

Expedited Process of Act 76-2000 for the Evaluation and Permitting of Infrastructure Projects Approved

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PRACTICE AREAS

- Environmental Regulation
- Environmental, Energy & Land Use
- Infrastructure/Public-Private Partnerships
- Land Use Regulation

An McV Environmental & Land Use Alert

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On July 6, 2017, Governor Ricardo Rosselló Nevares signed Executive Order No. OE-2017-038 (the “Order”) declaring the continuation of the state of emergency previously declared through Executive Order No. 2017-003, regarding the physical infrastructure used to provide essential services to the public. The Order seeks to authorize the use of the expedited process provided under Act No. 76-2000 to evaluate projects pertaining to new works or improvements to infrastructure.

The Order lists the specific infrastructure improvements or projects that fall under this expedited process, namely: (i) projects involving renewable energy, natural gas and solid waste conversion, among others; (ii) aqueduct and sewer system improvements, including reservoirs and treatment plants; (iii) air and land transportation works and improvements, including bridges, roads and means of public transportation, as well as the improvement and construction of ports, berths and maritime transport generally; (iv) improvements in solid waste management, including systems for the recovery of recyclable materials, research and development centers, composting facilities, energy conversion or solid waste treatment and disposal facilities; and (v) other projects such as: improvements to schools, public facilities, hospitals, abandoned structures and sectors, revitalization of urban centers, public health or emergency systems, and telecommunications facilities.

Finally, the Order also maintains the Interagency Subcommittee on Expedited Environmental Compliance (the “Subcommittee”) established in Act No. 76-2000, which is charged with the evaluation of the environmental documents prepared for projects covered by the Executive Order. The Subcommittee shall be comprised of one representative of each of the Environmental Quality Board, Planning Board, Department of Natural and Environmental Resources, and Permits Management Office, as well as any other officer designated by the Governor.

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