

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.

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”.

1 **SEC. 2. RECYCLING INFRASTRUCTURE AND ACCESSIBILITY**
2 **PROGRAM.**

3 (a) DEFINITIONS.—In this section:

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

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

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

13 (A) a State (as defined in section 1004 of
14 the Solid Waste Disposal Act (42 U.S.C.
15 6903));

16 (B) a unit of local government;

17 (C) an Indian Tribe; and

18 (D) a public-private partnership.

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

23 (5) MATERIALS RECOVERY FACILITY.—

24 (A) IN GENERAL.—The term “materials
25 recovery facility” means a recycling facility
26 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

1 a distant materials recovery facility or another
2 recycling-related facility.

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

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

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

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

22 (c) GOAL.—The goal of the pilot grant program is
23 to fund eligible projects that will significantly improve ac-
24 cessibility to recycling systems through investments in in-
25 frastructure in underserved communities through the use

1 of a hub-and-spoke model for recycling infrastructure de-
2 velopment.

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

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

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

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

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

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

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

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

7 (1) increasing the number of transfer stations;

8 (2) expanding curbside recycling collection pro-
9 grams where appropriate; and

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

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

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

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

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

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

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

4 (k) FEDERAL SHARE.—

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

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

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

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

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

24 (3) to the extent information is available, a de-
 25 scription of how grant funds received under the pilot

1 grant program improved recycling rates in each com-
2 munity in which a project or program was carried
3 out under the pilot grant program.

4 (m) AUTHORIZATION OF APPROPRIATIONS.—

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

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

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

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

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