

H.B. 2114

**(No. 215)**

(Approved September 28, 2006)

## **AN ACT**

To amend Section 70 of Act No. 416 of September 22, 2004, known as the “Environmental Public Policy Act,” in order to clarify the legislative intention and enable the implementation of this Act.

### **STATEMENT OF MOTIVES**

Section 70 of Act No. 416 of September 22, 2004, known as the “Environmental Public Policy Act,” does not clearly provide whether the same shall only apply to new rules and regulations, as the title given to the Section seems to imply, or whether it shall apply to the regulations in effect on the effective date of the new Act and whether their effectiveness is expected to continue after said date.

The “Environmental Public Policy Act,” orders all agencies, departments, municipalities and public corporations and instrumentalities to revise “their statutory authority, their administrative regulations and their policies and procedures” to determine whether these contain deficiencies and inconsistencies that prevent compliance with the purposes and provisions of the Act. Furthermore, the latter contains specific delegations of authority to regulate directed to the Environmental Quality Board and to the Solid Waste Authority. However, these provisions, with very few exceptions, were

already in effect as set forth in Act No. 9 of June 18, 1970, as amended, which was repealed and substituted by this new Act.

It is doubtlessly convenient and necessary that all agencies, departments, municipalities and public corporations and instrumentalities promptly comply with the aforementioned provisions and requirements through a revision of all their regulations, policies and procedures to guarantee compliance with the environmental public policy of Puerto Rico and the remaining provisions of the above cited Act. However, the greatest concern of the Legislature in approving the “Environmental Public Policy Act” was to make sure that the regulations in effect, approved under the former legislation repealed by the new Act, would be in full effect when this last became effective. Secondly, the legislative purpose was for the public institutions to adopt the necessary new rules or regulations, if any, pursuant to the provisions of the new Act.

Section 70 of the “Environmental Public Policy Act” is doubtlessly applicable to the new regulations that the Governing Board of the Environment Quality Board, the Solid Waste Authority and/or the rest of the public institutions should approve for their implementation. However, as we have expressed before, it is not made clear in said Section that the same shall not affect the effectiveness of the regulations in effect to March 22, 2005, the date on which the new Act became effective. On the other hand we believe it necessary that the Environment Quality Board and the Solid Waste Authority as well as the rest of the government institutions have a longer term to capably fulfill the task of revising their rules and regulations so as to adjust the same to the public policy and the other provisions contained in the “Environmental Public Policy Act.”

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.-Section 70 of Act No. 416 of September 22, 2004, is hereby amended to read as follows:

“Section 70.-On the new regulations and the rules and regulations in effect

Every agency, department, municipality, instrumentality and public corporation with jurisdiction conferred by the present Act and that has been delegated quasi-legislative and/or quasi-judicial powers shall have to draft every new rule or regulation that may be necessary for the application of the same so that they may be approved and acquire juridical effect within the first twenty-four (24) months of the effective date of this Act. This provision shall neither affect the validity nor the effectiveness of any rule or regulation adopted before the date of effectiveness of this Act pursuant to the provisions of any of the laws repealed by the latter.”

Section 2.-This Act shall take effect immediately after its approval.

## **CERTIFICATION**

I hereby certify to the Secretary of State that the following Act No. 215 (H.B. 2114) of the 4<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend Section 70 of Act No. 416 of September 22, 2004, known as the “Environmental Public Policy Act,” in order to clarify the legislative intention and enable the implementation of this Act,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 27<sup>th</sup> of November of 2006.

Francisco J. Domenech  
Director