SPONSOR: Rep. Maier & Sen. Sokola
Reps. Manolakos, Miro, Valihura, Kowalko, McWilliams, Schooley; Sens. Blevins, Henry, Peterson, Copeland, Sorenson, Cloutier, Connor, Still

HOUSE OF REPRESENTATIVES
144th GENERAL ASSEMBLY

HOUSE BILL NO. 146

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO RESIDENTIAL CURBSIDE RECYCLING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 64, Subchapter II, Title 7 of the Delaware Code by inserting therein the following new § 6461:

"§ 6461. Mandatory Residential Curbside Recycling.

(a) The Delaware Solid Waste Authority (DSWA) shall establish and implement a statewide mandatory residential curbside recycling program for the recyclable materials listed in § 6453 of (a)(1) through (a)(7) inclusive of this Title and defined in § 6451 of this Title. The DSWA may adopt regulations describing recyclable materials and adding other materials to the list of recyclable materials subject to the statewide mandatory residential curbside recycling program.

(b) Licensed solid waste collection and disposal service providers shall collect the recyclable materials separately and keep it separated from non-recyclable materials.

(c) Licensed solid waste collection and disposal service providers shall take all recyclable materials to either a person that handles and processes recyclable materials or to a DSWA facility duly designated.

(d) DSWA shall take all recyclable materials from licensed solid waste collection and disposal service providers for no fee. DSWA shall be responsible for processing all recyclable materials they receive and for marketing the recyclable materials in accordance with § 6458 of this Title.

(e) All persons who dispose of municipal solid waste through use of licensed solid waste collection and service providers shall separate recyclable materials from the municipal solid waste and place the recyclable materials in a separate container or containers.".

Section 2. The Delaware Solid Waste Authority shall develop and promulgate all rules and regulations necessary for the implementation of this Act within six (6) months following the enactment of this Act into law. The proposed rules and

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regulations developed by the DSWA to implement this Act shall be provided to the Department of Natural Resources and Environmental Control and the Governor's Recycling Public Advisory Council (RPAC) for review and comment, and DSWA shall respond to any comments prior to adoption of the rules and regulations.

SYNOPSIS

This Act mandates a statewide recycling program. The Act is effective immediately upon enactment; however, there are some timelines and other provisions in place to assure timely implementation with the involvement of DNREC and RPAC.