

118TH CONGRESS
1ST SESSION

S. 1189

To establish a pilot grant program to improve recycling accessibility, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 19, 2023

Mrs. CAPITO (for herself, Mr. CARPER, and Mr. BOOZMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a pilot grant program to improve recycling
accessibility, 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.**

4 This Act may be cited as the “Recycling Infrastruc-
5 ture and Accessibility Act of 2023”.

6 **SEC. 2. RECYCLING INFRASTRUCTURE AND ACCESSIBILITY**
7 **PROGRAM.**

8 (a) DEFINITIONS.—In this section:

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

4 (2) CURBSIDE RECYCLING.—The term
5 “curbside recycling” means the process by which
6 residential recyclable materials are picked up
7 curbside.

8 (3) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty” means—

10 (A) a State (as defined in section 1004 of
11 the Solid Waste Disposal Act (42 U.S.C.
12 6903));

13 (B) a unit of local government;

14 (C) an Indian Tribe; and

15 (D) a public-private partnership.

16 (4) INDIAN TRIBE.—The term “Indian Tribe”
17 has the meaning given the term in section 4 of the
18 Indian Self-Determination and Education Assistance
19 Act (25 U.S.C. 5304).

20 (5) MATERIALS RECOVERY FACILITY.—

21 (A) IN GENERAL.—The term “materials
22 recovery facility” means a recycling facility
23 where primarily residential recyclables, which
24 are diverted from disposal by a generator and
25 collected separately from municipal solid waste,

are mechanically or manually sorted into commodities for further processing into specification-grade commodities for sale to end users.

(B) EXCLUSION.—The term “materials recovery facility” does not include a solid waste management facility that may process municipal solid waste to remove recyclable materials.

(6) PILOT GRANT PROGRAM.—The term “pilot grant program” means the Recycling Infrastructure and Accessibility Program established under subsection (b).

(7) RECYCLABLE MATERIAL.—The term “recyclable material” means obsolete, previously used, off-specification, surplus, or incidentally produced material for processing into a specification-grade commodity for which a market exists.

(8) TRANSFER STATION.—The term “transfer station” means a facility that—

(A) receives and consolidates recyclable material from curbside recycling or drop-off facilities; and

(B) loads the recyclable material onto tractor trailers, railcars, or barges for transport to a distant materials recovery facility or another recycling-related facility.

1 (9) UNDERSERVED COMMUNITY.—The term
2 “underserved community” means a community, in-
3 cluding an unincorporated area, without access to
4 full recycling services because—

5 (A) transportation, distance, or other rea-
6 sons render utilization of available processing
7 capacity at an existing materials recovery facil-
8 ity cost prohibitive; or

9 (B) the processing capacity of an existing
10 materials recovery facility is insufficient to
11 manage the volume of recyclable materials pro-
12 duced by that community.

13 (b) ESTABLISHMENT.—Not later than 18 months
14 after the date of enactment of this Act, the Administrator
15 shall establish a pilot grant program, to be known as the
16 “Recycling Infrastructure and Accessibility Program”, to
17 award grants, on a competitive basis, to eligible entities
18 to improve recycling accessibility in a community or com-
19 munities within the same geographic area.

20 (c) GOAL.—The goal of the pilot grant program is
21 to fund eligible projects that will significantly improve ac-
22 cessibility to recycling systems through investments in in-
23 frastructure in underserved communities through the use
24 of a hub-and-spoke model for recycling infrastructure de-
25 velopment.

1 (d) APPLICATIONS.—To be eligible to receive a grant
2 under the pilot grant program, an eligible entity shall sub-
3 mit to the Administrator an application at such time, in
4 such manner, and containing such information as the Ad-
5 ministrator may require.

6 (e) CONSIDERATIONS.—In selecting eligible entities
7 to receive a grant under the pilot grant program, the Ad-
8 ministrator shall consider—

9 (1) whether the community or communities in
10 which the eligible entity is seeking to carry out a
11 proposed project has curbside recycling;

12 (2) whether the proposed project of the eligible
13 entity will improve accessibility to recycling services
14 in a single underserved community or multiple un-
15 derserved communities; and

16 (3) if the eligible entity is a public-private part-
17 nership, the financial health of the private entity
18 seeking to enter into that public-private partnership.

19 (f) PRIORITY.—In selecting eligible entities to receive
20 a grant under the pilot grant program, the Administrator
21 shall give priority to eligible entities seeking to carry out
22 a proposed project in a community in which there is not
23 more than 1 materials recovery facility within a 75-mile
24 radius of that community.

1 (g) USE OF FUNDS.—An eligible entity awarded a
2 grant under the pilot grant program may use the grant
3 funds for projects to improve recycling accessibility in
4 communities, including in underserved communities, by—

5 (1) increasing the number of transfer stations;

6 (2) expanding curbside recycling collection pro-
7 grams where appropriate; and

8 (3) leveraging public-private partnerships to re-
9 duce the costs associated with collecting and trans-
10 porting recyclable materials in underserved commu-
11 nities.

12 (h) PROHIBITION ON USE OF FUNDS.—An eligible
13 entity awarded a grant under the pilot grant program may
14 not use the grant funds for projects relating to recycling
15 education programs.

16 (i) MINIMUM AND MAXIMUM GRANT AMOUNT.—A
17 grant awarded to an eligible entity under the pilot grant
18 program shall be in an amount—

19 (1) not less than \$500,000; and

20 (2) not more than \$15,000,000.

21 (j) SET-ASIDE.—The Administrator shall set aside
22 not less than 70 percent of the amounts made available
23 to carry out the pilot grant program for each fiscal year
24 to award grants to eligible entities to carry out a proposed

1 project or program in a single underserved community or
2 multiple underserved communities.

3 (k) FEDERAL SHARE.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the Federal share of the cost of a project or pro-
6 gram carried out by an eligible entity using grant
7 funds shall be not more than 90 percent.

8 (2) WAIVER.—The Administrator may waive
9 the Federal share requirement under paragraph (1)
10 if the Administrator determines that an eligible enti-
11 ty would experience significant financial hardship as
12 a result of that requirement.

13 (l) REPORT.—Not later than 2 years after the date
14 on which the first grant is awarded under the pilot grant
15 program, the Administrator shall submit to Congress a re-
16 port describing the implementation of the pilot grant pro-
17 gram, which shall include—

18 (1) a list of eligible entities that have received
19 a grant under the pilot grant program;

20 (2) the actions taken by each eligible entity that
21 received a grant under the pilot grant program to
22 improve recycling accessibility with grant funds; and

23 (3) to the extent information is available, a de-
24 scription of how grant funds received under the pilot
25 grant program improved recycling rates in each com-

1 munity in which a project or program was carried
2 out under the pilot grant program.

3 (m) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There is authorized to be
5 appropriated to the Administrator to carry out the
6 pilot grant program \$30,000,000 for each of fiscal
7 years 2023 through 2027, to remain available until
8 expended.

9 (2) ADMINISTRATIVE COSTS AND TECHNICAL
10 ASSISTANCE.—Of the amounts made available under
11 paragraph (1), the Administrator may use up to 5
12 percent—

13 (A) for administrative costs relating to car-
14 rying out the pilot grant program; and

15 (B) to provide technical assistance to eligi-
16 ble entities applying for a grant under the pilot
17 grant program.

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