments, and tribal governments, on a
19 competitive basis, to support and expand the recycling in-
20 frastructure and recycling programs in such States, local
21 governments, and tribal governments.

22 (b) ELIGIBLE USE OF FUNDS.—A State, local gov-
23 ernment, or tribal government may use financial assist-
24 ance received under the Recycling Infrastructure Program
25 for projects and programs—

1 (1) to—

2 (A) expand recycling infrastructure by ex-
3 panding or supporting recycling-related tech-
4 nology or infrastructure that—

5 (i) increases recycling or collection
6 rates;

7 (ii) expands curbside recycling collec-
8 tion programs where appropriate;

9 (iii) expands other collection points
10 and landfill avoidance programs;

11 (iv) improves the quality of recyclable
12 material that is separated from solid
13 waste;

14 (v) improves sorting and separation of
15 recyclable materials;

16 (vi) delivers increased high-quality
17 feedstocks for use in manufacturing; or

18 (vii) encourages the use of recyclable
19 materials in new products;

20 (B) transition curbside recycling programs
21 to more efficient collection practices where nec-
22 essary;

23 (C) enhance the performance of curbside
24 recycling and other recycling programs;

1 (D) promote public space recycling pro-
2 grams;

3 (E) develop rural recycling systems; or

4 (F) develop and implement variable rate
5 (commonly referred to as “pay-as-you-throw”)
6 funding programs in which the pricing struc-
7 ture for which the fee for solid waste collection
8 increases as the amount of solid waste in-
9 creases; or

10 (2) relating to—

11 (A) consumer education, that—

12 (i) identify how to recycle and what is
13 recyclable; or

14 (ii)(I) highlights the importance of re-
15 cycling;

16 (II) promotes strategies to im-
17 prove recyclable material quality; and

18 (III) is designed to increase recy-
19 cling participation and the amount of
20 materials collected;

21 (B) marketing opportunities for recyclable
22 materials in the United States; or

23 (C) education and training for recycling
24 operators.

1 (c) STATE AND LOCAL GOVERNMENT ELIGIBILITY.—
2 In order to be eligible to receive financial assistance under
3 the Recycling Infrastructure Program—

4 (1) for a project or program described in para-
5 graph (1) or (2) of subsection (b), a State, local gov-
6 ernment, or tribal government shall—

7 (A) submit to the Administrator an appli-
8 cation at such time, in such manner, and con-
9 taining such information as the Administrator
10 may require;

11 (B) be in compliance with subtitle D of the
12 Solid Waste Disposal Act (42 U.S.C. 6941 et
13 seq.); and

14 (C) have, or will have, a method of track-
15 ing and demonstrating progress on State-wide,
16 local government-wide, or tribal government-
17 wide recycling rates, and agree to demonstrate
18 such progress to the Administrator, in a man-
19 ner the Administrator determines appropriate,
20 not later than two years after receipt of such fi-
21 nancial assistance; and

22 (2) for a project or program described in para-
23 graph (1) of subsection (b)—

24 (A) a State, local government, or tribal
25 government shall—

1 (i) have or will have—

2 (I) legal, financial, and technical
3 capacity to carry out the project or
4 program, including the safety and se-
5 curity aspects of the project or pro-
6 gram;

7 (II) satisfactory continuing con-
8 trol over the use of the equipment or
9 facilities used during the project or
10 program, with a defined plan for its
11 use after program assistance has
12 ended;

13 (III) the technical and financial
14 capacity to maintain new and existing
15 equipment and facilities used for the
16 project or program; and

17 (IV) advisors providing guidance
18 on the terms and structure of the
19 project or program that are inde-
20 pendent from investors in the project
21 or program;

22 (ii) demonstrate that the project or
23 program shall encourage, to the maximum
24 extent feasible, as determined by local poli-

1 cies, criteria, and decision making, the par-
2 ticipation of private enterprise; and

3 (iii) demonstrate that the project or
4 program is supported by an acceptable de-
5 gree of local financial commitment (includ-
6 ing evidence of stable and dependable fi-
7 nancing sources); and

8 (B) a local government or tribal govern-
9 ment shall—

10 (i) provide for the collection of at
11 least 5 types of recyclable materials; and

12 (ii) own, operate, or contract to han-
13 dle, operate, or sell to—

14 (I) a curbside recyclables collec-
15 tion program;

16 (II) a redemption center, drop-off
17 facility, or transfer station for
18 recyclables; or

19 (III) a material recovery facility.

20 (d) SELECTION CRITERIA.—

21 (1) PRIORITY.—In awarding financial assist-
22 ance to States, local governments, and tribal govern-
23 ments under the Recycling Infrastructure Program,
24 the Administrator shall give priority to States, local

1 governments, and tribal governments that propose to
2 use the assistance to—

3 (A) expand recycling access and collection
4 of recyclable materials to underserved areas;

5 (B) modernize existing technology;

6 (C) use innovative technology;

7 (D) enhance curbside recycling and other
8 collection; or

9 (E) reduce contamination of recyclable ma-
10 terials.

11 (2) APPLICABILITY.—Nothing in this sub-
12 section supersedes the applicability of other require-
13 ments of Federal law (including regulations).

14 (e) FEDERAL ASSISTANCE.—

15 (1) AMOUNT.—The amount of the Federal fi-
16 nancial assistance used for a project or program de-
17 scribed in subsection (b) shall not exceed 50 percent
18 of the total cost of the project or program.

19 (2) SUPPLANT.—Federal financial assistance
20 under this Act shall not be used to supplant or
21 repay other financial assistance.

22 (f) STATE, TRIBAL, AND LOCAL PERMITS.—The pro-
23 vision of financial assistance with respect to a project or
24 program described in subsection (b) shall not—

1 (1) alter any obligation to obtain any required
2 State, local, or tribal permit or approval with respect
3 to the project or program; or

4 (2) otherwise supersede any State, local, or
5 tribal law (including any regulation) applicable to
6 the construction or operation of the project or pro-
7 gram.

8 **SEC. 4. REPORTS.**

9 (a) STATE, LOCAL GOVERNMENT, AND TRIBAL GOV-
10 ERNMENT REPORTS.—Each State, local government, or
11 tribal government receiving financial assistance during a
12 fiscal year under the Recycling Infrastructure Program
13 shall submit to the Administrator, not later than 12
14 months after receiving such assistance, a report for such
15 fiscal year, in accordance with such requirements as the
16 Administrator may prescribe.

17 (b) EPA REPORT.—Not later than 2 years after the
18 date of enactment of this Act, the Administrator shall sub-
19 mit to Congress a report on measures taken towards im-
20 plementing this Act that includes a list of States, local
21 governments, and tribal governments receiving financial
22 assistance under the Recycling Infrastructure Program.

23 **SEC. 5. FUNDING.**

24 (a) IN GENERAL.—There is authorized to be appro-
25 priated to carry out this Act—

1 (1) \$150,000,000 for fiscal year 2020, to re-
2 main available until expended;

3 (2) \$125,000,000 for fiscal year 2021, to re-
4 main available until expended;

5 (3) \$100,000,000 for fiscal year 2022, to re-
6 main available until expended;

7 (4) \$75,000,000 for fiscal year 2023, to remain
8 available until expended; and

9 (5) \$50,000,000 for fiscal year 2024, to remain
10 available until expended.

11 (b) ADMINISTRATION.—The Administrator may use
12 for the administration of this Act such funds as the Ad-
13 ministrator determines necessary for each of fiscal years
14 2020 through 2024.

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