

(S.B. 2573)

(No. 411)

(Approved October 8, 2000)

AN ACT

To amend clause (3), eliminate clause (13), renumber clause (14) as clause (13), and add clauses (14), (15), (16) and (17) to subsection B of Section 4; amend subsection (A) of Section 6; add a clause (4) and a clause (5) to subsection (A) and amend subsection (E) of Section 18 of Act No. 70 of September 18, 1992, as amended, known as the “Solid Waste Reduction and Recycling Act of Puerto Rico”, in order to extend to the year 2006 the goal of recycling 35% of the solid waste; to direct municipalities to recruit a full-time Recycling Coordinator and appropriate a budget for the Municipal Recycling Office; to impose the responsibility of rendering reports during the implementation of the Recycling Plans; to compel municipalities to deliver recyclable material to recovery facilities of the Solid Waste Authority; extend the scope of the entities compelled to implement Recycling Plans; and to increase the goal of the government of purchasing recycled fiber paper.

STATEMENT OF MOTIVES

The Solid Waste Authority was created by virtue of Act No. 70 of June 23, 1978, as amended, with the purpose of handling the problem of solid waste disposal in our Island. Act No. 70 of September 18, 1992, known as the “Solid Waste Reduction and Recycling Act of Puerto Rico,” established that it would be the public policy of the Government of Puerto Rico to develop and implement economically viable and environmentally safe strategies that would reduce the volume of the solid waste requiring final disposal.

Act No. 13 of January 20, 1995, amended Act No. 70, *supra*, in order to extend the Solid Waste Reduction and Recycling Program in Puerto Rico;

create new economic incentives to promote recycling; identify the responsibilities of agencies and municipalities in order to develop a recycling program; and to promote the reduction of solid waste, reuse and separation of recyclable materials at its source. However, time has shown that in order to attain a more effective implementation of said Act, it is essential to make the amendments described hereinafter.

For example, through following amendments the private sector would be encouraged to participate in the goal of recycling 35% of the solid waste generated through the mandatory implementation of Recycling Plans. A greater participation from the municipalities is pursued and at the same time, the responsibilities under this Act would be extended to compel the filing of achievement and limitation reports during the implementation of the Recycling Plans.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Clause (3) is amended, clause (13) is eliminated, clause (14) is renumbered as clause (13), and clauses (14), (15), (16) and (17) are added to subsection B of Section 4 of Act No. 70 of September 18, 1992, as amended, to read as follows:

“Section 4.- Powers and functions

(A)...

(B) Municipalities. –

(1)...

(3) The Recycling Plan shall have as a goal the substantial reduction of the volume of waste deposited in landfills. In order to meet the 35% goal by December 31, 2006, the following timetable is hereby proposed: 22% - 2001; 28% - 2003; 25% - 2002; 31% - 2004; 33% - 2005 and 35% - 2006. This timetable shall facilitate that solid waste generated in

the jurisdiction be processed through the reduction, reuse and recycling method.

(13) The municipalities or municipal consortium may earn income for the sale of recyclable material and for the services they render in compliance with this Act, provided such action is consistent with the Recycling Plan approved by the Solid Waste Administration.

(14) ...

(15) The municipalities shall recruit a full-time Recycling Coordinator in order to comply with the requirements of this Act.

(16) The municipalities shall render a report stating the achievements and limitations encountered during the implementation process of their Recycling Plan. This report shall be rendered twice a year during the first two (2) years the Plan is implemented, period after which it shall be rendered annually. This report shall be filed before the Solid Waste Authority.

(17) Beginning in fiscal year 2002-2003, the municipalities shall appropriate an operating and administrative budget for the Municipal Recycling Office.

(18) The municipalities in the regions where there is an infrastructure to process and separate potentially recyclable material shall transport the recyclable material to the recovery facilities that are certified by the Solid Waste Authority for that region, pursuant to the Infrastructure Regional Plan for Solid Waste Reduction and Recycling in Puerto Rico.

(C) ...”

Section 2.- Subsection (A) of Section 6 of Act No. 70 of September 18, 1992, as amended, is hereby amended to read as follows:

“Section 6.- Solid Waste - Separation at its Source

(A) Once this Act takes effect, it shall be the duty of the persons, Commonwealth agencies and public corporations that generate recyclable solid waste to take all measures necessary for said waste to be duly separated and classified at its source. Every industry, factory, store, business and any other kind of institution, commercial or non-commercial, educational, university, tourist, among others, profit or non-profit, that employs more than ten (10) persons, be it full-time or part-time, shall implement a Recycling Plan. This Recycling Plan shall provide the procedure to reduce and separate recyclable materials from the solid waste generated by the institution. Said Recycling Plan shall be filed with the Solid Waste Authority on or before July 1, 2001.

(B) ...”

Section 3.- Clauses (4) and (5) are hereby added to subsection (A); and subsection (E) is hereby amended of Section 18 of Act No. 70 of September 18, 1992, as amended, to read as follows:

“Section 18.- Applicability; Commonwealth Agencies and Public Corporations

(A) It shall be the responsibility of the public corporations and agencies of the Commonwealth of Puerto Rico:

(1) ...

(4) To render a report to the municipally which, in turn, shall render a semiannual report to the Solid Waste Authority stating the achievements and limitations encountered in the implementation of the Recycling Program. This report shall be rendered twice a year during the

first two (2) years the Plan is implemented, period after which it shall be rendered annually.

(5) Beginning in fiscal year 2000-02, purchase 50% recycled fiber paper so that every agency, public corporation, government dependency and instrumentality may increase the purchasing percentage of 50% recycled fiber paper by 5% per fiscal year, until reaching 100%, using as a base the data developed for the fiscal year 2000-2001.

(B)...

(E) The public educational institutions, in coordination with the Authority, shall incorporate courses related to the reduction, reuse and recycling of solid waste into their curricula. In addition, they shall collaborate with the Authority in the development of research projects related to this Act. The Department of Education, beginning in fiscal year 2001-02, shall implement Recycling Programs in each of its schools, which shall be coordinated with the municipality where the school is located. For statistical purposes, and as a supervision measure, each school shall render a semiannual report describing the achievements and limitations encountered in the implementation of the Recycling Plan. This report shall be rendered twice a year during the first two (2) years of its implementation, period after which it shall be rendered annually.

In the cases in which educational institutions and/or schools are not able to implement said Program as established in this Act, a work plan shall be presented to facilitate the attainment of the goals. Said work plan could include alternate activities that would allow that the recycling goal established be met. The work plan shall be presented to the Solid Waste Authority on or before December 31, 2001.”

Section 4.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 411 (S.B. 2573) of the 4th Special Session of the 13th Legislature of Puerto Rico:

AN ACT to amend clause (3), eliminate clause (13), renumber clause (14) as clause (13), and add clauses (14), (15), (16) and (17) to subsection B of Section 4; amend subsection (A) of Section 16; add a clause (4) and a clause (5) to subsection (A) and amend subsection (E) of Section 18 of Act No. 70 of September 18, 1992, as amended, known as the “Solid Waste Reduction and Recycling Act of Puerto Rico,” in order to extend to the year 2006 the goal of recycling 35% of the solid waste; to direct municipalities to recruit a full-time Recycling Coordinator and appropriate a budget for the Municipal Recycling Office; etc,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 1st of April of 2005.

Luis Fusté-Lacourt
Director