

117TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

Mrs. CAPITO (for herself, Mr. CARPER, and Mr. BOOZMAN) introduced the fol-  
lowing bill; which was read twice and referred to the Committee on

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## **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 2022”.

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,

1 are mechanically or manually sorted into com-  
2 modities for further processing into specifica-  
3 tion-grade commodities for sale to end users.

4 (B) EXCLUSION.—The term “materials re-  
5 covery facility” does not include a solid waste  
6 management facility that may process munic-  
7 ipal solid waste to remove recyclable materials.

8 (6) PILOT GRANT PROGRAM.—The term “pilot  
9 grant program” means the Recycling Infrastructure  
10 and Accessibility Program established under sub-  
11 section (b).

12 (7) RECYCLABLE MATERIAL.—The term “recy-  
13 clable material” means obsolete, previously used, off-  
14 specification, surplus, or incidentally produced mate-  
15 rial for processing into a specification-grade com-  
16 modity for which a market exists.

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

19 (A) receives and consolidates recyclable  
20 material from curbside recycling or drop-off fa-  
21 cilities; and

22 (B) loads the recyclable material onto trac-  
23 tor trailers, railcars, or barges for transport to  
24 a distant materials recovery facility or another  
25 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 are authorized to be  
5 appropriated to the Administrator to carry out the  
6 pilot grant program such sums as may be necessary  
7 for each of fiscal years 2023 through 2027, to re-  
8 main available until 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.