

Ordinance 0016-19 – Ch. 98 Amalgam Management at Dental Offices

An ordinance to amend Chapter 98, Article IV, Division 3 of the Municipal Code of the City of Racine, Wisconsin.

The Common Council of the City of Racine, Wisconsin, do ordain as follows:

Part 1: Chapter 98, Article IV, Division 3, Section 98-157 of the Municipal Code of the City of Racine, Wisconsin, is repealed and recreated as follows:

Sec. 98-157. - Amalgam management at dental offices.

(a) This section applies to any dental office that places or removes amalgam. Dental offices that do not place or remove dental amalgam except in limited emergency or unplanned, unanticipated circumstances need only to submit the one-time compliance form by the dates listed in subsection (c) and (d). If work in a dental office is limited to work that does not involve placing or removing amalgam, such as oral pathology, orthodontics, periodontics, oral and maxillofacial surgery/radiology, endodontics, or prosthodontics, then this section does not apply.

(b) All dental offices shall implement the following basic requirements for amalgam management as established by the United States Environmental Protection Agency Dental Office Point Source Category 40 CFR Part 441, WDNR Mercury Minimization Program, and the Racine Wastewater Utility Dental Program.

1. Operate and maintain an amalgam separator that meets the criteria of 40 CFR 441.30, 441.40, and the International Standards Organization (ISO 11143) according to the manufacturer's instructions. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.
2. Do not discharge any amalgam waste to the POTW. Waste must be collected in the separator and a separate amalgam waste bucket which will be hauled offsite as dental amalgam waste.
3. Lines must not be cleaned with oxidizing or acidic cleaners including but not limited to bleach, chlorine, iodine, and peroxide. Cleaners must have a pH between 6-8.
4. Adhere to all reporting requirements listed in subsection (g) and in 40 CFR 441.50 (a) and (b).

(c) "Existing source" refers to dental dischargers that were discharging prior to July 14, 2017. Existing sources must be in compliance with the standards by July 14, 2020, and must submit a one-time compliance report by October 12, 2020. In the event that ownership is transferred, a new one-time compliance report must be submitted within 90 days of the transfer.

(d) “New source” refers to dental dischargers that started discharging after July 14, 2017. New sources and any ownership transfer after July 15, 2020, must be in compliance with the standards immediately and must submit a one-time compliance report within 90 days after the first discharge. An amalgam separator installation form must also be completed and returned to the Utility.

(e) The utility shall provide forms for reporting the information required by subsections (c) and (d).

(f) If a malfunction with the amalgam separator is discovered, this malfunction must be documented and repaired or replaced within 10 business days.

(g) Record Retention

1. One time compliance reports must be retained for the entire time that the office is in operation and made available for review at all inspections.

2. The manufacturer’s user manual must be retained for the life of the separator, be posted near the amalgam separator, and be made available for review at all inspections.

3. Amalgam separator logs including checks, routine maintenance, and repairs must be posted near the amalgam separator and retained for a period of at least three years and be made available for review at all inspections. The separator must be inspected according to the user manual to ensure proper operation and maintenance; this inspection must be documented on the log.

4. Certificates verifying the proper disposal and recycling of amalgam waste buckets and containers from the amalgam separators must be retained for a period of at least 3 years and be made available for review at all inspections.

(h) Dental offices shall allow the utility to inspect the amalgam separator, amalgam waste storage areas, and all above listed records. Inspections shall occur during the normal operating schedule of the dental office. The utility shall inspect dental offices according to appointments made in advance, as long as this advanced notice does not impede enforcement of this section.

(i) Any violation of the above listed subsections is considered a failure to comply with applicable standards and requirements and constitutes a violation of the Clean Water Act. This could potentially subject the dental discharger to federal civil and criminal penalties under Section 309 of the Clean Water Act and to civil and criminal penalties under the Racine Wastewater Utility Pretreatment Program.

Part 2: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A