

**“Private Sector  
Must Comply  
with Mandatory  
Recycling Plan Requirements”**



March 2009

Act No. 411 of October 8, 2002, amended the Puerto Rico Solid Waste Reduction and Recycling Act, Act No. 70 of September 18, 1992, which, among others, establishes the island's public policy on solid waste management, reduction and recycling and proposes different strategies to address Puerto Rico's diminished landfill capacity for solid waste disposal. Most importantly, Act No. 411 calls upon the private sector to assume an active role in the government's efforts to reach the statutory recycling rate for solid wastes of 35 percent. To achieve this goal, the Solid Waste Authority (SWA) was charged with managing a mandatory Recycling Plan program where each individual, business, state agency and public corporation on the island is responsible for recycling its wastes. Accordingly, any public and private industry, commerce, educational institution, or tourism operation having ten or more employees must prepare and file with the SWA a Recycling Plan. Act No. 411 also calls for municipalities to designate a municipal officer responsible for addressing locally the recycling goals of the statute.

Lax enforcement of the Recycling Plan's filing requirement has contributed to across the board non-compliance by the private sector. However, SWA has made the Recycling Plan a priority of the agency, as evidenced by the recent adoption

of new guidelines and increased industry outreach efforts. Similarly, several municipalities have aggressively implemented their own recycling programs, while levying criminal citations and substantive fines for recycling violations.

Considering the government's new stand on this issue, being prepared just makes good business sense. Goldman Antonetti & Córdoba, PSC, stands ready to assist our clients in preparing a Recycling Plan which conforms to SWA's new guidelines. We note below a sample of our fixed rates for the preparation of a Recycling Plan.

**Sample SWA Recycling Plan Fixed Rates:**

1. For individual retail stores; miscellaneous shops or businesses; financial or banking institutions: \$1,500 to \$2,000;
2. For fast food outlets, restaurants or similar dining establishments: \$2,000;
3. For department or hardware stores: \$2,000;
4. For light industry: \$2,000 to \$2,500; and
5. For shopping centers: \$2,000 to \$2,500;
6. For a professional service office: \$1,500.

**If you need further assistance in this area, do not hesitate to contact any one of our Environmental Law Practice Group attorneys listed below:**

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