

CLIENT ALERT



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New List of Categorical Exclusions

The Environmental Quality Board (“EQB”) issued a resolution modifying the list of categorical exclusions adopted through Resolution R-10-45-5 of December 2010. The term “categorical exclusions” refers to such actions which implementation will not have a significant environmental impact, as well as actions involving remediation activities undertaken by private parties. The objective of listing categorical exclusions is to identify beforehand such actions which could be the subject of an automatic determination on its environmental impact in order to expedite the permitting process.

Among others, actions considered as categorical exclusions include the use of existing structures for storage of tools, equipment, finished products, raw materials and others, name change or change in corporate name, substitution of raw materials or components in manufacturing processes which does not

result in an increase of emissions, generation of hazardous waste, discharges to bodies of water, etc. The new list excludes the installation and operation of emergency generators between ten (10) HP and three hundred (300) HP. It also excludes the construction of underground injection control systems for up to four residential units. The EQB added to the list other actions not previously considered as categorical exclusions such as segregation of lands, and building of structures for commercial, industrial, institutional, touristic or recreational use. These structures must not exceed five thousand square feet of gross floor area nor building footprint area.

The new list of categorical exclusions became effective on September 26, 2011. A petitioner must file an application before the Office of Permits Management or the EQB, depending on the particulars of the proposed action, in order for the action in question to be confirmed as a categorical exclusion.

We at Goldman remain committed in assisting you and your business to adjust to changes in the law. For further information you may contact *Alicia Lamboy* at 787.759.4144 (alamboy@gaclaw.com); or *Gretchen Mendez* at 787.759.4207 (gmendez@gaclaw.com).



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