



EL DORADO IRRIGATION DISTRICT

Industrial Pretreatment and Pollution Prevention (IPP) Program

Sewer Pollution Reduction Program for Dental Facilities Frequently Asked Questions (FAQs)

The following are common questions pertaining to the new (July 2017) Dental Amalgam Regulation: (Code of Federal Regulations (CFR,) Title 40, Part 441):

1. Is my practice required to submit a One-Time Compliance Report to El Dorado Irrigation District (EID) as part of CFR, Title 40, Part 441?

All dental practices that discharge wastewater to EID's sanitary sewer system are required to submit a Dental Amalgam One-Time Compliance Report and submit it to EID's Industrial Pretreatment and Pollution Prevention (IPP) Program. The form may be found on EID's website at www.eid.org/DentalAmalgam.

2. By what date must my practice submit the Dental Amalgam One-Time Compliance Report?

Existing Dental Office: Dental facilities under current ownership **before July 14th 2017**: Submit the Dental Amalgam One-Time Compliance Report no later than **October 12th 2020**.

New Dental Office: Dental facilities newly connected to EID's sewer system **after July 14th 2017** and those facilities that have had a **transfer of ownership after July 14, 2017**: Submit the Dental Amalgam One-Time Compliance Report **within 90 days of commencement of discharge**.

3. Is there a possibility that my practice is exempt from CFR, Title 4, Part 441?

Yes. All applicable dental practices that discharge wastewater to EID's sanitary sewer system are required to submit a Dental Amalgam One-Time Compliance Report however; your facility is exempt from the regulation *CFR, Title, 40 Part 441* if:

- Your practice exclusively practices one or more of the following specialties: oral pathology, oral and maxillofacial radiology, oral and maxillofacial surgery, orthodontics, periodontics, or prosthodontics **OR**;
- The practice is a mobile unit as defined in *CFR, Title, 40 Part 441.20(h)* **OR**;
- The practice is a dental discharger that (1) **does not place** dental amalgam, and (2) does not remove amalgam except in limited emergency or unplanned, unanticipated circumstances. Limited emergency or unplanned, unanticipated circumstances are defined as less than 5% of the total restorative procedures performed.

4. My practice is not exempt from *CFR, Title 4, Part 441*. By what date must my practice be in compliance with *CFR, Title 40, Part 441*?

Existing Dental Office: Dental facilities under current ownership **before July 14th 2017**: Comply with *CFR, Title 40, Part 441* by **July 14th 2020**.

New Dental Office: Dental facilities newly connected to EID's sewer system **after July 14th 2017** and those facilities that have had a **transfer of ownership after July 14, 2017**: Comply **immediately** with *CFR, Title 40, Part 441*.

5. Is my practice required to operate any special equipment to be in compliance with *CFR, Title 40, Part 441*?

All dental dischargers who are subject to the regulation must operate and maintain an amalgam separator (s) or equivalent device to remove mercury waste from wastewater. The amalgam separator (s) or equivalent device must meet the ANSI/ADA Specification for Amalgam Separators (2011) **or** the ISO 11143 Standard (2008) to be compliant with *CFR, Title 40, Part 441*. EID recommends your practice contact the amalgam separator or equivalent device manufacturer to determine device compliance with *CFR, Title 40, Part 441*.

6. I have a properly working, existing amalgam separator (s) or equivalent device installed in my practice that does not meet the ANSI/ADA Specification for Amalgam Separators (2011) or the ISO 11143 Standard (2008). Must I replace it to be compliant with *CFR, Title 40, Part 441*?

CFR, Title 40, Part 441 allows dental dischargers that have installed and were using an amalgam separator prior to **June 14, 2017** that does not meet the standards of the rule (ANSI/ADA Specification for Amalgam Separators (2011) or the ISO 11143 Standard (2008)) to **temporarily** continue to use it until **June 14, 2027** if it is functioning properly and does not need to be replaced. Your practice must install an amalgam separator or equivalent device that meets the standards of the rule (ANSI/ADA Specification for Amalgam Separators (2011) or the ISO 11143 Standard (2008)) if the existing device fails and must be replaced or no later than **June 14, 2027**. This is referred to as a "grandfathering" provision or clause. The practice must still file a one-time compliance report certifying such by **October 12, 2020**.

If a dental discharger covered by the grandfather clause transfers ownership, the new owner may continue using the grandfathered separator until **June 14, 2027** if it is functioning properly and does not need to be replaced. The new owner must still file the one-time compliance report.

7. My practice is not exempt from CFR, Title 40, Part 441 and does not currently have an amalgam separator installed. By what date must my practice install and have in operation an approved amalgam separator or equivalent device?

- **Existing Dental Office:** Dental facilities under current ownership **before July 14th 2017:** Comply with *CFR, Title 40, Part 441* by **July 14th 2020**.
- **New Dental Office:** Dental facilities newly connected to EID's sewer system **after July 14th 2017** and those facilities that have had a **transfer of ownership after July 14, 2017:** Comply **immediately** with *CFR, Title 40, Part 441*.

8. What record keeping requirements are required by CFR, Title 40, Part 441?

Your facility must maintain the One-Time Compliance Report as long as the practice is in business or until ownership is transferred. You facility must also maintain the following documents for a minimum of three years:

- Inspection records
- Documentation of amalgam retaining unit replacement
- Disposal records
- Documentation of any repair or replacement of the amalgam separator
- Manufacturer's operating manual

9. Are there any other requirements of my practice other than operating and maintaining an amalgam separator (s) or equivalent device per manufacturer recommendation to be in compliance with CFR, Title 40, Part 441?

CFR, Title 40, Part 441 also requires dental dischargers adopt two Best Management Practices (BMPs) commonly used in the dental industry to reduce dental amalgam discharges. The two required BMPs are:

1. The use of oxidizing line cleaners which can solubilize bound mercury is prohibited. This includes but is not limited to, bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8.5.
2. Flushing waste dental amalgam directly into any drain this is not connected to an amalgam separator is prohibited. Flushing waste amalgam from chairside traps, screens, vacuum pump filters, dental tools, or collection devices into drains not connected to an amalgam separator presents additional opportunities for mercury to be discharged from the dental office.

The following are common questions pertaining to the El Dorado Irrigation District issued Wastewater Discharge Permits (WDP).

1. Why are dental practices required to apply for and maintain a wastewater discharge permit (WDP) with the District?

The District's wastewater treatment plants are issued a state discharge permit (called an NPDES permit) that limits how much mercury, silver, and other pollutants they can release into nearby creeks following treatment. As a result, the District implements various activities designed to minimize the amount of harmful pollutants entering the sewer system from various sources.

It is not uncommon for dental facilities to generate used silver-rich solutions from x-ray equipment, mercury from dental amalgam, used chemical sterilants, and expired pharmaceuticals. The District's Sewer Pollution Reduction Program for Dental Facilities, which is implemented under the WDP, is designed to reduce the contribution of these harmful discharges to the sewer system and assist the District in meeting its federal and state regulation requirements.

2. Can I get an exemption from a WDP?

A **general dental practice** may obtain an exemption from a wastewater discharge permit if ALL the following conditions are met:

- Practice uses only digital technology for x-rays;
- Practice does not place new dental amalgam, and does not remove amalgam except in limited emergency or unplanned, unanticipated circumstances. Limited emergency or unplanned, unanticipated circumstances are defined as less than 5% of the total restorative procedures performed.

A **specialist dental practice** may obtain an exemption from a wastewater discharge permit if the practice uses only digital technology for x-rays and primarily serves as one of the following practices:

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| ▪ Orthodontics | • Oral pathology or oral medicine |
| ▪ Periodontics | • Endodontics |
| ▪ Oral and maxillofacial surgery | • Prosthodontics |
| ▪ Radiology | |

The District will make its determination whether a practice is exempt from obtaining a WDP following a review of a completed application and possible site visit.

3. My practice has already been issued a Wastewater Discharge Permit (WDP) by El Dorado Irrigation District. Need my practice comply with both *CFR, Title, 40 Part 441* and the WDP?

Yes. *CFR, Title, 40 Part 441* pertains only to the regulations reducing mercury in wastewater.

Other pollutants of concern generated at dental offices along with mercury are regulated by the EID issued WDP.

4. My dental practice can't possibly impact the sanitary sewer. Why should I be required to be permitted under the District's Sewer Pollution Reduction Program for Dental Facilities?

The combined contribution of many small unregulated silver-rich discharges and mercury from dental amalgam would be a significant portion of all silver and mercury wastes to the wastewater treatment plants if left unattended. The District's Sewer Pollution Reduction Program for Dental Facilities assists the District in meeting state and federal regulations and minimizes treatment costs, which ultimately are borne by all EID customers.

5. Is there a fee with the WDP?

Yes, the current fee is \$38.40 per sewer billing cycle. DO NOT SUBMIT FEES with a completed WDP application. Those practices not determined to be exempt will have the permit fee assessed on their facility's sewer bill. Fees are subject to change annually.

6. My practice is regulated and inspected by many other agencies for overlapping concerns. Why must I obtain another permit?

The District has the sole responsibility to manage, operate, and protect the sanitary sewer from harmful discharges that would prevent it from meeting its regulatory responsibilities, cause sanitary sewer overflows, and increase treatment costs.

7. What are silver-rich solutions?

For the purpose of this program, the only silver-rich solution for an x-ray processor is the fixer.

8. If my dental practice generates only a very small amount of silver-rich solutions (e.g., less than two gallons per day) does my business still need to implement silver recovery measures and maintain a current WDP with the District?

Yes, California Health and Safety Code – Section 25143.13 requires all photo fixer (regardless of the volume) to be treated for silver prior to disposal to the sewer. As part of the District's effort to ensure compliance with state and federal regulations, EID requires all businesses that have the potential to discharge silver-rich solutions to the sewer to maintain a current WDP and implement all appropriate Best Management Practices (BMPs) to reduce the amount silver and other harmful discharges to the sewer.

9. What are the pros and cons of on-site treatment vs. off-site treatment?

Maintenance and analytical testing is not required for off-site management. On-site management requires more time to maintain equipment and handle paperwork; however, depending on the volume of waste generated, there is the potential to recover enough silver to break even with recovery cost or make a profit.

10. My processor is old and it is difficult to separate the fixer from the developer. Where can I find help to determine which silver reduction method is best for my business?

Contact a supplier of silver recovery units or a transporter responsible for off-site hazardous waste management for suggestions.

11. If I choose not to recycle my silver-rich solutions or amalgam waste, must I contract with a hazardous waste hauler for disposal?

Maybe not, contact El Dorado Disposal to learn more about its Conditionally Exempt Small Quantity Generator (CESQG) Program. Most dental offices in the county qualify for this program, allowing them to schedule convenient drop-offs of hazardous materials. The El Dorado County Environmental Management Department can also provide information on this program and answer questions on proper disposal options for hazardous materials at 530-621-5300 or visit <http://www.edcgov.us/HazardousMaterials>

For more information or specific questions:

- Call EID's IPP Program at (530) 295-6867
- Email EID's IPP Program at ipp@eid.org
- Visit EID's Website at <http://www.eid.org/IPP>

References:

- "An easy solution for amalgam waste" California Dental Association
<https://www.cda.org/member-resources/endorsed-programs/amalgam>
- "Best Management Practices for Amalgam Waste." October 2007, *American Dental Association*
- *California Health and Safety Code section 25143.13*, January 1, 1999
- *Dental, Medical and Veterinary Offices: Managing Your Hazardous Waste*. Fact Sheet
- California Department of Toxic Substances Control, July 2009
- *Frequently Asked Questions on the Dental Office Category Rule*. Environmental Protection Agency November 2017
- "Title 40 Code of Federal Regulations Part 441: Effluent Limitations Guidelines and Standards for the Dental Category." *U.S. Code of Federal Regulations*. Environmental Protection Agency, 14 June 2017
- *Managing Universal Waste in California*, Fact Sheet California Department of Toxic Substances Control. July 2008
- *POTW Guidance Manual for the Code of Management Practice for Silver Discharges*. The Silver Council, 1998
- *Waste Management Guide for Dental Offices*. California Dental Association