

CLIENT ALERT



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Environmental Law UPDATE

The Puerto Rico Environmental Quality Board recently approved a general waiver which streamlines the regulatory requirements of certain materials regulated under the local Hazardous Waste Control Regulation. This waiver follows the footsteps of the amendments promulgated by U.S. Environmental Protection Agency relative to hazardous waste identification rule (the "Rule") of the Resource, Conservation and Recovery Act regulations ("RCRA"). The Rule, applicable since 2008, and EQB's recent decision are aimed at streamlining the hazardous secondary materials regulations to encourage recycling by reclamation and to help preserve resources. Through these measures, requirements for the following are streamlined:

- Materials which are generated and legitimately reclaimed under the control of the generator (i.e., generated/reclaimed on-site, by the same company, or under "tolling" agreements).
- Materials that are generated and transferred to another company for legitimate reclamation under given conditions.

- Materials that EPA or an authorized state determines to be non-wastes through a case-by-case petition process.

Other standards applicable to recycling activities and non-waste determinations are also addressed in the Rule.

EQB Resolution 11-11-1 establishes limited applicability of the Rule to persons who generate reclaimed materials in their manufacturing processes. Owners or operators seeking to make use of this waiver must meet the requirements contained in the Rule, RCRA and Rule I-909 of the Hazardous Waste Control Regulation.

FRIENDLY REMINDER for Large Industrial Green House Gas (GHG) emitters (25,000 metric tons) or suppliers of products in the 28 industries affected by the EPA's GHG Reporting Program (40 CFR Part 98) – Please remember to submit your first GHG report with 2010 data by **September 30, 2011**. Registration of reporters was due on August 1, 2011.

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



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