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Calendar No. 357

117TH CONGRESS
2D SESSION

S. 3742

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

IN THE SENATE OF THE UNITED STATES

MARCH 3, 2022

Mrs. CAPITO (for herself, Mr. CARPER, Mr. BOOZMAN, Mr. SULLIVAN, Ms. DUCKWORTH, Ms. COLLINS, Mr. KELLY, Mr. KING, Mr. CASEY, and Mr. CARDIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

APRIL 28, 2022

Reported by Mr. CARPER, without amendment

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Recycling Infrastructure and Accessibility Act of 2022''.

SEC. 2. RECYCLING INFRASTRUCTURE AND ACCESSIBILITY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) CURBSIDE RECYCLING.—The term ''curbside recycling'' means the process by which residential recyclable materials are picked up curbside.

(3) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

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

(B) a unit of local government;

(C) an Indian Tribe; and

(D) a public-private partnership.

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

(5) MATERIALS RECOVERY FACILITY.—

(A) IN GENERAL.—The term ''materials recovery facility'' means a recycling facility where primarily residential recyclables, which

are diverted from disposal by a generator and 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.

(9) UNDERSERVED COMMUNITY.—The term ''underserved community'' means a community, including an unincorporated area, without access to full recycling services because—

(A) transportation, distance, or other reasons render utilization of available processing capacity at an existing materials recovery facility cost prohibitive; or

(B) the processing capacity of an existing materials recovery facility is insufficient to manage the volume of recyclable materials produced by that community.

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

(c) GOAL.—The goal of the pilot grant program is to fund eligible projects that will significantly improve accessibility to recycling systems through investments in infrastructure in underserved communities through the use

of a hub-and-spoke model for recycling infrastructure development.

(d) APPLICATIONS.—To be eligible to receive a grant under the pilot grant program, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(e) CONSIDERATIONS.—In selecting eligible entities to receive a grant under the pilot grant program, the Administrator shall consider—

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

(2) whether the proposed project of the eligible entity will improve accessibility to recycling services in a single underserved community or multiple underserved communities; and

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

(f) PRIORITY.—In selecting eligible entities to receive a grant under the pilot grant program, the Administrator shall give priority to eligible entities seeking to carry out a proposed project in a community in which there is not

more than 1 materials recovery facility within a 75-mile radius of that community.

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

(1) increasing the number of transfer stations;

(2) expanding curbside recycling collection programs where appropriate; and

(3) leveraging public-private partnerships to reduce the costs associated with collecting and transporting recyclable materials in underserved communities.

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

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

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

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

(j) SET-ASIDE.—The Administrator shall set aside not less than 70 percent of the amounts made available to carry out the pilot grant program for each fiscal year

to award grants to eligible entities to carry out a proposed project or program in a single underserved community or multiple underserved communities.

(k) FEDERAL SHARE.—

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

(2) WAIVER.—The Administrator may waive the Federal share requirement under paragraph (1) if the Administrator determines that an eligible entity would experience significant financial hardship as a result of that requirement.

(l) REPORT.—Not later than 2 years after the date on which the first grant is awarded under the pilot grant program, the Administrator shall submit to Congress a report describing the implementation of the pilot grant program, which shall include—

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

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

(3) to the extent information is available, a description of how grant funds received under the pilot

grant program improved recycling rates in each community in which a project or program was carried out under the pilot grant program.

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Administrator to carry out the pilot grant program such sums as may be necessary for each of fiscal years 2023 through 2027, to remain available until expended.

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

(A) for administrative costs relating to carrying out the pilot grant program; and

(B) to provide technical assistance to eligible entities applying for a grant under the pilot grant program.

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