

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 best management practices basic requirements for amalgam management as established by the Wisconsin Dental Association or regulating agency EPA 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 40 CFR 441.50 (a) and (b).
- (c) Within the shortest reasonable time, but not later than February 1, 2008, every vacuum system where amalgam is placed or removed shall include an amalgam separator that meets the criteria of the International Standards Organization (ISO 11143). For dental offices beginning operation after February 1, 2008, compliance with this section 98-157 shall be attained prior to startup of operations. Dental offices shall install, operate, and maintain the amalgam separator according to instructions provided by the manufacturer. The amalgam separator shall have a design and capacity appropriate for the size and type of vacuum system.
- (d) On or before July 31, 2007, each dental office shall submit a report to the utility (POTW) that certifies the implementation of the management practices required by subsection (b) and identifies the contractors used to remove amalgam waste within the last 12 months.
- ~~(e) On or before October 1, 2007, each dental office shall provide a schedule for the installation of the amalgam separator required by subsection (c).~~
- ~~(f) On or before November 1, 2007, each dental office shall provide a report providing the following information:~~
- ~~(1) If installation of the amalgam separator is complete, then the report shall identify the installation date, the manufacturer, and the model name.~~
 - ~~(2) If installation of the amalgam separator is incomplete, then the report shall briefly explain the delay, provide an installation schedule, and identify the manufacturer and the model name of the amalgam separator that will be installed.~~
- ~~(g) If a dental office has provided a report according to subsection (f)(2), then the dental office shall notify the utility (POTW) of the completion of the installation within five days after completion.~~
- (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

Comment [AK1]: The one-time certification form is a new requirement of the new EPA rule. All the changes represent the new EPA rule.

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Comment [AK2]: This is a new requirement of the EPA rule. There was not a specific pH before.

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Comment [AK3]: The 2007/2008 dates no longer apply. Any existing dental office placing/removing amalgam needs to have a separator by July 14, 2020 and any new dental office has to be compliant within 90 days after first discharge. New dates are listed in the new (c) and (d)

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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.

~~(h)~~ The utility shall provide forms for reporting the information required by subsections (c) and (d), (e), (f), and (g).

~~(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.

~~(i)~~ From the contractors used to remove amalgam waste, dental offices shall obtain records for each shipment showing: the volume or mass of amalgam waste shipped; the name and address of the destination; and the name and address of the contractor. Dental offices shall maintain these records for a minimum of five years. Dental offices shall make these records available to the utility for inspection and copying upon request from the utility.

~~(j)~~ Dental offices shall allow the utility to inspect the ~~vacuum system,~~ amalgam separator, and amalgam waste storage areas, and all above listed records.

~~(k)~~ 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.

~~(l)~~ If a dental office is implementing the management practices required by subsection (b) and is operating and maintaining the amalgam separator required by subsection (c), then any numerical discharge limit for mercury established in any other section of this chapter does not apply.

~~(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.

(Ord. No. 13-07, pt. 1, 7-17-07; Ord. No. 13-14, pt. 157, 1-20-15)

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Comment [AK4]: These are the record retention requirements spelled out in the federal rule.

Comment [AK5]: This section is now in (g) 4. The EPA rule puts record retention at 3 years

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