



U.S.-Mexico Border 2020 Environmental Enforcement Workshop June 13, 2013

Felipe Olmedo
Procuraduría Federal de Protección al Ambiente

Legal Framework:

- **Constitution of the United Mexican States.**
- **General Law of Ecological Balance and Environmental Protection.**
- **General Law for Prevention and Integral Management of Wastes.**
- **Regulations of the General Law for Prevention and Integral Management of Wastes.**
- **Federal Criminal Code.**

Purpose of Environmental Laws:

Comprehensive Management: source reduction; segregation; reuse; recycling; co-processing; biological, chemical, physical, or thermal treatment; collection, storage, transportation, and disposal of waste.

Compliance with recovery targets, as well as health, environmental, technological, financial, and social efficiency.

Encourage **stewardship** in all community sectors to promote waste generation prevention actions, enhance waste recovery, and achieve a comprehensive and environmentally appropriate waste management.

What is waste?

A material or product discarded by its owner or possessor, which is found in a solid, semi-solid, liquid, or gas state in containers or tanks, and which may be subject to recovery or requires treatment or final disposal.

How are hazardous wastes defined by environmental laws?

Hazardous wastes are those that possess any of the characteristics of being: corrosive, reactive, explosive, toxic, or flammable; or that contain infectious agents that render them hazardous, as well as any wrapping, packaging or containers that have been contaminated while transferred to another site.

How are wastes characterized?

Generators must consider the physical state, properties, and inherent characteristics of the wastes, and according to their volume, type of management and concentration, anticipate their behavior in the environment, as well as the likelihood that they will cause or may cause adverse health and/or environmental impacts.

Wastes may be characterized as:

- ⊖ Hazardous Waste,
- ⊖ Urban Solid Waste, and
- ⊖ Special Handling Waste (amount \geq 10 ton gross weight).

HAZARDOUS WASTE	SPECIAL HANDLING WASTE	URBAN SOLID WASTE
Articles 16 and 31 of LGPGIR, with the exception of items that refer to special handling waste or urban solid waste.	Article 19 of LGPGIR, except when considered hazardous by law or by NOM's (national standards).	Local and state waste prevention and comprehensive management programs and applicable ordinances; may be sub-characterized as organic and inorganic.
NOM-052-SEMARNAT-2005	Official Mexican Standard (NOM), pending to be developed by SEMARNAT.	Official Mexican Standard (NOM), pending to be developed by SEMARNAT.

Legal Framework:

- Official Mexican Standard **NOM-052-SEMARNAT-2005**, establishes the characteristics, identification procedure, classification, and lists of hazardous waste. (D.O.F. June 23, 2006).

A waste is considered hazardous if it meets one of the following listing types:

- ☑ **List 1:** Classification of hazardous wastes by specific source.
- ☑ **List 2:** Classification of hazardous wastes by non-specific source.
- ☑ **List 3:** Classification of hazardous wastes resulting from waste of chemical products outside of specifications or material life (Acute Toxics).
- ☑ **List 4:** Classification of hazardous wastes resulting from waste of chemical products outside of specifications or material life (Chronic Toxics).
- ☑ **List 5:** Classification by type of wastes, subject to Particular Handling Conditions.

If the waste is not included in any of the above lists and it is regulated by any of the following Official Mexican Standards, it will be subject to the provisions of the applicable Regulatory Instrument.

Legal Framework:

- Sludge and biosolids are regulated by **NOM-004-SEMARNAT-2002**. *(D.O.F. August 15,2003).*
- Polychlorinated biphenyls (PCB's) are subject to the provisions of **NOM-133-SEMARNAT-2000**. *(D.O.F. December 10,2001).*
- Maximum permissible levels of hydrocarbons in the soil are subject to the provisions of **NOM-138-SEMARNAT/SS-2003**. *(D.O.F. March 29, 2005).*
- Mine tailings are governed by the specifications included in **NOM-141-SEMARNAT-2003**. *(D.O.F. September 13, 2004).*
- Biological and infectious waste management is subject to the provisions of **NOM-087-SEMARNAT-SSA1-2002**. *(D.O.F. February 17, 2003).*

Felipe Olmedo

Procuraduría Federal de Protección al Ambiente

01 55 5449 6318

email: folmedo@profepa.gob.mx

