



January 10, 2014

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## ENVIRONMENTAL & LAND USE ALERT

### ***Act 151 reorganizes the permitting structure in Puerto Rico***

On December 10, 2013, the Governor of Puerto Rico signed into law Act 151-2013 ("Act 151"), enacting certain amendments to Act 161-2009, known as the Puerto Rico Permitting Process Reform Act.

Act 151 eliminates the Adjudicative Board, the Office of the Inspector General of Permits, and the Permits Review Board. Most of the powers of the Adjudicative Board and the Office of the Inspector General of Permits are transferred to the Executive Director of the Permits Management Office ("OGPe", by its Spanish acronym), while other powers will be under the jurisdiction of the Puerto Rico Planning Board ("PRPB").

Specifically, the PRPB shall have jurisdiction over location approvals. For its part, the Executive Director of OGPe shall have the power, among others, to evaluate and make final determinations with regards to exceptions and construction and use variances (also discretionary determinations), and any other matter delegated by the PRPB.

Pursuant to Act 151, the OGPe's Executive Director shall act as the representative of the public interest and will have the authority to process and investigate complaints. The Executive Director may also issue orders of cease and desist, as well as immediate closure of properties or structures found to be in violation of law or regulation. In sum, most of the powers of the Office of the Inspector General of Permits were transferred to the OGPe's Executive Director. PRPB shall also audit and oversee final determinations, permits and certifications issued by OGPe, Authorized Professionals and Inspectors.

Under Act 151, environmental compliance determinations issued by OGPe will now be considered final decisions, separate and independent from the permits or approvals issued by OGPe, Autonomous Municipalities, or the PRPB. Thus, final determinations issued by OGPe with regards to the adequacy of environmental documents and compliance with Article 4(B)3 of the Puerto Rico Environmental Public Policy Act will be subject to judicial review.

If you have any questions or comments or wish additional information regarding this matter please contact any of the attorneys listed below, members of our Environmental, Energy & Land Use Practice Group:

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