



SPONSOR: Sen. McBride & Rep. Lofink & Rep. McWilliams;
Sens. Connor, Copeland, Peterson, Sokola, Sorenson; Reps. DiPinto,
Ennis, Hall-Long, Hudson, Keeley, Longhurst, Maier, Mulrooney,
Oberle, Plant, Schooley, Valihura

DELAWARE STATE SENATE

143rd GENERAL ASSEMBLY

SENATE BILL NO. 225

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO THE DELAWARE SOLID WASTE AUTHORITY, THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL, AND THE RECYCLING PUBLIC ADVISORY COUNCIL CONCERNING RESIDENTIAL CURBSIDE RECYCLING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

1 Section 1. Amend § 6002, Title 7 of the Delaware Code, by inserting therein the following new paragraphs:

2 “(74) ‘Collector’ means a person who collects recyclable materials and/or organic yard waste.

3 (75) ‘Municipal Solid Waste’ means durable goods (excluding vehicles and other moving
4 equipment), nondurable goods, containers and packaging, food scraps, yard trimmings
5 and miscellaneous inorganic waste from residential (single- and multi-family households)
6 and non-residential (commercial, institutional and industrial) sources. Municipal solid
7 waste does not include construction and demolition debris, vehicle bodies, municipal
8 sludges, combustion ash, industrial process wastes.

9 (76) ‘Organic yard waste’ means plant material resulting from lawn maintenance and other
10 horticultural gardening and landscaping activities and includes grass, leaves, prunings,
11 brush, shrubs, garden material, Christmas trees and tree limbs up to 4 inches in diameter.

12 (77) ‘Processor’ means a person who manages recyclables and/or organic yard waste for the
13 purpose of returning them to the economic mainstream.

14 (78) ‘Recyclable material’ means any material or group of materials that can be collected and
15 sold or used for beneficial purposes.

16 (79) ‘Single Stream’ means a system in which all fibers (paper, boxboard, cardboard etc.) and
17 containers (plastic, metal, glass) are mixed together for collection into one container
18 instead of being sorted into separate commodities and multiple containers by the resident.

19 (80) 'Source Separated' means the process by which recyclable materials are segregated and
20 kept apart from the waste stream by the generator thereof for the purpose of collection,
21 disposition, recycling or resources recovery.

22 (81) 'Transporter' means any person engaged in the transportation of solid waste.

23 (82) 'Authority' means the Delaware Solid Waste Authority.

24 (83) 'Recycling' means the process by which discarded municipal solid waste materials are
25 separated and used as raw materials, products or replacement of products, including the
26 reuse of organic yard waste, but does not include the burning of materials for energy.

27 (84) 'Local Governments' means cities, towns, municipalities, unincorporated areas and
28 counties.”.

29 Section 2. Amend § 6025, Title 7 of the Delaware Code, by inserting therein the following new subsections:

30 “(d) Effective January 1, 2007 all persons in the State of Delaware shall separate organic yard waste
31 from other solid waste generated at their residence or place of business except to the extent those
32 persons have otherwise provided for the recycling of organic yard waste. Source separated
33 organic yard waste shall not be disposed by transporters by landfilling but shall be delivered to a
34 processor. An owner, landlord, or agent of an owner or landlord of multifamily rental housing
35 properties with four or more units may comply with its responsibilities under this section by
36 establishing a collection system for organic yard waste at each property. The collection system
37 shall include suitable containers for collecting and sorting materials, easily accessible locations for
38 the containers, and written instructions to the occupants concerning the use and availability of the
39 collection system. Owners, landlords, and agents of owners or landlords who comply with these
40 provisions shall not be liable for the noncompliance of occupants of their buildings.

41 (e) No later than July 1, 2006 the Department and the Authority shall adopt guidelines defining the
42 criteria necessary for the proper design and operation of organic yard waste management
43 facilities.”.

44 Section 3. Amend Chapter 60, Title 7 of the Delaware Code, by adding the following new sections to
45 Subchapter II thereof:

46 “§6042. Local Government Recycling Grants Program.

47 (a) Local Government Recycling Grants Program. There is hereby established a competitive Local
48 Government Recycling Grants Program (Program) to assist local governments with start-up costs
49 for the implementation of source separated recyclables collection programs with emphasis on
50 single-stream curbside collection. The Program shall be administered by the Department, and
51 monies from the Program shall be paid based on approved grant requests. The Department shall be
52 entitled to charge to the Program an administrative fee of 7.5% of grants made to cover the cost of
53 managing the Program. The Department shall be entitled to disburse grant monies for documented
54 start-up costs which involve additional capital costs for equipment and facilities directly related to
55 the curbside collection or processing of residential source separated recyclable materials. The
56 Department shall be entitled to adopt guidelines and procedures for administering the Program.
57 Local Governments electing to implement a curbside recycling program are in no way precluded
58 from requiring mandatory participation by the residents within their jurisdiction. The Program
59 shall be funded by monies made available under the provisions of Section 6042.

60 (b) Local Governments engaging in the collection, transportation, processing, and marketing of
61 source-separated recyclable materials, and utilizing facilities other than those provided by the
62 Authority, shall conduct such activities in a manner that the source-separated recyclable materials
63 enter the marketplace as usable products or, in the event the recyclable materials are unmarketable,
64 then put to other beneficial use.”

65 §6043. Delaware Recycling Fund.

66 (a) There is hereby established a Delaware Recycling Fund in the Department for the exclusive
67 purpose of funding specific activities designed to enhance the state’s recycling rate. Monies in the
68 Delaware Recycling Fund shall be retained in an interest bearing account and may be expended
69 only:

70 (1) To fund the Local Governments Recycling Grants Program. Annual funding for the
71 Local Governments Recycling Grants Program shall be dependent on revenue generated
72 by the Delaware Recycling Fund referenced in subsection (c) of this section;

- 73 (2) To pay the Department's and Authority's cost of establishing and conducting public
74 outreach and education programs to promote the Local Governments Recycling
75 Assistance Grant Program, curbside recycling and organic yard waste management;
- 76 (3) To pay the cost of the Department, the Authority and Recycling Public Advisory Council
77 collectively studying and evaluating the status and potential for recycling the commercial
78 component of municipal solid waste, and other improvements to the residential curbside
79 recycling program, including the funding of initiatives undertaken by municipalities to
80 enhance the recovery rates of recyclable materials and determination of the level of
81 recycling achievable for all solid waste generated in the state as a result of
82 implementation of the program established under this Subchapter and;
- 83 (4) To pay the Authority's capital and operating costs to receive, transfer, process and
84 market source separated single stream recyclables at the Authority's recycling and
85 transfer centers or at other locations without imposing a tipping fee or other service
86 charge unless the funding provided under this Section is insufficient to cover the
87 Authority's referenced costs, in which case the Authority shall be entitled to impose a
88 tipping fee to cover such deficiency. The Authority shall be eligible to access the Fund
89 for these purposes after a demonstration that any savings realized by the Authority from
90 any reduction in the number of drop off recycling centers pursuant to implementation of
91 municipal curbside recycling programs, conversion of the drop off centers to single
92 stream or otherwise and the value of the recyclables sold from any Authority Materials
93 Recovery Facility are insufficient to ensure a zero tipping fee for receiving, transporting,
94 processing and marketing the recyclables. The Department shall within sixty (60) days of
95 receipt of a detailed statement pay to the Authority from the Fund the amounts necessary
96 to cover the Authority's referenced capital and operating costs as authorized hereunder.
97 For purposes of this Section, the Authority's capital cost shall mean the annual debt
98 service or annual amortized cost for necessary equipment and facilities.
- 99 (b) The Department, upon certification by the Authority, shall to the extent that funds are
100 authorized make payment to the Authority for requests for funding. The Authority and

101 Department, in consultation with the Recycling Public Advisory Council, shall adopt guidelines
102 and procedures for reviewing requests for funding authorized under this Section.

103 (c) The funding for the Delaware Recycling Fund shall be derived from an assessment of \$3.00 per
104 ton made by the Department for every ton of solid waste generated and/or disposed in Delaware,
105 excluding recyclable materials actually recycled and hazardous waste, collected by transporters
106 subject to: (i) the permit requirements of the Department pursuant to Section 6001(c)(6) and
107 Section 6025 of Title 7; and (ii) the licensing requirements of the Authority adopted pursuant to
108 Section 6404 (6) of Title 7. Quarterly (by the 15th of January, April, July and October) the
109 Authority shall submit to the Department the names and addresses of the transporters subject to
110 the provisions of 7 Del. C. 6404(6) and the total solid waste tonnage that each transporter
111 delivered to each DSWA facility. The Department, via its transporter permit program, shall be
112 responsible for identifying the generators and transporters of solid waste which do not use the
113 Authority's facilities, and shall make an assessment for the tonnage of solid waste generated
114 and/or disposed in Delaware.

115 (d) The assessment shall become effective three (3) months from the date of enactment and the
116 Department shall collect the assessment from transporters and/or generators after the initial
117 assessment on a quarterly basis utilizing forms and procedures developed by the Department.
118 Payment of assessments shall be due within 30 days of the end of the quarter (The 30th of January,
119 April, July and October), and any late payment shall bear interest at the rate of 1.5% per month.
120 The Department shall provide an annual report to the Authority setting forth the amounts collected
121 from each transporter and any delinquencies. The Authority and the Department shall cooperate
122 in maintaining an accurate list of active transporters subject to the assessment. The Department
123 shall be entitled to seek collection of any assessments due to the Department through civil action
124 or may seek to impose on the transporter the sanctions specified for violation of a permitting
125 condition as set forth in Section 6005 of Title 7.

126 (e) The Department shall commence the Local Governments Recycling Grants Program in calendar
127 year 2006 and offer the Program at least annually thereafter until December 31, 2012. Upon a
128 determination that continued funding is needed to maximize diversion of recoverable material, the

129 Department, the Authority, and the Recycling Public Advisory Council shall re-evaluate the
130 assessment and revise said assessment to reflect the resources needed in any subsequent years.

131 §6044. Recycling Public Advisory Council.

132 (a) There is hereby established a Recycling Public Advisory Council. The Council shall be composed
133 of nine members who shall be appointed by the Governor as follows:

134 (1) One member from the Department and one member from the Authority;

135 (2) One member representing County governments with such member being recommended
136 by the Delaware Association of Counties;

137 (3) One member representing municipal governments with such member being
138 recommended by the Delaware League of Local Governments;

139 (4) One member representing the recycling industry to be appointed by the Governor;

140 (5) One member representing the waste hauling industry to be appointed by the Governor;
141 and

142 (6) Three members representing community-based or public-interest groups to be appointed
143 by the Governor.

144 (b) Members of the Recycling Public Advisory Council except for those appointed pursuant to
145 subparagraphs (1), (2) and (3) above shall serve 3-year terms and may be reappointed. Such
146 members shall be appointed for staggered terms so that no more than 3 appointments shall expire
147 in any one calendar year. For the initial appointments, 3 members shall be appointed for 1 year, 3
148 members shall be appointed for 2 years and 3 members shall be appointed for 3 years. Thereafter,
149 all terms are three years. Such Members may not serve more than 2 consecutive, 3-year terms.
150 Such members may be reimbursed for travel to and from meetings. The governor shall appoint a
151 Chairman from among the nine members. Actions of the Council shall be approved by a majority
152 vote of the Council. At least five (5) members of the Council shall constitute a quorum.

153 (c) The Recycling Public Advisory Council shall:

154 (1) Advise the Department and the Authority on all aspects of recycling;

155 (2) Advise the Department in developing grant criteria, including local match requirements,
156 and selection of applications;

- 157 (3) Develop, in conjunction with the Department and the Authority, a methodology for
158 measuring recycling rates;
- 159 (4) Provide advice and recommendations regarding the recycling outreach and education
160 programs conducted by the Authority and/or the Department.
- 161 (5) Provide advice to the Department and the Authority regarding all Delaware Recycling
162 Fund requests made by the Authority to achieve the goal of a zero tipping fee for
163 receiving, transferring, processing and marketing recyclables.
- 164 (6) Report to the Governor and the General Assembly annually by March 1st of each year on
165 the status of recycling activities in Delaware. Said report shall include, but not be limited
166 to the following:
- 167 a. status of attainment of the thirty (30) percent recycling goal;
 - 168 b. an accounting of the matching grants program authorized herein and any
169 recommendations for future funding of the grants program;
 - 170 c. an assessment of the activities of both the Department and the Authority in
171 achieving the thirty (30) percent recycling goal; and
 - 172 d. such other recommendations as the Council shall deem appropriate.

173 §6045. Residential Curbside Recycling Programs

- 174 (a) Minimum Program Contents. Recyclables collection programs shall include, along with such
175 other elements deemed necessary by the Department and the Authority, the following minimum
176 elements:
- 177 (1) Provide for persons who elect to participate in a curbside recycling program to separate at
178 least paper materials (including boxboard and cardboard), aluminum materials, steel
179 materials and plastics materials deemed capable of being recycled from other municipal
180 solid waste generated at their homes, apartments and other residential establishments and
181 to store such materials until collection. Nothing shall be deemed to impair the ownership
182 of separated materials by the person who generated them unless and until such materials
183 are placed at curbside or similar location for collection by a municipality or other
184 collector.

- 185 (2) A provision for persons who do not have municipal collection service or who do not self-
186 haul their municipal solid waste to choose to contract for or make other arrangements for
187 the collection of their source separated recyclables.
- 188 (3) A provision for persons who self haul to choose to deliver their source separated
189 recyclables to the recycling facility of their choice or to make other arrangements for the
190 recycling of their source separated recyclables.
- 191 (4) A provision for private collectors to choose to provide or arrange provisions for the
192 collection of source separated recyclables from homes, apartments and other residential
193 establishments. The public and private collectors shall be entitled to collect additional
194 recyclable materials in single or multiple streams, provided however, that the use of
195 Authority facilities for the processing of recyclables shall be limited by conditions
196 imposed by the Authority.
- 197 (5) A provision for persons, including public and private collectors, not utilizing Authority
198 facilities, to report to the Department and the Authority annually no later than January 31
199 of each year the quantity of source separated recyclables collected, the type of separation,
200 the method of recycling collection used (single or multiple streams) and the location of
201 the recycling facilities used.
- 202 (6) A provision for the prohibition of persons participating in a recycling program, from co-
203 mingling or mixing source separated recyclable materials with non-recyclable materials
204 for collection or disposal.
- 205 (7) A provision for Reporting Requirements. Every municipality, collector, or processor of
206 recyclable materials shall report annually, no later than January 31 of each year, to the
207 Department and the Authority on the amount of such materials collected in the State in
208 categories designated by the Department and the Authority, irrespective of the location of
209 the recycling facility utilized. The data collected by the Department and the Authority
210 shall be reviewed by the Recycling Public Advisory Council and the results included in
211 its annual report to the Governor.

212 (b) Nothing contained herein shall be construed to prevent any person from collecting, transporting,

213 processing, and marketing source separated recyclable materials in competition with
214 municipalities or the Authority, provided that the requirements of this Subchapter are satisfied.”.

215 Section 4. Amend § 6451, Title 7 of the Delaware Code, by inserting therein the following new paragraphs:

216 “(6) ‘Single stream’ means a system in which all fibers (paper, boxboard, cardboard etc.) and
217 containers (at a minimum plastic and metal) are mixed together for collection into one
218 container instead of being sorted into separate commodities and multiple containers by
219 the resident.

220 (7) ‘Organic yard waste’ means plant material resulting from lawn maintenance and other
221 horticultural gardening and landscaping activities and includes grass, leaves, prunings,
222 brush, shrubs, garden material, Christmas trees and tree limbs up to 4 inches in diameter.
223 Source separated organic yard waste shall not be delivered to Authority landfills for
224 disposal by landfilling.”.

225 Section 5. Amend § 6452(2), Title 7 of the Delaware Code, by inserting the words “and single stream
226 materials” immediately after the word “materials” as it appears therein.

227 Section 6. Amend § 6452, Title 7 of the Delaware Code, by striking the word “and” at the end of paragraph (9)
228 thereof; by striking the period as it appears at the end on paragraph (10) thereof and substituting in lieu thereof a
229 semi-colon; and by inserting therein the following new subsections:

230 “(11) The implementation of a single-stream source separated recycling system that balances
231 the need for drop-off recycling centers with public and private sector implementation and
232 expansion of curbside recycling programs; provided, however, that where a municipal
233 government implements mandatory curbside recycling within its jurisdiction, the
234 Authority shall remove the drop off sites located within the same jurisdiction; and

235 (12) The development of recycling centers for organic yard wastes on Authority controlled
236 and publicly controlled lands if necessary in the event private organic yard waste
237 recycling efforts are unable to provide this service at a level capable of managing all of
238 the organic yard waste which is generated.”.

239 Section 7. Amend Chapter 64, Title 7 of the Delaware Code, by striking § 6454 thereof in its entirety and by
240 substituting in lieu thereof the following:

241 “§6454. Recycling Centers.

242 (a) The Authority shall establish organic yard waste recycling centers on lands owned or controlled by
243 the Authority or other public entity if needed to supplement organic yard waste recycling facilities
244 operated by the private sector no later than January 1, 2007. The Authority shall be entitled to
245 impose a tipping fee or other service charge to cover the capital and operating costs of Authority
246 recycling centers which handle organic yard waste.

247 (b) Implementation of efficient and cost-effective recycling programs will require that Delaware
248 either build or otherwise have access to a Materials Recovery Facility or other processing facility
249 capable of processing single and/or multiple-stream recyclables. Where the private sector has
250 developed extensive recyclables processing capability and unique programs that provide
251 incentives to the general public to recycle that currently are not available to Delaware residents,
252 the Department and the Authority shall encourage and work with the private sector to establish
253 private facilities for recyclables and recycling incentive programs in Delaware. The Authority and
254 the Department, after consulting with RPAC, shall make a determination by no later than January 1,
255 2007 as to whether the private sector is able to provide adequate transfer facilities and material
256 recovery facilities. Factors to be considered in conducting this evaluation include, but are not limited
257 to, the number of Residential Curbside Recycling Programs in operation, the amount of recyclables
258 being collected through such programs, the costs of operating such programs, and the efficiency of
259 storing and transporting recyclables. If, in the determination of the Authority and the Department,
260 the private sector is not providing these services, and it is not cost effective to direct the recyclables
261 to private recovery facilities, then the Authority shall construct a processing facility to process single
262 stream recyclable materials comprised of paper materials, aluminum materials, steel materials and
263 plastic materials and begin operation as soon as practicable thereafter. Additional materials may be
264 accepted at the single-stream recycling center subject to the approval of the Authority. The
265 Authority shall receive recyclable materials for transfer to the processing facility at locations
266 designated by the Authority. It shall be the responsibility of the Authority to ensure that
267 processing and/or transfer facilities for managing single-stream collected recyclables are in
268 operation in each County. It shall also be the responsibility of the Authority to transport

269 recyclables from transfer stations or landfills at which they choose to accept recyclable materials
270 to a processing facility. If sufficient funding is provided from the Delaware Recycling Fund, the
271 Authority shall not impose on collectors any tipping fee or other service charge for accepting,
272 transporting, or processing the source-separated single stream recyclable materials. Municipal and
273 private collectors shall not be required to use the Authority’s recycling center. The revenues
274 derived from the sale of recyclable materials and the Authority’s revenue stream resulting from the
275 elimination of drop off recycling centers under the provisions of this Act shall be used to offset the
276 Authority’s costs of transporting, receiving, processing and marketing recyclable materials.”.

277 Section 8. Amend Chapter 64, Title 7 of the Delaware Code, by striking § 6455 thereof in its entirety and
278 substituting in lieu thereof the following:

279 “§6455. Public Education and Promotion of Recycling, Composting and other Waste Reduction Programs.
280 The Authority, in cooperation and consultation with the Department, shall initiate and conduct public
281 outreach and education programs on the operation of its residential curbside recycling, drop off and organic
282 yard waste programs, as well as continuing education on the purposes and value of source separated
283 recycling and resources recovery. The intent of these educational programs shall be to maximize the
284 diversion and recovery of household recyclables and organic yard waste, whether it was generated by the
285 commercial or residential sector. Such program may be conducted in conjunction with similar efforts of
286 private industry, municipalities, public interest groups and the Department. The program may include the
287 use of public advertising.”.

288 Section 11. Amend Chapter 64, Title 7 of the Delaware Code, by inserting therein the following new sections:

289 “§ 6461. Residential Curbside Recycling Programs.
290 (a) *Establishment.* The Authority shall establish and implement a statewide residential multi-stream
291 and/or single stream source separation and collection program for recyclable materials in
292 accordance with this section. This shall include provisions encouraging and facilitating the
293 development of flexible private and municipal systems for source separating recyclables,
294 collecting source separated recyclables, processing source separated recyclables and marketing
295 source-separated recyclables.

296 (b) *Notice.* The Authority shall establish a comprehensive and sustained public information and

297 education program addressing recycling program features and requirements. As a part of this
298 program, the Authority shall, at least 30 days prior to the initiation of the recycling program and
299 thereafter, provide notification to all affected residents of the requirements of any residential
300 curbside collection program. The Authority may, in its discretion as it deems necessary and
301 appropriate, place an advertisement in a newspaper circulating in the municipality, post a notice in
302 public places where public notices are customarily posted, include a notice with other official
303 notifications periodically mailed to residential taxpayers or utilize any combination of the
304 foregoing.

305 (c) *Implementation.*

306 (1) In the absence of private or municipal participation, in whole or in part, in the collection,
307 transportation, processing, and marketing of multi-stream and/or single stream source
308 separated recyclable materials, the Authority shall make such services available statewide
309 through a multi-stream and/or single stream drop off sites and by offering a subscription
310 multi-stream and/or single stream curbside recycling service, directly or through contract
311 with others. The Authority may utilize its own personnel and resources but preference
312 should be given to contracting with the private sector if cost effective, to provide this
313 service consistent with the provisions of 7 Del C. 6401(b)(4).

314 (2) Nothing contained herein shall be construed to prevent any person from collecting,
315 transporting, processing, and marketing source separated recyclable materials in
316 competition with municipalities or the Authority, provided that the requirements of this
317 Subchapter are satisfied.

318 § 6462. Minimum Recovery Rates.

319 (a) It is the intent of the Legislature that the program implemented pursuant to this Subchapter reduce
320 the amounts of municipal solid waste, which is comprised of residential and commercial solid
321 waste (including organic yard waste), currently deposited or capable of being deposited in landfills
322 in this State by recovering from such municipal solid waste recyclable materials at the recovery
323 levels specified below. The Authority shall report annually on the recovery rates of municipal
324 solid waste by identifying all recycling efforts which reduce the amounts of municipal solid waste

325 generated. It shall be a goal to achieve recovery rates of municipal solid waste according to the
326 following schedule:

Time in which Recovery Rates are achieved	Total Residential Solid Waste Recovered	Total Commercial Solid Waste Recovered
January 1, 2008	20%	_____
January 1, 2009	25%	_____
January 1, 2010	30%	50%

327 (b) Notwithstanding any provision or definition to the contrary contained in this chapter, the term
328 “municipal solid waste” shall mean durable goods (excluding vehicles and other moving
329 equipment), nondurable goods, containers and packaging, food scraps, yard trimmings and
330 miscellaneous inorganic waste from residential (single- and multi-family households) and non-
331 residential (commercial, institutional and industrial) sources. Municipal solid waste does not
332 include construction and demolition debris, vehicle bodies, municipal sludges, combustion ash
333 and industrial process wastes.

334 (c) Notwithstanding any provisions or definition to the contrary contained in this chapter, for
335 purposes of satisfying the minimum recovery rates set forth in subsection (a) above recyclable
336 materials shall be those paper, aluminum, metal, and plastic materials and other municipal solid
337 waste which is source separated and collected for recycling, and recycling for purposes of the
338 program established hereunder shall mean the process by which discarded municipal solid waste
339 materials are separated and used as raw materials, products or replacement of products, or put to
340 other beneficial use, including the reuse of organic yard waste, but does not include the burning of
341 materials for energy.

342 §6463. Enforcement.

343 The provisions of this Subchapter shall be enforced by the Authority and the Department as follows:

- 344 (1) The Authority’s enforcement responsibility shall include, but are not limited to:
- 345 a. Inspections to assure compliance;
 - 346 b. Review of complaints made regarding non-compliance;

- 347 c. Issuance of written or oral notice of violation and request for voluntary
348 compliance;
- 349 d. For repeat violations written notice and demand for compliance served
350 personally or sent by registered mail, return receipt requested; and
- 351 e. For a repeated violation after written notice and demand for compliance, referral
352 to the Department for formal enforcement action.
- 353 (2) The Department’s enforcement responsibility shall include follow up investigation based
354 on referrals from the Authority and complaints made regarding non-compliance, and
355 formal enforcement action as warranted pursuant to the enforcement provisions of
356 Subchapter II of Chapter 60 of this Title and the regulations promulgated there under.”.

SYNOPSIS

This Act establishes a framework for a statewide residential curbside recycling system and provides the opportunity for local communities, municipalities, and counties to establish residential curbside recycling programs. It addresses the elements of a recycling system, including separation, collection, and processing of recyclables, while leaving the existing trash collection system intact. It provides for the establishment of transfer and processing facilities to which single stream recyclables can be delivered. If not provided by the private sector, these facilities will be established by DSWA. They will be designed to accept recyclables collected in a multi-stream and/or single-stream collection systems.

This Act establishes a Recycling Fund to help pay for various aspects of the recycling system. The source of funding will be a \$3 per ton assessment on all solid waste (excluding recyclables) collected and/or disposed of in Delaware. The fund will be administered by DNREC and used to help municipalities with start-up costs, fund DSWA single stream recycling operations, support an education and outreach program and fund an assessment of the potential for increased commercial waste recycling.

The Act bans organic yard waste from disposal in Delaware’s landfills and provides for the development of yard waste management facilities to handle this material. Development of private facilities will be encouraged; however, if these do not materialize, DSWA will manage the yard waste on its property or other public property. DSWA is entitled to charge a tipping fee at these facilities sufficient to cover the costs of operation.

The Act establishes recycling goals for both residential and commercial solid waste and establishes a Recycling Public Advisory Council, whose roll will be to advise DNREC and DSWA on various aspects of recycling and to report annually on the state of recycling and progress made toward the established goals.

Author: Senator McBride