

November 17, 2023



Amendments to the Federal Law of Duties related to Wastewater Discharge

On November 13, 2023, the Ministry of Finance and Public Credit published the *Decree which amends, adds to, and repeals several provisions of the Federal Law of Duties* (the "**Decree**"). This Decree was issued in conjunction with several tax and budgetary laws for year 2024. The Decree updates and adds, among other aspects, the concepts, amounts, and obligations related to the discharge of wastewater into federal waters.

This is done to harmonize the obligations set forth in the Mexican Official Standard NOM-001-SEMARNAT-2021, which defines the permissible limits of pollutants in wastewater discharges into federal waters (the "NOM-001"). This standard was published on March 11, 2022, and granted a period of exemption so that the changes introduced were not reflected in the Federal Law of Rights for the year 2023.

With the publication of the Decree, as of January 1, 2024, these changes are included and will be applicable to all wastewater discharge points into federal waters, except those that are subject to a Program for Compliance with NOM-001, approved by CONAGUA.

Some of the most noteworthy changes include: (i) the obligation to monitor and measure total organic carbon (TOC) in discharges; (ii) the obligation to treat as wastewater all water volume that has been in contact with wastewater; (iii) the updating of costs according to the type of receiving body and water use; (iv) sampling methods and processes; and (v) the implementation of infrastructure, operation and sanitation efficiency improvement action programs.

Consequently, it is imperative that all parties discharging wastewater into federal bodies review their performance with NOM-001 and the Income Federal Law, to ensure proper compliance with their wastewater discharge obligations by year 2024 and thus avoid penalties ranging from fines to suspension of activities.

At Sanchéz Devanny, we have a highly experienced team in these matters, and we will be pleased to provide youmore information about the above and answer your specific questions, to ensure proper compliance.

This content was prepared by Georgina Gutierrez-Barbosa (georgina.gutierrez@sanchezdevanny.com) y Enrique Cruz-Lozano (enrique.cruz@sanchezdevanny.com).

Sánchez Devanny is a leading Mexican law firm that provides **full-service legal advice** both to Mexican and international clients.

We build enduring client relationships because we make every effort to understand our clients' businesses and expectations, to serve as an ally, and to provide **complete**, **accessible and personalized advice**.

Contact

Georgina Gutiérrez-Barbosa georgina.gutierrez@sanchezdevanny.com

Mexico City:

Av. Paseo de las Palmas #525 Piso 6 Col. Lomas de Chapultepec, 11000 Ciudad de México T. +52 (55) 5029 8500

Monterrey:

José Clemente Orozco #335 Piso 4 Despacho 401 Col. Valle Oriente, 66269 San Pedro Garza García N.L. T. +52 (81) 8153 3900

Oueretaro:

Av. Antea #1090, Piso 2 Int 206 Col. Jurica, 76100 Querétaro, Qro. T. +52 (442) 296 6400













© Sánchez Devanny ® 2023

Sánchez Devanny refers to Sánchez Devanny Eseverri, S.C., a leading Mexican law firm that provides full-service legal advice both to Mexican and international clients.

This publication contains general information only and is just for informative purposes. Sánchez Devanny is not rendering legal advice or services by means of this publication. To obtain legal advice or services and before making any decision or taking any action that may affect your business you should consult a qualified professional advisor.

Sánchez Devanny provides legal services in the areas of Corporate and M&A; Corporate and Project Finance; International Trade and Customs; Real Estate, Infrastructure, and Hospitality; Tax; Labor, Social Security, and Immigration; Corporate Governance and Regulatory Compliance; Energy, Natural Resources and Environmental; Life Sciences; Intellectual Property, Entertainment and Sports Law; Litigation and Alternative Dispute Resolution; Antifrust; Financial Institutions and Services; Private Wealth Management and Estate Planning and Data Privacy and Information Technology to both public and private clients, especially in the automotive, retail, pharmaceutical, manufacturing, real estate, and energy industries.