

NOM-001-SEMARNAT-2021 Action Programs | Wastewater Discharges

Mexico City, December 6, 2022

On December 5, 2022, the Federal Official Gazette (*Diario Oficial de la Federación*) published the "Guidelines that establish the general administrative provisions for the filing of the action programs established in the transitory article fourth of Mexican Official Standard NOM-001-SEMARNAT-2021, which establishes the permissible limits of pollutants in wastewater discharges into national bodies of water (*Lineamientos que establecen las Disposiciones administrativas de carácter general para la presentación de los programas para el cumplimiento establecidos en el artículo cuarto transitorio de la Norma Oficial Mexicana NOM-001-SEMARNAT-2021, Que establece los límites permisibles de contaminantes en las descargas de aguas residuales en cuerpos receptores propiedad de la nación*). (the "Guidelines").

The Guidelines establish the requirements, deadlines, and procedures for the voluntary registration of action programs for complying with NOM-001-SEMARNAT-2021, which establishes the maximum permissible levels of contaminants ("LMP") in the wastewater discharges into water bodies owned by the nation ("NOM-001-2021").

Regulated entities¹ may voluntarily file, register and execute action programs that should include all wastewater discharge points authorized under the wastewater discharge permit, in the following two cases:

- When in order to comply with the LMPs and regulatory annex of NOM-001-2021, it is necessary to modify their facilities and those modifications require a longer term than the compliance term established in NOM-001-2021, meaning, beyond April 3, 2023; or
- When in order to comply with the LMP and regulatory annex, it is necessary to modify the production process that generates the wastewater discharge and such modifications exceed the compliance deadline of NOM-001-2021, meaning, beyond April 3, 2023.

¹ Those responsible for wastewater discharges into national bodies of water.

The action programs ("Action Programs") should include the following: (i) Corporate name of the regulated entity; (ii) Federal Taxpayer Registry; (iii) Wastewater discharge permit information; (iv) Wastewater discharge volume; (v) Meter or device for measuring information (vi) Coordinates of the wastewater discharge point; (vii) Legal representative information; (viii) E-mail address; (ix) Justification for the application of the Action Program; (x) Schedule of activities which establish the actions of the Action Program; (xi) Period requested; (xii) Electronic Signature of the regulated entity or legal representative; and (xiii) Annex A of the Guidelines.

The Action Programs should be submitted voluntarily to the National Water Commission ("CONAGUA") by the regulated entity **from March 11 until April 3, 2023**, using the following link: <https://programasnom001.conagua.gob.mx/>. Additionally, the deadline for compliance with the actions under the program may not exceed March 11, 2027.

CONAGUA may carry out random reviews of the Action Programs, for which it may request additional information from the regulated entity.

Once the Action Program is registered, the "regulated entity" must file periodic progress reports on the implementation of the committed actions and, in the meantime, must comply with the LMP of NOM-001-SEMARNAT-1996. If the regulated entity fails to comply with these obligations, the registration of the program will be cancelled, and it will be necessary to comply with the LMP of NOM-001-2021.

The progress report must contain the following: (i) Company name; (ii) Legal Representative information; (iii) Registration number of the Action Program; (iv) Information of the wastewater discharge permit; (v) Progress report; (vi) Progress of the activities executed; (vii) Electronic signature of the regulated entity or legal representative; and (viii) Annex B of the Guidelines.

CONAGUA will proceed to the cancellation and registration of the Action Program, when the program provisions and actions have not been complied with.

In case the implementation of the Action Program requires the suspension of production processes or, the installation of machinery, equipment or plants and consequently the operation of the wastewater treatment system must be suspended, notice must be given to CONAGUA 30 working days prior the suspension.

The Guidelines will become effective as of March 11, 2023, in accordance with the Sole Transitory Provision of the Guidelines.

In case of any doubt or assistance required, please contact us.

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