

Vía Verde pipeline plan faces federal hurdles

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By CB Online Staff cbnews@caribbeanbusinesspr.com [2] [Caribbean Business](#) [3] The Puerto Rico Electric Power Authority's (Prepa) proposed Vía Verde natural gas pipeline is facing potential permitting setbacks at the federal level. Both the federal Environmental Protection Agency (EPA) and the Fish & Wildlife Service (FWS) have recommended at the U.S. Army Corps of Engineers not sign off on the project, citing a variety of concerns. Carl Axel Soderberg, the EPA's top official in the Puerto Rico and Caribbean region, said in a letter to the Army Corps of Engineers this month that Prepa has not established the project is necessary for the island. The EPA official said the Vía Verde plan as drawn up does not comply with the federal Clean Water Act and is lacking adequate mitigation for environmental damages. Mirroring a move by FWS regional chief Edwin Muñiz, Soderberg urged the Army Corps of Engineers to require a federal environmental impact statement for the project. The proposed 91-mile Vía Verde pipeline cleared two key hurdles in early December when the Puerto Rico Planning Board and the island's Environmental Quality Board (EQB) approved the project under a fast-track process triggered by Gov. Luis Fortuño's declaration of an energy emergency last year. The Planning Board's blessing of the site consultation, a key step in getting the necessary permits needed to start construction, came two days after the EQB announced its approval of the environmental impact statement (EIS) for the pipeline. Approval for the \$450 million project was put on a fast-track by an executive order by Gov. Luis Fortuño declaring an "energy emergency," which enacted provisions of Law 76 of 2000 that calls for the expedited approval process. Citizens and groups looking to challenge the approval of the EIS and the land-use permit faced a deadline at month's end to ask for a revision before the commonwealth Circuit Court of Appeals, which is the only recourse available under the

expedited process. Because of the separation of powers between branches of government, there is no time limit placed on the courts to review any challenges. The Legal Aid Clinic of the University of Puerto Rico and Legal Services of Puerto Rico filed legal challenges of the project this week. The entities filed legal recourses in the San Juan Circuit Court of Appeals challenging the constitutionality, safety and diligence of the recent approvals of the pipeline project by the Planning Board and EQB. The legal bids also raise concerns about the pipeline's proposed route through the environmentally sensitive karst zone. Previous legal challenges of the governor's executive order, including one lodged by the minority Popular Democratic Party, were shot down in court. Vía Verde still lacks certain construction permits that don't require public consultation. In November, Prepa also initiated a Joint Permit Application Process to solicit the required federal permits the project needs, a process that could take up to 100 days. The Army Corps of Engineers also issued a call for public comment last month as part of the federal agency's evaluation of the Vía Verde project. Prepa and Fortuño administration officials say the Vía Verde project will save \$1 billion in annual energy costs and cut pollution from island power plants by 64 percent when it is fully operational in early 2012. The Vía Verde pipeline would run from Peñuelas to Arecibo, and then to San Juan, with a goal of being operational by early 2012. The 91-mile-long pipeline would run four feet underground along PR-10 from Ponce to Arecibo, and along PR-22 from Arecibo to San Juan. It is expected to create between 4,000 and 5,000 jobs during its construction phase. The project also includes the conversion of several Prepa oil-fired plants to natural gas, with the aim of cutting reliance on imported oil for power generation to 12 percent from the current 70 percent in 2012. It also would boost the use of cleaner and cheaper natural gas to 71 percent from its current 15 percent by 2012. Officials say conversion of oil-fired plants to natural gas is the quickest way to make electricity more affordable. Opponents also express concerns over safety issues, but supporters say the risks posed by the pipeline were far lower than those posed by the necessity of shipping imported oil here to fuel existing oil-fired plants.

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