

# STATE OF DELAWARE



## EXECUTIVE DEPARTMENT DOVER

### EXECUTIVE ORDER NUMBER NINETY

#### RE: RE-ESTABLISHING THE RECYCLING PUBLIC ADVISORY COUNCIL

WHEREAS, the average Delawarean produces 1,200 pounds of solid waste annually and much of that waste can and should be recycled;

WHEREAS, increasing Delaware's recycling efforts will benefit the environment and increase the useful life of the state's landfills;

WHEREAS, the Department of Natural Resources and Environmental Control (the "Department") and the Delaware Solid Waste Authority (the "Authority") promote varying aspects of municipal solid waste recycling in the State of Delaware;

WHEREAS, increasing our recycling efforts over the long-term will require a strong commitment on the part of Delawareans;

WHEREAS, schools, colleges, universities, municipalities, not-for-profit organizations, civic associations, and other community organizations are the entities most able to increase recycling within their borders and need assistance to provide the tools necessary to start recycling programs; and

WHEREAS, Delawareans increasingly recognize the importance of recycling and many Delawareans have expressed an interest in participating in curbside and other recycling programs,

NOW, THEREFORE, I, RUTH ANN MINNER, by virtue of the authority vested in me as Governor of the State of Delaware, do hereby declare and Order as follows:

1. It shall be the goal of this State to achieve a fifty-one percent (51%) diversion rate for recyclables from Delaware's municipal solid waste stream comprised of residential and commercial solid waste.
2. The Recycling Public Advisory Council (Council) is re-established and continued. The Council shall be composed of eleven (11) members who shall be appointed by the Governor as follows:
  - a. One member from the Department;
  - b. One member from the Authority;
  - c. One member representing county governments with such member being recommended by the Delaware Association of Counties;
  - d. One member representing municipal governments with such member being recommended by the Delaware League of Local Governments;
  - e. One member representing the recycling industry to be appointed by the Governor;
  - f. One member representing the waste hauling industry to be appointed by the Governor; and
  - g. Five members representing community-based or public-interest groups to be appointed by the Governor.
3. Members of the Council, except for those appointed pursuant to subparagraphs a, b, and c of paragraph 2 above, shall serve of up to 3 years and may be reappointed. Members of the current Council shall continue in office for the balance of their terms and shall also be eligible for reappointment. Members shall be appointed for staggered terms so that no more than 3 appointments shall expire in any one calendar year. Members may be reimbursed for travel to and from meetings. The Governor shall appoint a Chairman from among the eleven members. Actions of the Council shall be approved by a majority vote of the Council. At least six\_(6) members of the Council shall constitute a quorum.
4. The Recycling Public Advisory Council shall:
  - a. Advise the Department and the Authority on all aspects of recycling;

- b. Advise the Department in developing grant criteria, including local match requirements, and selection of applications as well as provide an annual assessment of the revenue needed to satisfy the grant requirements;
  - c. Develop, in conjunction with the Department and the Authority, a methodology for measuring recycling rates;
  - d. Provide advice and recommendations regarding the recycling outreach and education programs conducted by the Authority and/or the Department;
  - e. Report to the Governor and the General Assembly annually by March 1 of each year on the status of recycling activities in Delaware. Said report shall include, but not be limited to the following:
    - (1) status of attainment of the 51% recycling goal;
    - (2) an accounting of the recycling grants program and any recommendations for future funding of the grants program;
    - (3) an assessment of the activities of both the Department and the Authority in achieving a 51% municipal solid waste recycling goal;
    - (4) an objective, auditable accounting of recycling rates for total solid waste, municipal solid waste, and residential solid waste; and
    - (5) such other recommendations as the Council shall deem appropriate.
  - f. Use the definitions of 'recycling' and 'municipal solid waste' as stated by the United States Environmental Protection Agency in its document EPA530-R-97-011 dated September 1997. The Council shall be able to adopt changes to these definitions.
5. The Department's Division of Air and Waste Management, in concert with the Authority and the Council, shall:
- a. Monitor the State's recycling initiatives and measure Delaware's achievements toward attainment of the 51% recycling goal;
  - b. Implement a grant program for use by schools, colleges, universities, municipalities, not-for-profit organizations, civic associations, and other community organizations in reaching the statewide recycling goal specified herein;

- c. Design and implement public educational efforts aimed at increasing public awareness of recycling opportunities;
  - d. Implement a public school recycling initiative whereby our school systems are able to participate in and benefit from increased recycling opportunities;
  - e. Provide technical assistance to local entities to assist them in increasing their recycling rates;
  - f. Provide administrative support to the Council;
  - g. Report to the Governor and the Office of Management and Budget on the need for staff to provide this support; and
  - h. Promote any other measures identified by the Council to support the achievement of the 51% recycling goal.
6. The Department shall make matching grants available to schools, colleges, universities, municipalities, not-for-profit organizations, civic associations, and other community organizations to implement programs to reduce the amount of municipal solid waste disposed of in Delaware. Grants may be used for implementing or expanding recycling programs, encouraging composting of yard waste, implementing "pay-as-you-throw" programs, or any other activity that supports the achievement of the 51% recycling goal. The availability of grant money shall be subject to annual appropriations by the General Assembly.
7. Executive Order Number 82 adopted September 14, 2000, is rescinded.

Approved and adopted this 6<sup>th</sup> day of September, 2006.



  
Ruth Ann Minner  
Governor

Attest:

  
Secretary of State