A NEW EPA REGULATION REQUIRES ACTION FROM BOTH NEW AND EXISTING DENTAL PRACTICES.

If you practice dentistry, you are subject to a new Environmental Protection Agency (EPA) regulation controlling the discharge of dental amalgam into publicly owned sewer lines. Based on the published guidelines, each facility must already have, or install, an amalgam removal and collection system to prevent it from being sent to the sewer.

For new dental practices, a One-Time Compliance Report must be submitted to the Control Authority (Spartanburg Sanitary Sewer District) no later than 90 days following the introduction of wastewater into a publicly owned treatment works (POTW). For existing dental practices, a One-Time Compliance Report must be submitted to the Control Authority no later than October 12, 2020, or 90 days after a transfer of ownership.

The EPA’s “Effluent Limitations Guidelines and Standards for the Dental Category” are published in the Federal Register. The following Q&A gives a general overview of the rule requirements and impact. You can read the rule as published on the epa.gov website: http://www.gpo.gov/fdsys/search/citation.result.FR.action?federalRegister.volume=2017&federalRegister.page=27176&publication=FR

WHAT DOES THIS RULE DO?

Basically, the rule imposes certain requirements on dental facilities that place, remove, store or dispose of dental amalgam and discharge waste water containing amalgam to a publicly owned treatment works via a sewer system. It does this by defining a new category of discharger under the Federal Pretreatment Regulations.
WHO IS COVERED BY THIS RULE?
The rule applies to the newly defined category of “dental dischargers.” “Dental discharger” means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by federal, state or local governments, that discharge wastewater to a publicly owned treatment works (POTW).

ARE THERE ANY EXCEPTIONS?
Yes, there are some exceptions:

- The rule does not apply to dental dischargers that exclusively practice one or more of the following dental specialties:
  - Oral pathology
  - Oral and maxillofacial radiology
  - Oral and maxillofacial surgery
  - Orthodontics
  - Periodontics
  - Prosthodontics
- The rule does not apply to wastewater discharges from a mobile unit operated by a dental discharger.
- The rule does not apply to dental dischargers that do not discharge any amalgam process wastewater to a POTW, such as dental dischargers that collect all dental amalgam process wastewater for transfer to a centralized waste treatment facility as defined in 40 CFR part 437.
- Dental dischargers that do not place dental amalgam, and do not remove amalgam except in limited emergency or unplanned, unanticipated circumstances, and that certify such to the Control Authority, in this case Spartanburg Sanitary Sewer District, are exempt from any further requirements of this rule.

WHAT EQUIPMENT IS REQUIRED TO COMPLY?
Each covered facility must already have or must install an amalgam removal and collection system to prevent amalgam from being sent to the sewer.

- The system should consist of one or more amalgam separators meeting either the American National Standards Institute (ANSI) American National Standard/American Dental Association (ADA) Specification 108 for Amalgam Separators (2009) with Technical Addendum (2011), the International Organization for Standardization (ISO) 11143 Standard (2008) or subsequent versions, so long as that version requires amalgam separators to achieve at least a 95 percent removal efficiency. The rule also provides for alternative amalgam removal systems that meet certain performance requirements.
- The system must be sized to accommodate the maximum discharge rate of amalgam process wastewater.
- The amalgam separator(s) must be inspected in accordance with the manufacturer’s operating manual to ensure proper operation and maintenance of the separator(s) and to confirm that all amalgam process wastewater is flowing through the amalgam retaining portion of the amalgam separator(s).
- A malfunctioning unit must be repaired or replaced no later than 10 business days after the malfunction is discovered.
ARE ANY CHANGES IN OPERATIONS REQUIRED?
The rule requires dental dischargers to adopt two specific best management practices (BMPs) in addition to the equipment requirements:

- Waste amalgam including, but not limited to, dental amalgam from chair-side traps, screens, vacuum pump filters, dental tools, cuspidors, or collection devices, must not be discharged to a POTW.

- Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a POTW must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8.

WHAT PAPERWORK AND RECORDKEEPING IS REQUIRED?
Dental dischargers must submit a One-Time Compliance Report to the Control Authority, in this case, Spartanburg Sanitary Sewer District. The report must include:

- The facility name, physical address, mailing address and contact information.

- Name(s) of the operator(s) and owner(s).

- A description of the operation at the dental facility including:
  - The total number of chairs,
  - The total number of chairs at which dental amalgam may be present in the resulting wastewater,
  - A description of any existing amalgam separator(s) or equivalent device(s) currently operated to include, at a minimum, the make, model, and year of installation.

- Certification that the amalgam separator(s) or equivalent device is designed and will be operated and maintained to meet the requirements specified in the rule.

- Certification that the dental discharger is implementing the two required BMPs and will continue to do so.

- The name of the third-party service provider that maintains the amalgam separator(s) or equivalent device(s) operated at the dental office, if applicable. Otherwise, a brief description of the practices employed by the facility to ensure proper operation and maintenance.
If a dental discharger transfers ownership of the facility, the new owner must submit a new One-Time Compliance Report to the Control Authority no later than 90 days after the transfer.

Dental dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form, for a minimum of three years:

- Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) or equivalent device(s), and a summary of follow-up actions, if needed.
- Documentation of amalgam retaining container or equivalent container replacement (including the date, as applicable).
- Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam retaining containers.
- Documentation of any repair or replacement of an amalgam separator or equivalent device, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).
- Dischargers, an agent, or representative of the dental discharger must maintain and make available for inspection in either a physical or electronic form the manufacturer’s operating manual for the current device.

**WHEN DOES THIS RULE TAKE EFFECT?**
The effective date of the rule is July 14, 2017. For purposes of setting compliance deadlines, the EPA has designated two groups of dental dischargers:

- “New sources” means a dental discharger whose first discharge to a POTW occurs after July 14, 2017. As of July 14, 2017, any new source subject to this part must comply with the requirements.
- “Existing sources” mean all other dental dischargers covered by the rule. Existing sources have three years (until July 14, 2020) to comply with rule requirements.

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