

[Unofficial Translation]

**RE: SUBMISSION ON EFFECTIVE
ENFORCEMENT OF MEXICAN
ENVIRONMENTAL LAW**

**COMMISSION FOR ENVIRONMENTAL COOPERATION
393, RUE ST. JACQUES OUEST, BUREAU 200
MONTREAL (QUEBEC) CANADA H2Y 1N9**

I, Roberto Abe Almada, acting on my own behalf and in my capacity as executor of the testamentary succession of my late father Roberto Abe Domínguez, as I attest with certified copy of said document attached as **Appendix 1** to this Submission, giving as domicile for purposes of receiving notice Avenida Teopanzolco no. 408-4º piso, Colonia Reforma, Cuernavaca 62450, Morelos, and authorizing for such purpose Atts. Roberto Jorge Abe Camil and Carlos Vasconcelos Beltrán, and e-mail address robertoabe23@hotmail.com, with due respect and on the basis of Articles 14 and 15 of the North American Agreement on Environmental Cooperation, submit as follows:

SUBMISSION

That Mexico be sanctioned for **failure by the competent environmental authorities to enforce and to effectively enforce** various provisions of environmental law in the following ways:

One: Failing to sanction the company BASF MEXICANA S.A. de C.V. at its premises located from 1973 to 1997 on a part of the property owned by the party I represent in Ex Hacienda de Nuestra Señora de la Concepción “El Hospital” in the municipality of Cuautla, state of Morelos, for noncompliance with various environmental and waste laws and regulations.

Two: Failing to enforce the environmental law with which BASF did not comply at this facility, as is patently clear from a perusal of the executive summary of the Auditing Plan of Action that was done free of charge during 1996–97, **when BASF was still operating.**

Three: Failing to directly perform the technical studies and detailed testing necessary to identify and assess the magnitude and severity of the contamination caused by BASF while it was operating, for, as is evident from a perusal of the body of this submission; **the authority based the measures it took solely on the self-diagnosis and remediation plan proposed by the polluter, BASF, without itself making any direct effort to assess the situation.**

Four: Failing to order or take the control measures necessary to **prevent the continued spread of the contamination detected there.**

Five: Failing to take timely measures for proper remediation of the site and allowing the contamination there to continue to cause harm to health, the environment, and the property of the party I represent. It is relevant to emphasize that during a process of environmental remediation of the premises then occupied by BASF, agreed upon in a judicial settlement, **more than 11,800 tons of contaminated materials and soils were removed from the rented property, but the site allegedly now remediated continues to exhibit high levels of heavy metal contamination.**

Six: Failing to act accordingly despite the results of tests of several samples taken by Profepa on the rest of the property of the party I represent, which was not rented to BASF, which proved the presence of lead, chromium, cadmium, and molybdenum above the levels allowed by the standards, **even though then Federal Attorney (*Procurador*) Campillo (Appendix 7) acknowledged the existence of high concentrations of heavy metals at various places on the property.**

Seven: Having ignored technical information produced by experts Roberto Flores Ortega and Manuel Murad Robles (Appendix 8) **proving the existence of contamination** in different parts of Ex Hacienda not rented to BASF, **of which Profepa was notified (Appendix 16) without that authority ordering any remediation measures whatsoever nor any measures to prevent the dispersion of contaminants through the subsoil.**

Eight: Having ignored technical information produced by experts Roberto Flores Ortega and Manuel Murad Robles (Appendix 9) **attesting to the persistence of contamination in the 5300 m² area that was presumably free of**

contaminants, as asserted by Profepa (Appendix 6), which information was submitted to the competent authority as attested in Appendix 18, about which the authority has neither accepted its existence nor substantiated its nonexistence and, as a result, has ordered no remediation measures whatsoever, nor any measures to prevent the dispersion of contaminants through the subsoil.

BACKGROUND:

- a) Ex Hacienda de Nuestra Señora de la Concepción “El Hospital,” located in the municipality of Cuautla, Morelos is a lot measuring approximately 43,000 m², originally occupied by a sugar mill, and 2000 m² of which was rented to BASF MEXICANA. After several years, the company rented additional space, bringing the total occupied by its facility to approximately 5300 m².
- b) Starting in 1973, BASF and my late father signed consecutive leases with five-year terms. This occurred until 1993. Then, in 1995, he received from BASF a notice of its wish to terminate the lease early, which did take place, on 31 August 1997.
- c) BASF’s dismantlement of its facilities was not complete on the date indicated in the previous paragraph. Therefore, on 3 September 1997, the party I represent took possession of the premises, as attested by the information contained in Appendix 2 of this Submission, which contains photos of the state of disorder and contamination in which BASF left the premises. This is further corroborated by the administrative agreement of 1 July 1998 (Appendix 4) and files Profepa B-0002/0750 and Profepa B-0002/775.
- d) In 1996, after having notified my late father of its wish to terminate the lease early but before actual termination, BASF **(still fully operating)**, agreed to a free and voluntary environmental audit. Profepa, as part of a promotional campaign for this self-regulatory mechanism, had offered BASF federal or international funds for that purpose. The auditor retained was TOPOGRAFIA ESTUDIOS Y CONSTRUCCION S.A. de C.V., and the supervisor was OSO INGENIERIA S.A. de C.V. The executive summary of the Auditing Plan of Action is included in this Submission as Appendix 3.

- e) It should be emphasized that the company, cognizant of the massive irregularities detected by the Profepa auditors in that audit, **opted to abort the process and not sign an agreement to take the corrective measures proposed**. Profepa, having taken cognizance of the information obtained through the environmental audit, was then obligated to:
1. Order and implement **urgent measures to resolve the environmental problems resulting from BASF's noncompliance and to prevent the spread of environmental damage, which it did not do**.
 2. Penalize the violator for the irregularities identified in that process. I must state to the CEC that as of today, no sanction whatsoever has ever been applied to BASF MEXICANA S.A. DE C.V further to the events.
- f) In response to the initial public complaints filed in 1998 by Roberto Abe Domínguez and several other residents, as may be corroborated from Profepa files B-0002/0750 and B-0002/775, the competent authority took various measures (Appendices 4 and 5) in which it acknowledged multiple violations of the applicable environmental law but in which, for reasons I do not understand, **it did not hold BASF to be a polluter and therefore did not penalize it, a situation that has persisted to this day**.
- g) As from 3 September 1997, various remedies – civil, penal, and administrative – were pursued, leading to a judicial settlement in which my late father agreed to Profepa's supervising the environmental remediation of the rented premises, which presumably occurred from 2000 to 2002 (Appendix 6, administrative agreement, Ing. Rafael Coello 26/07/02).
- h) As from the settlement, we were barred from the 5300 m² lot that BASF had occupied. Therefore, we were unable to ascertain or verify whether cleanup of that area was complete. However, we did observe that the contamination had gone beyond the areas covered by the settlement, so we notified the authority and pursued new civil and administrative remedies. **Throughout, the authorities' inaction has been the common**

denominator, yet the authority expressly acknowledged the existence of contamination on the rest of the property in the form of a document from then Federal Attorney for Environmental Protection José Campillo García (Appendix 7). Added to this, the authority was aware of other contaminated sites in El Hospital arising from inadequate disposal of hazardous waste and demolition debris, which still persists in the locality.

- i) As part of the civil proceedings brought, expert testimony in the field of environmental and soil engineering as well as geophysics was presented. These documents, signed by Dr. Roberto Flores Ortega and chemical engineer Manuel Murad Robles, are attached as Appendix 8. Profepa ignored them.
- j) In addition to the expert testimony mentioned in the preceding paragraph, I attach copies of studies conducted in the last three years by Dr. Jorge Rodríguez and several students at UAM Azcapotzalco as part of undergraduate and master's degree programs under the supervision of Dr. Rodríguez (Appendix 10), which conclude that the contamination has gone beyond the industrial zone that BASF occupied, showing that:
 - 1. **The environmental authorities did not foresee that the contamination caused by BASF could extend to the rest of the property and neighboring lots.**
 - 2. **The environmental analysis presented by BASF and approved without verification by Profepa was incorrect.**
 - 3. **The authority should have conducted its own testing and order preventive measures to keep the contamination from spreading.**
- k) As attested by administrative proceeding SII-SGIFC-0023/2004, almost two years after the aforementioned administrative act by Ing. Rafael Coello (Appendix 6), it was ordered that some of the work presumably comprised by the aforementioned judicial settlement be completed. Specifically, Dr. Gerardo Anselmo Alvarado Salinas of Profepa indicated the measures BASF was required to take on the lot owned by the party I represent, a chronology of which is presented in Appendices 11 to 14 of this submission. Of note, BASF never complied with the procedures ordered by

Profepa. In most cases, this behavior was not penalized. BASF was only partially penalized by Profepa, as is evident from the document by Dr. Mauricio Limón of 27 February 2006 (Appendix 21) in which Attorney Loyola Vera sanctions several irregularities and instances of noncompliance by BASF in regard to the taking of measures arising from the environmental restoration plan. **No penalty whatsoever was applied for all the violations revealed by the executive summary of the environmental Auditing Plan of Action in 1997, the violations identified by Artemio Roque in 1998 and 2000 (Appendices 4 and 5) and those committed by BASF in May 2005 (Appendices 11–14) which, I emphasize, were suspended on 31 May 2005 further to an order by the municipality of Cuautla, since BASF violated the license issued by the municipality.**

- l) I respectfully reiterate that the information contained in the plans presented by BASF to Alvarado Salinas is incorrect in its reference to the drains that have to be removed from the lot owned by the party I represent, bordering on the one rented by BASF, in that it intentionally omits mention of two industrial drains, the first leading out of the former BASF premises toward the village, and a drain 60 cm in diameter and over 4 m long leading from the rented area to the manhole that received discharges from the drain coming from the treatment plant that was supposedly operating on BASF premises. A few meters further along, this drain turns into the Espíritu Santo irrigation canal. This situation is mentioned in the notarized testimony taken on May 9, 11, 14, 17, and 31 (Appendices 11–14 of this submission). This omission and the failure to officially report the situation may constitute offenses against environmental management under Article 420 quater of the Criminal Code.
- m) It must be emphasized that even though the undersigned reported the existence of the clandestine drain discussed in the preceding paragraph on multiple occasions, Profepa makes no mention of it anywhere. Indeed, Irma Estela Dorantes of Profepa states **that BASF submitted plans, programs of activities, and licenses to Profepa's full satisfaction, which was false** (Appendices 11–14). It should be noted that the municipality specifically states that the plans submitted to it failed to indicate the clandestine drain, as attested by Appendix 22 this submission.

n) I must point out that from the document by Mauricio Limón of 27/02/06 (Appendix 21) to the present, **there has been no resumption of the activities begun on 9 May 2005 and suspended due to violations of the municipal license obtained by BASF to carry out the work in question.** Much of the material is sitting in bags on the patio of Ex Hacienda, though it was supposed to have been sent to Mina Nuevo León on 31 May 2005 since it is contaminated (Appendix 15, certification of facts, 31 May 2005).

I transcribe below and incorporate into my submission the acts and omissions noted by Att. Myredd Mariscal in submission SEM-06-003, since I agree with her analysis of the facts presented therein.

ACT OR OMISSION INDICATIVE OF ABSENCE OF ENFORCEMENT OF, OR FAILURE TO
EFFECTIVELY ENFORCE, MEXICAN ENVIRONMENTAL LAW

One: Absence of enforcement of the applicable environmental law, as attested by the executive summary of the Plan of Action of the audit carried out at BASF Mexicana, S.A. de C.V., at its facilities in Cuautla, Morelos (Appendix 3) while it was operating during the years 1996–97. The Profepa-accredited environmental auditor, Topografía, Estudios y Construcción, S.A. de C.V., supervised by Oso Ingeniería, S.A. de C.V., also Profepa-accredited, identified “deficiencies,” **as noncompliance with the following applicable legal provisions was then called:**

1. - Air “ATM” 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, (pp. 13–17, Appendix 3)
2. - Water “AGA” 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, (pp. 18–25, Appendix 3)
3. - Hazardous waste “RSP” 001, 002, 003, 004, 005, 006, 007, 008, 009 (pp. 18–25, Appendix 3)
4. - Waste “SOL” 001, 002 (pp. 29–30, Appendix 3)
5. - Soil and subsoil “SYS” 001, 002 (pp. 3 and 31, Appendix 3)

Violations of various laws and regulations are noted under each of the deficiencies observed by the auditor and the supervisor. **I emphasize that to the date of this submission, the Company has not been penalized for any of these violations.**

Two. Absence of enforcement, since the environmental audit is a self-regulation tool originating in Mexico as a consequence of the North American Free Trade Agreement (NAFTA). Initially, the Mexican federal government, as a means of promoting this self-regulation tool, paid for a series of audits with its own funds and with international funding. Indeed, this is what occurred in the case at hand: **the audit of the company in 1996–97 was done at no cost to the company.** *This was a violation of the applicable environmental law and elementary principles of ethics,* since in the first place, **BASF should not have accepted this free work, for in 1995 it had given notice to the**

lessor of its premises in Cuautla of its wish to terminate its lease early, announcing that it would vacate the premises on 31 August 1997. In fact, it was **evicted** from the property by the owner on 3 September 1997, as appears in Profepa files B-0002/0750 and B-0002/775.

Three. Absence of enforcement, since when BASF refused to sign the Auditing Plan of Action, whose executive summary is attached to this submission (Appendix 3), the Office of the Deputy Attorney for Environmental Auditing (*Subprocuraduría de Auditoría Ambiental*) should have referred the information generated by the auditor to the Office of the Deputy Attorney for Inspection (*Subprocuraduría de Verificación*), **which should have immediately sanctioned the violator. To date, this has not occurred.**

Four. Absence of enforcement, in that the environmental authority should, acting on its own behalf or by the National Institute of Ecology (*Instituto Nacional de Ecología—INE*), have conducted studies to assess the magnitude and severity of the environmental damage and health harms caused by the site to neighboring lots and residents, **and should have taken the measures necessary to prevent the spread of the contamination and to reduce its adverse environmental impacts.** To date, this has not occurred.

In relation to the contamination directly caused on the lot the company occupied, and after a long legal process, a judicial settlement was reached between the lessor and the lessee.

In my judgment, the environmental authority improperly allowed BASF to devise an environmental remediation plan for the premises it occupied from 1973 to 1997. This activity has made it possible to identify and remove 11,800 tons of hazardous waste from the site formerly occupied by BASF, which the company sent for containment at Mina Nuevo León, as attested by aforementioned file B-0002/775. Much of this waste was irregularly buried.

It is obvious that there is still waste to be found at Ex Hacienda, as attested by Appendices 3, 5, 7, 8, 9, 10, 11, and 12. Profepa opened a new file (SII-DGIFC-023/2004) for the company to complete the remediation work agreed to in the judicial settlement. The vagueness of the assessment conducted by BASF meant that even today, **not all the sites where hazardous waste was clandestinely disposed of on lots in the vicinity of the lessee have been found, nor were the corresponding prevention measures taken.**

Five. Absence of enforcement in view of the information contained in aforementioned file B-0002/775, in the administrative agreement issued on 26 July 2002 by G. Rafael Coello García, **who presented himself as the director of the Pollution Source Inspection Branch (*Dirección General de Inspección de Fuentes de Contaminación*)** of the Office of the Deputy Attorney for Industrial Inspection of Profepa. I have found no evidence of publication in the DOF of the administrative act appointing him as the head of that branch. Therefore, I request that the CEC **corroborate that appointment**, since in the administrative act in question, Profepa acknowledges completion of a large part of the work without (I quote) **“this meaning in any way a release of BASF Mexicana, S.A. de C.V. from any liability that it may have”** (Appendix 6), and since the administrative act in question could be found to be null and void.

Six. Failure to effectively enforce the law and absence of enforcement. As attested by the administrative agreement of 1 July 1998 in file B-0002/0750, the two conditions invoked are met: on the one hand, an inspection visit was made on 23 June 1998 **and a faithful account of the findings was narrated** (Appendix 4). The report describes the waste infiltrated into the subsoil and the improper disposal of contaminated demolition debris used for filling and grading of various lots and

streets. The environmental authority does not order urgent measures to prevent the migration of the contamination and ensuing harm to health and the environment, nor does it sanction the violator, **“since from a reading of the administrative act it is evident that even where the authority notes them, the urgent measures, I reiterate, were not taken, and the violator BASF Mexicana, S.A. de C.V. has not been penalized, enjoying impunity for the actions described.”**

Seven. Failure to effectively enforce the law, as is evident from the administrative agreement of 20 July 2000 in file B-0002/775 (Appendix 5), in which, **more than two years after** the agreement noted in the preceding point in this submission, **nothing had been done** by the competent authority, notwithstanding the evidence contained in the aforementioned agreement of 1 July 1998.

In this administrative agreement, Profepa irregularly received from the company a restoration proposal for the affected site, when in my view the environmental authority itself should have specified which activities were required and within what timeline.

Furthermore, **no mention whatever is made of measures required to be taken on the property of other residents and on other sites where BASF improperly disposed of hazardous waste from demolition of its facility.** In addition, the environmental authority **is failing to address the resolutions (*puntos de acuerdo*) by the federal and state legislatures** (Appendices 23 and 24).

Eight. Absence of enforcement. For reasons I fail to understand, Dr. Gerardo Anselmo Alvarado Salinas opened a new administrative proceeding in file SII-SGIFC-023/2004 for the company to complete the pending work. On 5 August 2004 he issued an administrative agreement (Appendix 17) containing plans or sketches submitted by the company and presumably reviewed and approved by Profepa. In these plans, **BASF intentionally omits mention of a clandestine drain on the site**, giving rise to offenses under Articles 414–16, 420 quater, and 421 of the Federal Criminal Code (*Código Penal Federal*—CPF). **This approval was upheld by official Dorantes of Profepa as attested by notarized document and on page 5 of 8 of the administrative act, both dated 9 May 2005 (Appendix 11), where the official states that the plans were reviewed and approved by Profepa, and moreover, Alvarado Salinas states in the sixth paragraph of his preamble, “In view of the change of legal status of the property,” yet the legal status of the property in question never changed (that part was not rented).**

Further corroboration of the failure to effectively enforce the law is evident in the failure to penalize noncompliance with the sixth point of the sixth paragraph of the preamble to the aforementioned administrative agreement, since no tests were done on the property other than those done by the Universidad Autónoma Metropolitana (UAM) Azcapotzalco (Appendix 10), **as attested by the fact that at no time was the entrance onto the property of personnel from any accredited laboratory recorded** (certified log sheets, Appendix 19).

Nine. Absence of enforcement on 11 May 2005 as attested by the notarized document and the detailed report of the same date (Appendix 12), where mention is made of **irregularities in the licenses obtained by BASF to carry out the activities described in aforementioned file DGIFC-023/2004** and reports by the owner’s representative of the irregularities and omissions observed. **I emphatically reiterate the existence of the clandestine drain that was not indicated on the sketch or plan submitted by BASF and approved by Profepa. Thus, the latter is consenting to and tolerating the false information submitted by the company (Appendix 20 contains proof of the existence of the drain issued by the municipality) and hence violating the Federal Public Servants Responsibilities Act (*Ley Federal de Responsabilidades de los Servidores Públicos*—LFRSP).**

Ten. Absence of enforcement. The work that Profepa ordered BASF to carry out in file SII-DGIFC-023/2004 was suspended by the municipality of Cuautla on 31 May 2005 and, to date, **the environmental authority has not compelled the company to conclude the work, nor has any responsibility whatsoever been laid at the door of the Profepa public servants who tolerated or consented to the false information submitted by the company** for the performance of the work ordered in aforementioned administrative file SII-DGIFC-023/2004 (Appendix 15).

Eleven. Absence of enforcement. Several studies were conducted on the rented premises and environs (Appendices 8 and 9), as was acknowledged by then Federal Attorney Campillo in regard to the existence of contamination on lots nearby the one rented (file 016/02 of 17 January 2002, Appendix 7). This situation persists, as may be corroborated by the CEC if it conducts or arranges for tests on neighboring lots and in soil extracted in May 2005 by BASF that could not be removed from Ex Hacienda due to **suspension of the license** by the municipality of Cuautla, Morelos (Appendix 15). I stress that **the suspension in question was ordered by the municipality due to false statements in the license applications originally filed by BASF**. These are especially troubling in light of the statements by Irma Estela Dorantes of Profepa, to the effect that the plans and licenses were shown to Profepa, reviewed by it, and fully approved by it. **This was acknowledged by JOSÉ LUIS CÁRDENAS RODRIGUEZ of Profepa, who refused to give the owner a copy of the official document produced by him to that effect on 31 May 2005.**

Twelve. Absence of enforcement in view of the health impacts experienced by some of my clients that were caused by violations of environmental law evidenced in the aforementioned environmental audit (Appendix 3). This is corroborated by the research done by UAM Azcapotzalco (Appendix 10). Add to this the clinical history of the man who was the husband of one of the residents (Appendix 22), and it is obvious that the health of the residents and the ecological environment at the site are affected.

Thirteen. Failure to effectively enforce the law as attested by the penalty imposed on BASF during the intervention of Attorney Ignacio Loyola Vera, which was communicated to the owner's representative in file PFPA/SJ/067/06 of 27 February 2006 (Appendix 21), signed by Deputy Attorney for Judicial Affairs (*Subprocurador Jurídico*) Mauricio Limón. The document states that on 20 December 2005, **a final resolution of the administrative proceeding in file B-0002/775 was issued, in which the company was fined \$1 872 000.00 pesos. The text reads, "thus BASF Mexicana, S.A. de C.V. was ordered to take the necessary corrective measures, and it was reiterated that the company was obligated to comply with the relevant parts of the environmental restoration plan authorized during the administrative proceeding, and that compliance with these measures had to take place by a set deadline."** As is clear, the environmental authority **limited itself to sanctioning aspects related to the restoration program**, which BASF itself drew up, and the owner was notified thereof. The company filed an administrative appeal (*recurso de revisión*) against this administrative act, **the result of which has not yet been communicated to the owner. Furthermore, it should be mentioned that after the noncompliance with the relevant parts of the environmental restoration plan suspended by the municipality on 31 May 2005, more than a year and a half elapsed and they did not return to the site. This evidences the failure to effectively enforce the environmental law, even insofar as the provisions in question are for public order and the societal interest.**

Fourteen. Failure to effectively enforce the environmental law by virtue of an indirect reference in file PFPA/SJ/067/06 to the agreement signed by Ing. Coello (Appendix 6), **when there is a presumption of nullity of said administrative act**, since there is no record of an order of appointment published in the DOF, as well as the text of file EOO.PFPA.870 of 1 December 2003 **in which then Attorney**

Luege responded in delayed fashion to the letter by Roberto Abe of 26 May 2003 (file B-0002/775).

Fifteen. Failure to effectively enforce the law when in the same document, Deputy Attorney Limón states, “**As to the existence of a ‘clandestine’ drain, it should be pointed out...**” and he continues, “**it is not within the purview of this office.**” Deputy Attorney Limón seeks to discharge Profepa from responsibility in the simplest way, for he claims not to know that the clandestine drain in question originates on premises where environmental restoration work took place **under the supervision of Profepa**, and furthermore they are on private property (Appendix 21).

Sixteen. Failure to effectively enforce the law when the Deputy Attorney for Judicial Affairs states that Profepa does not have the power to compel the audited party to sign the auditing plan of action. **It is relevant to mention that my client never requested this;** what he argued is that when the company failed to sign the plan of action, **the matter should have been referred to the inspection area for the latter to proceed accordingly, since there is much and varied evidence of noncompliance.** Later, during the supposed restoration of the premises, 11,800 tons of hazardous waste were identified and sent for containment in Mina Nuevo León, **but I must emphasize that this took three years to happen**, which undoubtedly affected the health of local residents and the environment (aforementioned file B-0002/775). Additionally, I must reiterate the evidence of contamination found during the work initiated in May 2005, which is documented in Appendices 10 to 14. They make plain **the continued existence of contamination at the site.**

Seventeen. Failure to effectively enforce the environmental law in that the competent authority did not enforce Articles 134, 152, and 170 of the General Ecological Balance and Environmental Protection Act (*Ley General del Equilibrio Ecológico y la Protección al Ambiente*—LGEEPA) when it learned of the state of the company's premises further to the information obtained from the voluntary environmental audit performed in 1996–97, when the company was operating normally. The environmental authority should have ordered a series of urgent measures to prevent the hazardous waste from continuing to spread into the air or infiltrate into the subsoil, **contaminating the water table to a depth of 8 m.** The soil and subsoil contamination problems are very serious, as was confirmed with the environmental restoration or remediation work carried out by the company from 2000 to 2002, **when more than 11,800 tons of hazardous waste was sent for containment in Mina Nuevo León**, file B-0002/775. The bulk of it was composed of contaminated soils, which still persist, as may be observed in the notarized documents of 14 and 17 May 2005 (Appendices 13 and 14).

I BASE MY SUBMISSION ON THE FOLLOWING PROVISIONS:

CPF Articles 414, 415 paragraph I, to 416 paragraph I, 420 quater, and 421.

LGEEPA Articles 4, 5, 6, 134, 135, 136, 139, 140, 150, 151, 151 bis, 152, 152 bis, 160, 161, 162, 167, 167 bis, 167 bis 1, 167 bis 3, 167 bis 4, 168, 169, 170, 170 paragraph III, 170 bis, 171, 172 173, 174, 191, 192, and 193.

Articles 6, 8, 10, 12, and 23 of the Regulation to the LGEEPA Respecting Hazardous Waste.

NOM-052-ECOL/93.

NOM-053-ECOL/93.

Articles 14, 14(1), 14(2), 14(2)(c), 14(2)(d), and 14(3) of the North American Agreement on Environmental Cooperation.

Articles 68, 69, 75, 78, 101, 103, and 106 of the Waste Prevention and Integrated Management Act (*Ley para la Prevención y Gestión Integral de Residuos*).

Articles 8 paragraphs II, III, VI, VII and IX, 14, 15 paragraphs II and VII, and 17 paragraph II of the Hazardous Waste Regulation (*Reglamento de Residuos Peligrosos*).

Articles 29 paragraph VI and 119 paragraphs VI, VII, XI, XIV and XV of the National Waters Act (*Ley de Aguas Nacionales*).

Article 135 paragraphs IV, V, VI, and VII of the Regulation to the National Waters Act.

IN VIEW OF THE FOREGOING AND ON THE BASIS OF ARTICLES 14 AND 15 OF THE NORTH AMERICAN AGREEMENT ON ENVIRONMENTAL COOPERATION,

I HEREBY REQUEST:

THAT MY SUBMISSION BE CONSIDERED DULY FILED, AND THAT IT BE PROCESSED ACCORDING TO LAW, TAKING NOTE OF MY DOMICILE FOR THE RELEVANT PURPOSES

ROBERTO ABE ALMADA

On my own behalf and as executor